

Official Gazette, Series 1, No. 35A, Friday, 24 October 2014

NATIONAL PARLIAMENT RESOLUTION No. 12/2014

Of 24 October

On supporting the Government for the creation of a Special Council for definitive delimitation of maritime boundaries

Whereas, since the country's independence, the people of Timor-Leste have always had the desire to exercise full powers of sovereignty over the national territory and over the maritime area which, according to international law, is under their jurisdiction;

Whereas, due to historical circumstances related to the period of Indonesian occupation and the position taken by the Commonwealth of Australia on the delimitation of maritime boundaries of Timor-Leste under international law, Timor-Leste was forced to conclude, during the process of negotiating the definitive delimitation of maritime boundaries, temporary agreements for the exploitation of natural resources in the seabed located between the two countries, postponing, therefore, this negotiating process for the definitive delimitation of maritime boundaries;

Whereas the treaties concluded with the Commonwealth of Australia (the Timor Sea Treaty and the Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS) do not allow the full exercise of the sovereign powers of Timor-Leste, as recognized by international law;

Whereas Timor-Leste and Australia agreed to suspend the arbitration proceedings for a period of six months to try to resolve the dispute through amicable settlement;

Whereas Timor-Leste believes that the definitive delimitation of maritime boundaries between the two countries is the only acceptable solution, in that it meets the aspirations of its people and is the only solution capable of enabling the full economic development of the nation;

Whereas, with the definitive delimitation of maritime boundaries, Timor-Leste can offer more confidence and certainty to investors;

Whereas, in accordance with the Constitution of the Democratic Republic of Timor-Leste, the powers to prepare and negotiate international treaties are the responsibility of the Government;

Whereas, in accordance with the Constitution of the Democratic Republic of Timor-Leste, the power to ratify international treaties relating to delimitation of boundaries and cross-border limits are the responsibility of the National Parliament;

Whereas all political parties represented in the National Parliament agree with the Government strategy and accept that, 12 years after the restoration of independence of the nation, it is necessary to establish, definitively, the national maritime borders;

Whereas there are certain citizens of Timor-Leste, given their experience, wisdom, history, and public recognition, who should play an active role in the direction and guidance of the team that will negotiate the agreement with the Commonwealth of Australia for the definitive determination of maritime borders.

The National Parliament resolves, in accordance with Article 92 of the Constitution and in Article 9.1(b) of the Rules of the National Parliament, as follows:

1. Support and accept immediate beginning of negotiations with the Commonwealth of Australia with the objective of establishing the definitive maritime boundaries between the Democratic Republic of Timor-Leste and the Commonwealth of Australia;
2. Recognize, according to the constitutional principle of separation of powers of the sovereign bodies and with the provisions of Article 115.1(f) of the Constitution of the Democratic Republic of Timor-Leste, the responsibility of the Government for preparation and negotiation of an international treaty for the establishment of definitive maritime boundaries between the Democratic Republic of Timor-Leste and the Commonwealth of Australia, which must subsequently be ratified by the National Parliament in accordance with Article 95.3(f) of the Constitution of the Democratic Republic of Timor-Leste;
3. Support the decision of the Government to create a Council for the Definitive Delimitation of Maritime Boundaries, which will have as its main attributes:
 - a) Define the key conditions for negotiating a treaty for the definitive delimitation of maritime boundaries with the Commonwealth of Australia, acting as a supervisory committee and body to control the overall direction of the negotiating process, and determine the intended goals; and
 - b) Act as the supervisory body for the negotiating team and provide instruction and guidance on for relevant decisions and strategic direction;
4. Support the decision of the Government to include in the Council for the Definitive Delimitation of Maritime Boundaries:
 - a) The Prime Minister of the Democratic Republic of Timor-Leste and, also, the Government Ministers whose participation proves relevant for effective negotiation of an agreement with the Commonwealth of Australia for definitive delimitation of maritime boundaries and
 - b) Eminent personalities of the nation, including former Presidents of the Republic, former Prime Ministers, former Presidents of the National Parliament and any other person who may be designated by the Government in light of their reputation, experience, wisdom, history and public recognition, should play an active role in the directing and orienting the team that will go to negotiate the agreement with the Commonwealth of Australia.

This Resolution shall enter into force the day following its publication in the *Official Gazette*.

Approved on 24 October 2014.

To be published.

The Speaker of Parliament,
Vicente da Silva Guterres