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*Model For Settling The Unresolved Segment In Noel Besi – Citrana  
Land Borders Of Indonesia - Timor Leste*

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# Secção I

## Investigação Científica\*

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\* Os artigos presentes nesta secção foram sujeitos a processo de revisão segundo o método *blind peer review* / The articles in this section have undergone a blind peer review process.

## Model For Settling The Unresolved Segment In Noel Besi – Citrana Land Borders Of Indonesia - Timor Leste

### Modelo para resolver o segmento não resolvido nas fronteiras terrestres de Noel Besi – Citrana da Indonésia – Timor Leste

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**ABSTRACT:** State borders are imperative to a country as affirmation of the limits of the sovereignty of the country. A border is a strategic and vital area. The term strategic comes from the fact that a border area has natural resource potencies and a market opportunity because of its close distance from the neighboring country. It is vital since, in a political term, a border area is related to State sovereignty, defense, security, nationalism, and social, economic, and cultural aspects. This research focuses on analyzing and developing a model for settling the unresolved segment in Noel Besi-Citrana, land borders of Indonesia-Timor Leste. The method was qualitative with a case study approach. Findings showed that the unresolved segment problem in Noel Besi-Citrana had its roots in the dissenting interpretation of the 1904 Treaty. We proposed a model for settling the unresolved segment in Noel Besi-Citrana by studying the negotiation process development between Indonesia and Timor Leste is a settlement model using a top-down political approach. A political approach was considered the most effective because the regular way that is usually done causes this problem to drag on.

**KEYWORDS:** Model; Unresolved Segment; Noel Besi - Citrana; Border; Indonesia - Timor Leste.

**RESUMO:** Imperativa para um país, a fronteira estadual afirma os limites da soberania do país e tem uma dimensão internacional, pois contém o interesse internacional do país. A fronteira é uma área estratégica e vital. O termo estratégico vem do facto de, geograficamente, uma área fronteira ter potencialidades de recursos naturais e uma oportunidade de mercado devido à sua curta distância do país vizinho. É vital porque, em termos políticos, uma área fronteira está relacionada com a soberania do Estado, a defesa, a segurança, o nacionalismo e os aspectos sociais, económicos e culturais. Esta investigação centra-se na análise e desenvolvimento de um modelo para a resolução do segmento não resolvido em Noel Besi-Citrana, fronteira terrestre da Indonésia-Timor Leste. O método foi qualitativo com abordagem de estudo de caso. As conclusões mostraram que o problema do segmento não resolvido no caso Noel Besi-Citrana tinha as suas raízes na interpretação divergente do Tratado de 1904. Propusemos um modelo para resolver o segmento não resolvido em Noel Besi-Citrana, estudando o desenvolvimento do processo de negociação entre a Indonésia e Timor-

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Leste como um modelo de resolução usando uma abordagem política de cima para baixo. A abordagem política foi considerada a mais eficaz porque a forma regular que normalmente é feita faz com que este problema se arraste.

**PALAVRAS-CHAVE:** Modelo; Segmento não resolvido; Noel Besi - Citrana; Fronteira; Indonésia - Timor Leste.

## Introduction

A State border is the manifestation of the territorial sovereignty of a country. It is not a mere imaginary line on the Earth but a line which separates one territory from another<sup>4</sup>. It is imperative to a State, it affirms the limits of the sovereignty of the State and has an international dimension as it contains the international interest of the State, such as economic and cross-border cooperation.

Now that attention to borders has shifted from the study of territorial lines to the more complex study of borders, borders are understood as places where socio-spatial differences exist and are communicated within them<sup>5</sup>.

According to Srebro and Shoshany, one of the causes of territorial disputes which may provoke a conflict is undefined international borders between countries<sup>6</sup>. Defined and stable State territorial borders act as legal guidelines for upholding the integrity and sovereignty of the State<sup>7</sup>. Therefore, a defined border must be determined to ensure State sovereignty<sup>8</sup> and realize the safe and prosperous life of the border community.

Indonesia and Timor Leste stipulate land borders by applying the legal principle of *Uti Possidetis Juris*. This legal principle requires that a new State's borders shall comply with the territorial borders of the State under the occupation of a colonial power and access independence and cannot be ruled out by the principle of the right of self-determination<sup>9</sup>. *Uti possidetis juris* is the principle under international law that serves for the purpose of delimitation of State

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<sup>4</sup> J.G. STARKE, *Pengantar Hukum Internasional*, Sinar Grafika Bandung. 1972.

<sup>5</sup> I. LAHNISAFITRA, *Kajian Pengembangan Wilayah pada Kawasan Perbatasan Kalimantan Barat- Sarawak*, Institut Teknologi Bandung. 2005.

<sup>6</sup> H. SREBRO AND M. SHOSHANY, *International Boundary Making, International Boundary Making*, vol. 59. 2013.

<sup>7</sup> S. S. HADIWIJOYO, *Perbatasan Negara dalam Dimensi Hukum Internasional*, Graha Ilmu. 2011.

<sup>8</sup> S. B. JONES, *Boundary Making; A Handbook for Statesmen, Treaty Editors, and Boundary Commissioners*, William S. Hein & Co., Inc., Buffalo. 1945.

<sup>9</sup> Y. M. P. EKON, "Penerapan Prinsip *Uti Possidetis Juris* dalam Penetapan Batas Darat Indonesia dan Timor Leste," *Jurnal Bina Mulia Hukum* 5. 2021.

territories<sup>10</sup>. It refers to the transformation of former administrative borders of a dissolved State or a colonial empire into international boundaries of a newly independent State<sup>11</sup>. In other words, new States will come to independence with the same boundaries they had when they were administrative units within the territory of territories of colonial power<sup>12</sup>.

The consequence of territorial delimitation of new sovereignties based on *uti possidetis juris* is that the national borders of newly independent countries coincided with the former colonial borders, leaving no terra nullius in that part of the world<sup>13</sup>. Samaleleway argues that the land borders of Indonesia-Timor Leste inherit the borders outlined in the following agreements between the Dutch and Portuguese<sup>14</sup>.

- a. Convention for the Demarcation of Portuguese and Dutch Dominions on the Island of Timor, signed in the Hague on October 1<sup>st</sup>, 1904, in which ratifications were exchanged on August 29<sup>th</sup>, 1908 (the 1904 Treaty).
- b. Permanent Court of Arbitration, Boundaries in the Island of Timor, Netherlands v. Portugal, The Hague, June 25<sup>th</sup>, 1914 (PCA 1914).

By referring to the principle of *Uti Possidetis Juris*, the two agreements concerning borders between the Dutch and Portuguese in Timor are agreed upon by Indonesia and Timor Leste as the legal bases for the demarcation of their borders. Both States signed an agreement, on February 2<sup>nd</sup>, 2002, inspired in early 1900s legal landmarks<sup>15</sup>. Nonetheless, an issue appears due to differences in interpreting several major provisions regulated in the 1904 Treaty and the Permanent Arbitral Awards 1914 between both countries and the current or actual condition in the field. Specifically, it arises owing to a discrepancy between the geographical interpretation of the toponymy carried out during the making of the

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<sup>10</sup> CHARLES HYDE, *International Law: Chiefly as Interpreted and Applied by the United States*. Little, Brown. 1947, pp. 501-503.

<sup>11</sup> BOLESŁAW ADAM BOCZEK, *International Law: A Dictionary*. Scarecrow Press. 2005.

<sup>12</sup> MALCOLM N. SHAW, *The heritage of States: the principle of "uti possidetis juris" today*. British Year Book of International Law 1996, 1997, p. 76.

<sup>13</sup> ENVER HANSANI, "Uti Possidetis Juris: From Rome to Kosovo," *The Fletcher Forum of World Affairs*, Vol. 27, No. 2 (Summer/Fall 2003), 2003, pp. 85-97.

<sup>14</sup> M. V. SAMALELEWAY, "Mekanisme Penyelesaian Sengketa Secara Damai Wilayah Darat antara Indonesia-Timor Leste Menurut Hukum Internasional," *Lex Et Societatis* 2. 2018.

<sup>15</sup> MANGKU, "Implementasi Joint Border Committee (JBC) untuk Penyelesaian Sengketa Perbatasan Darat antara Indonesia-Timor Leste," *Jurnal Yuridis* 5, no. 1 2017, pp. 43-66.

1904 Treaty and the current toponymy and the geometrical data in the Treaty<sup>16</sup>. International dispute resolution can be conducted in a variety of ways, i.e., by reconciliation, violence, and war<sup>17</sup>. Resolving violence is prohibited by international law, therefore Indonesia and Timor Leste prefer reconciliation in settling State border disputes by negotiation.

The problem of determining the land borders of Indonesia and Timor Leste can be grouped into two, namely unresolved and unsurveyed. Unresolved is a term for any unsettled border problems, while unsurveyed is a term designed to refer to any area which cannot be surveyed because of community resistance. In the unresolved segment, there are two cases, which are the Noel Besi-Citrana segment and the Bidjael Sunan-Oben segment. Meanwhile, for the unsurveyed segment, there are four disputed areas: (1) Subina, Inbate, Biboki Ninulat, Timur Tengah Utara, (2) Nego Numfo, Haumeniana, Biboki Ninulat, (3) Tubu Banat, Nilulat, Biboki Ninulat, Timur Tengah Utara, and (4) Pistana, Sunkaen, Biboki Ninulat, Timur Tengah Utara<sup>18</sup>.

Noel Besi-Citrana, the unresolved segment, is included in the administrative area of Amfoang Timur, Kupang, which borders directly with Oecussi, Timor Timur. The disputed area is located in Naktuka, in the Noel Besi River delta. The 1,069 Ha area is fertile and suitable for agricultural activities. The fertile land condition can augment the economic value, which is auspicious for those living there. Figure 1 shows the map of the unresolved segment in Noel Besi-Citrana.

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<sup>16</sup> S. SUTISNA, *Isu Keamanan Indonesia dan Timor Leste, FGD Tim Peneliti Perbatasan LIPI dengan Kepala Bakosurtanal* .2007.

<sup>17</sup> S. SETYANINGSIH, *Penyelesaian Sengketa Internasional* , UI Press. 2006.

<sup>18</sup> BROTO, *Perkembangan Situasi dan Penyelesaian Sengketa Perbatasan Indonesia-Timor Leste*. 2022.





**Figure 1**  
**Map of the Unresolved Segment Noel Besi - Citrana**  
Source: BIG, 2021<sup>19</sup>

Conditions in border areas are very contrasting compared to non-border ones, in which the first areas suffer from many constraints. Border areas in Indonesia-Timor Leste confront problems regarding no border certainty, either physical or juridical. The unresolved segment Noel Besi-Citrana is an example of a boundary problem that is not yet clear<sup>20</sup>. Due to the current activity development in Indonesia-Timor Leste borders and complex border-related issues, if the State border-related issues remain unclear, communities populating in the border areas will live with disruptions, affecting territorial resilience conditions. Unresolved segment Noel Besi-Citrana disrupts the lives of border communities. Border communities cannot work on agricultural land because the boundary line status is unclear.

The land border issue between Indonesia-Timor Leste has been discussed and negotiated between the two countries since the independence of Timor Leste. Negotiations made are expected to settle all border disputes, yet the desired results remain unmet, and land border disputes cannot be settled, especially the unresolved segment in Noel Besi-Citrana. Thus, unresolved segment resolution in Noel Besi-Citrana is important to analyze as it will lead to

<sup>19</sup> GEOSPATIAL INFORMATION AGENCY INDONESIA, *Status Pilar Batas Negara RI-RDTL* 2021.

<sup>20</sup> P. SIMAMORA, *Peluang dan Tantangan Diplomasi Pertahanan*, Graha Ilmu. 2013.

certainty regarding Indonesia-Timor Leste land border problems and has implications for territorial resilience.

Our examination of the model for settling the unresolved segment in Noel Besi-Citrana, land borders of Indonesia-Timor Leste, offers a special feature different from that in previous research. Previous research discusses Indonesia-Timor Leste border issues in general terms. Our approach aims to address the issues specifically, emphasizing the model for settling the unresolved segment in Noel Besi-Citrana, land borders of Indonesia-Timor Leste.

Grounded on this background, we analyze and develop a model for settling the unresolved segment in Noel Besi-Citrana, land borders of Indonesia-Timor Leste. As regards the contributions of this research, it will contribute and enrich discussions in previous research on the same topic, which is State border problem resolution, notably between Indonesia and Timor Leste.

## **Materials and Methods**

This qualitative research implemented the case study research method with a single case. Using the method, we could test the research problem and question based on a natural phenomenon (empirical), thereby eliminating any possible manipulation<sup>21</sup>. Data used were primary and secondary sources, and data collection techniques were interviews, observation, and documentation. The sampling technique was purposive, and informants were engaged directly in the process of settling the unresolved segment in Noel Besi-Citrana. Data analysis in the case study method comprised testing, categorizing, and tabulating, or combining empirical evidence<sup>22</sup>. Researchers also use spatial analysis to analyze previous maps relating to the disputed area.

## **Results and Discussion**

### **Main Indonesia and Timor Leste's Efforts to Settle the Unresolved Segment in Noel Besi-Citrana**

For Indonesia, border issues were a national priority, as evidenced by the country's foreign policy goals, one of which was to manifest stable land and

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<sup>21</sup> R. K. YIN, *Case Study Research: Design and Methods, 4<sup>th</sup> Edition*, Sage Publication. 2009.

<sup>22</sup> R. K. YIN, *Case Study Research: Design and Methods (Applied Social Research Methods)*, Sage Publications Thousand Oaks. 2014.



maritime borders with all neighboring countries<sup>23</sup>. Indonesia even included the border area subject as one of the pivotal points in *Nawacita* and required all governance elements to endorse real actions of development-concerning policy in border areas.

From an international relations perspective, land border disputes could be settled in three following ways: military confrontation, formal institution utilization, and non-formal institution utilization<sup>24</sup>. Indonesia and Timor Leste decided to work with formal institutions in settling land border problems, including the unresolved segment in Noel Besi-Citrana. The effort is made to achieve the personal interest of each country and the common interest to realize peace and well-being between countries. A good relationship should be thus established between countries to further common welfare and security through reaching economic, geographical, language, racial, and religious interests by political institutions. International organizations were bodies which bound and were correlated to each other, such as the United Nations, Association of Southeast Asian Nations (ASEAN), and others<sup>25</sup>.

There was a long historical background of the relationship between Indonesia and Timor Leste. Despite its current status as a sovereign country, Timor Leste used to be part of Indonesia. Prior to its independence in 2002, Timor Leste was one of the provinces of Indonesia until 1999. Following the independence, diplomatic relations began to be built between Indonesia and Timor Leste, which were the basic matters related to cross-country interactions. Regrettably, several issues came into existence, one of which was related to determining State land borders, begetting border conflicts, i.e., mutual territorial claims, illegal activities, and fighting over resources, and generating insecurity and tensions in border areas, which destabilized security and order.

Within a bilateral framework, the governments of Indonesia and Timor Leste took some cooperative steps to manage border areas and settle related problems by establishing a border organization or body, the Joint Ministerial Commission (JMC). This body establishment was expected to make efficient border area

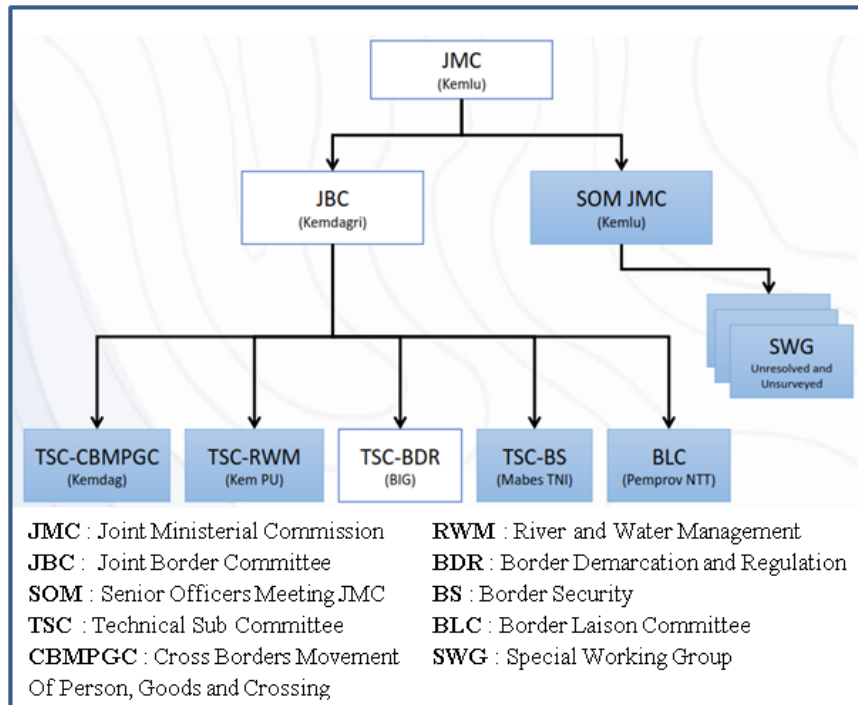
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<sup>23</sup> E. R. AGOES, "Indonesia: Problem Encountered in Some Unresolved Boundaries and the Outermost Island Issues," *Indonesian Journal of International Law* 9, no. 1. 2011.

<sup>24</sup> I. M. J. SIANIPAR, "Upaya Penyelesaian Sengketa Wilayah Perbatasan Darat Indonesia-Timor Leste," *Sociae Polites* 18, no. 01. 2017, pp. 1–12.

<sup>25</sup> S. WIRATMADJA, *Pengantar Ilmu Hubungan Internasional*, Pustaka Tinta Mas. 1988.

management and border dispute settlement, including the unresolved segment in Noel Besi-Citrana. Figure 2 exhibits the border body or organization established by the governments of Indonesia and Timor Leste.



**Figure 2**  
**Indonesia-Timor Leste Border Cooperative Organization**

Source: BIG, 2021<sup>26</sup>

JMC was established to settle residual issues ensuing after the independence of Timor Leste. At the JMC level, during the RI-RDTL border diplomacy process, land border determination issues were discussed, and problems in all dimensions of life in border areas in Indonesia-Timor Leste also endeavored to be settled.

JBC was an institution established to settle special issues in border areas, e.g., cross borders, security, order, river management, delimitation, and demarcation of land border lines. It was responsible for addressing border problems between Indonesia and Timor Leste, carrying out program formulation through its divisions, manifesting the program implementation by institutions concerned at central and regional levels, and serving as an ad-hoc forum instead

<sup>26</sup> GEOSPATIAL INFORMATION AGENCY INDONESIA, *Status Pilar Batas Negara RI-RDTL*. 2021.

of working as a structural institution<sup>27</sup>. JBC, at a central level, was chaired by the Directorate General of General Government, Ministry of Home Affairs of Indonesia. Meanwhile, at a provincial level, JBC was transformed into a Border Liaison Committee (BLC), chaired by the East Nusa Tenggara governor. Establishing the body aimed to accelerate State border determination resolution between both countries and design more concrete strides to spur desirable cooperation, principally in welfare and economic fields, to realize safe borders congenial to humanity. TSC-BDR was an institution part of JBC which managed technical substances concerning delimitation, delineation, and demarcation.

At the first JBC meeting between Indonesia-Timor Leste, both parties met an agreement about establishing five Technical Sub-Committees (TSCs) and a Border Liaison Committee (BLC), i.e.<sup>28</sup>

- a. Technical Sub-Committee on Border Demarcation and Regulation (TSC-BDR) (under the supervision and implementation of Bakosurtanal and the Ministry of Defence).
- b. Technical Sub-Committee on Cross-Border Movement of Persons and Goods and Crossings (TSC-CBMPGC) (under the supervision and implementation of the Ministry of Law and Human Rights and the Ministry of Industry and Trade).
- c. Technical Sub-Committee on Police Cooperation (TSC-PC) (under the supervision and implementation of POLRI).
- d. Technical Sub-Committee on Border Security (TSC-BS) (under the supervision and implementation of the Ministry of Defence and the TNI commander).
- e. Technical Sub-Committee on River and Water Management (TSC-RWM) (under the supervision and implementation of the Ministry of Public Works).
- f. Border Liaison Committee (BLC) (coordinated by the government of East Nusa Tenggara).

The sub-committees were established to enable optimum and thorough JBC implementation. Accordingly, cooperation concerning the issue of Indonesia –

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<sup>27</sup> SUTISNA AND HANDOYO, "Delineation and Demarcation Surveys of the Land Border in Timor, Indonesian Perspective," in *International Symposium on Land and River Boundaries, Demarcation and Maintenance of Border Development*, Bangkok. 2006.

<sup>28</sup> DIRWILHAN, *Kajian Optimalisasi Penanganan Wilayah Perbatasan Maritim RI-RDTL dalam Rangka Menjaga Keutuhan NKRI*, Department of Defense of the Republic of Indonesia. 2007.

Timor Leste border management was expected to be well underway. Furthermore, special establishments of SOM and SWG aimed to overcome unsettled border-related issues, either unsurveyed segments or unresolved segments. The interests of the two countries are actually the same, namely achieving a border line agreement so that disputes related to the borderline no longer exist. Therefore, border conflicts can be avoided.

Referring to the theory of border conflict resolution by Malanczuk, establishing a border resolution body or organization could help achieve more efficient dispute resolution using diplomatic ways.<sup>29</sup> The border organization or body the governments of Indonesia and Timor Leste established had made negotiations, leading to various agreements. Still, some issues still endure, as those related to border disputes between Indonesia – Timor Leste, including the unresolved segment in Noel Besi-Citrana.

The process of settling the unresolved segment in Noel Besi-Citrana, land borders of Indonesia-Timor Leste, progressed well at JMC, JBC, and TSC-BDR levels. Table 1 indicates the synthesis and chronology of the process of settling land border issues between Indonesia-Timor Leste, particularly the unresolved segment in Noel Besi-Citrana.

**Table 1**  
**Synthesis and Chronology of the Negotiation Process**  
**to Settle the Unresolved Segment in Noel Besi-Citrana,**  
**Land Borders of Indonesia-Timor Leste**

Year of Implementation	Negotiations Made by Indonesia-Timor Leste
<b>1999</b>	<ul style="list-style-type: none"> <li>▪ Since the transition period before the independence of Timor Leste, Indonesia had worked with UNTAET to discuss borders in Timor Island.</li> </ul>
<b>2000</b>	<ul style="list-style-type: none"> <li>▪ The government of Indonesia, with UNTAET, established the Joint Border Committee (JBC).</li> </ul>
<b>2002</b>	<ul style="list-style-type: none"> <li>▪ The first memorandum of understanding between Indonesia-Timor Leste was made, which was the establishment of the Joint Ministerial Commission (JMC).</li> <li>▪ The first JBC meeting was held, resulting in the establishment of five technical sub-committees, one of which was the Technical Sub-Committee on Border Demarcation and Regulation (TSC-BDR).</li> <li>▪ An agreement between both governments concerning reference documents for determining land borders between the two countries was made. The references were the 1904 Treaty and PCA 1914.</li> </ul>

<sup>29</sup> P. MALANCZUK, *Akehurt's Modern Introduction to International Law, Seventh, Revised Edition*, Routledge the Tailor & Francis Group. 1997.

Year of Implementation	Negotiations Made by Indonesia-Timor Leste
2003	<ul style="list-style-type: none"> <li>Technical teams of both countries conducted delineation and demarcation surveys to determine coordinate point locations for land borders of Indonesia-Timor Leste.</li> </ul>
2004	<ul style="list-style-type: none"> <li>The demarcation survey continued until 96% of the land borders were agreed upon for the coordinate points.</li> </ul>
2005	<ul style="list-style-type: none"> <li>The Provisional Agreement between the government of the Republic of Indonesia and the government of the Democratic Republic of Timor Leste on the Land Boundary (PA 2005) was signed as the agreement concerning land border line determination between Indonesia and Timor Leste with the agreed territorial lines.</li> </ul>
2013	<ul style="list-style-type: none"> <li>The Addendum No. 1 of the Provisional Agreement RI-RDTL on Land Boundary 2005 concerning the Dilumil-Memo Segment was signed.</li> <li>Regarding the issues of land border determination between Indonesia-Timor Leste, there were two unresolved segments left, i.e., Noel Besi-Citrana and Bidjael Sunan-Oben.</li> </ul>
2016	<ul style="list-style-type: none"> <li>Presidents from both countries met in Dili and were committed to settling land border determination problems in Noel Besi-Citrana and Bidjael Sunan-Oben immediately.</li> <li>The special forum, namely the Senior Officials Consultation (SOC), was established to find solutions to the two unresolved segments.</li> </ul>
2019	<ul style="list-style-type: none"> <li>Indonesia and Timor Leste agreed upon the Agreed Principles 2019, which contained procedures for settling unresolved segments.</li> <li>Xanana Gusmao's letters dated August 7<sup>th</sup>, 2019, delivered a proposal regarding Noel Besi-Citrana settlement lines.</li> </ul>
2020	<ul style="list-style-type: none"> <li>The reply letter from the government of Indonesia dated February 5<sup>th</sup>, 2020, responded to Xanana Gusmao's letter.</li> </ul>
2022	<ul style="list-style-type: none"> <li>On September 9<sup>th</sup>, 2022, the government of Timor Leste, represented by Xanana Gusmao, visited and met the government of Indonesia (the Coordinating Ministry for Political, Legal, and Security Affairs and the Minister of Foreign Affairs) to discuss the unresolved segment in Noel Besi-Citrana. The meeting yielded no joint solution.</li> </ul>

Source: BIG,<sup>30</sup> Ministry of Home Affairs,<sup>31</sup> Ministry of Foreign Affairs,<sup>32</sup> 2022, processed by the authors

After signing the first addendum of the Provisional Agreement between the government of the Republic of Indonesia and the government of the Democratic Republic of Timor Leste on the Land Boundary in 2013, Indonesia signed the agreement for settling the unresolved segment in Dilumil-Memo. Two unresolved

<sup>30</sup> GEOSPATIAL INFORMATION AGENCY INDONESIA, *Historical Records RI-RDTL TSC-BDR*. 2022.

<sup>31</sup> MINISTRY OF HOME AFFAIRS, *Historical Records RI-RDTL JBC*. 2022.

<sup>32</sup> MINISTRY OF FOREIGN AFFAIRS, *Historical Records RI-RDTL JMC*. 2022.

segments remained, which were Noel Besi-Citrana and Bidjael Sunan-Oben. Negotiations for settling land borders between Indonesia-Timor Leste, including the unresolved segment in Noel Besi-Citrana, continued to make. In 2016, the special forum of the Senior Officials Consultation (SOC) was established to find solutions to the two unresolved segments.

The last SOC meeting was held in Bali in 2019, which engendered and set an agreement upon the document of Agreed Principles on the Final Settlement of Land Boundary between the Republic of Indonesia and the Democratic Republic of Timor Leste, signed on July 22<sup>nd</sup>, 2019 (hereafter Agreed Principles 2019). This Principles stipulated guidelines for settling unresolved segments and confirmed the need for a special arrangement in settling land borders between Indonesia-Timor Leste. The Agreed Principles 2019 Stated that settling the unresolved segment in Noel Besi-Citrana was agreed upon using a simplified median line approach. The Agreed Principles 2019 Article 3 Point 'a' Stated that:

For Noel Besi-Citrana segment. This segment shall be resolved by implementing a simplified median line approach, drawn up north from Bocos point in which the coordinate points will be determined<sup>33</sup>.

Unfortunately, dividing the disputed area of Naktuta (the unresolved segment in Noel Besi-Citrana) by a median line principle had not been agreed upon to date, owing to the different interests of each State.

### **Main Problem Roots of the Unresolved Segment in Noel Besi-Citrana, Land Borders of Indonesia - Timor Leste**

Based on the findings, Indonesia and Timor Leste implemented the principle of *Uti Possidetis Juris* to determine State borders. In other words, borders between Indonesia and Timor Leste were stipulated by the agreement between the Dutch and Portuguese. Furthermore, we found different interpretations between Indonesia and Timor Leste in understanding the content of the Dutch-Portuguese agreement, especially the 1904 Treaty Article III.1 (Table 2). The 1904 Treaty (Convention for the Demarcation of Portuguese and Dutch Dominion on the Island of Timor, October 1<sup>st</sup>, 1904) Article III.1 Stated that:

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<sup>33</sup> AGREED PRINCIPLES ON THE FINAL SETTLEMENT OF LAND BOUNDARY BETWEEN THE REPUBLIC OF INDONESIA AND THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE. 2019.



Proceeding from the mouth of the Noel (River) Besi, from where the summit of Pulu (Island) Batek can be sighted, on a 30<sup>o</sup>47'NW astronomical azimuth, following the thalweg of the Noel Besi, that of the Noel Nima and of the Bidjael Sunan up to its source<sup>34</sup>.

**Table 2**  
**Different Interpretations between Indonesia and Timor Leste**  
**Regarding the 1904 Treaty**

No	Indonesia's Position	No	Timor Leste's Position
1.	The existing Noel Besi was the large river east of the delta.	1.	The position in the map in the Treaty was clear and referred to the western channel of the delta.
2.	Placing the geographical name of Noel Besi in the small river named Sakotuinan was a toponymic error. The name Noel Besi clearly referred to a large flowing river instead of a small one, which dried up sometimes.	2.	The name Noel Besi was given to the western channel on the Treaty map.
3.	Azimuth was measured from the wrong place.	3.	Azimuth used in the Treaty manuscript to determine the position of the river mouth was clear and referred to the western channel.
4.	There was the possibility that the existing map was derived from an untrusted source.	4.	The line at Nono-Tu-I-Nan (the channel west of the delta) was accepted as the borderline between Portuguese Timor and Indonesia and between Portuguese Timor and the Netherlands. The border of East Nusa Tenggara and Timor Timur also followed the Timor Leste line (west of the delta).

Source: BIG,<sup>35</sup> processed by the authors

The dissenting points of view were very possible since provisions in the 1904 Treaty based land borders of Indonesia and Timor Leste on natural landscapes, notably rivers, whose conditions could be altered by natural activities. Toponymic dissimilarities due to generational changes also affected the existing interpretation differences. Indonesia contended that the territorial border

<sup>34</sup> CONVENTION FOR THE DEMARCATION OF PORTUGUESE AND DUTCH DOMINIONS ON THE ISLAND OF TIMOR. 1904.

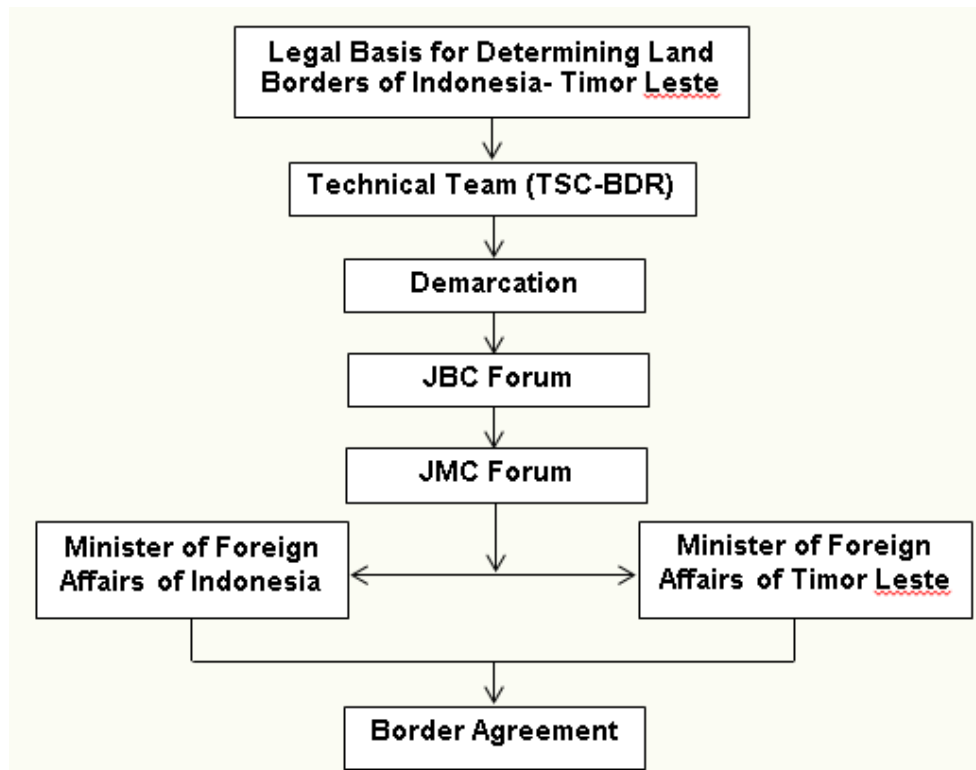
<sup>35</sup> GEOSPATIAL INFORMATION AGENCY INDONESIA, *Historical Records RI-RDTL TSC-BDR*. 2022.

of Indonesia and Timor Leste was Noel Besi (in the local language, Noel meant a large river) instead of Noemnea (a small ditch), as Timor Leste claimed. Both Indonesia and Timor Leste firmly adhered to their respective principles or technical positions, causing the unresolved segment in Noel Besi-Citrana to remain.

### **Proposed Model for Settling the Unresolved Segment in Noel Besi-Citrana, Land Borders of Indonesia-Timor Leste**

Settling the unresolved segment in Noel Besi-Citrana was agreed upon to be performed using a simplified median line approach in accordance with the Agreed Principles 2019. The meeting of the land border settlement teams of Indonesia and Timor Leste at the bottom level, to this date, had yet to reach an agreement, particularly in settling the unresolved segment in Noel Besi-Citrana when the settlement procedures had been agreed upon. Thus, another model was required to settle the segment.

Until today, the unresolved segment in Noel Besi-Citrana was settled using a technical bottom-up approach, and accordingly, the agreement was taken from the TSC-BDR technical level. The TSC-BDR results were taken to the JBC level and then to the JMC one. Figure 3 shows the current model for settling the unresolved segment in Noel Besi-Citrana. Using this model, the unresolved segment problem in Noel Besi-Citrana remained unresolved or continued.



**Figure 3**  
**Current Model for Settling the Ongoing Land Border Dispute**  
**between Indonesia-Timor Leste**

Source: (processed by the authors, 2022)

Up to today, the regular organization the minister of Foreign Affairs led could not make political decisions or settle the unresolved segment in Noel Besi-Citrana. Accordingly, grounded on the analysis results of the process of settling the unresolved segment in Noel Besi-Citrana, we proposed a model using a political approach (Figure 4). The decision in the political approach was made directly by the governments, i.e., the president of Indonesia and the president of Timor Leste. This model is an alternative solution, with the technical approach that has been implemented so far in fact unable to resolve disputes. This decision model could expedite the settlement of land border issues between Indonesia and Timor Leste, principally the unresolved segment in Noel Besi-Citrana.

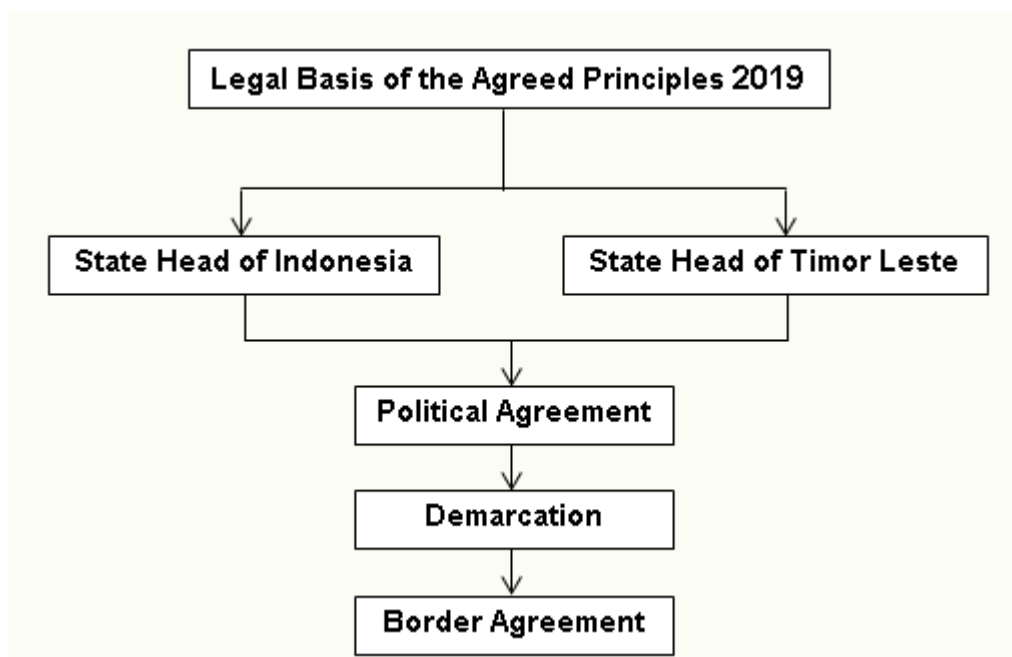


Figure 4

**Proposed Model for Settling the Unresolved Segment in Noel Besi-Citrana**

Source: (processed by the authors, 2023)

Figure 4 presents the proposed settlement model using a political approach Indonesia and Timor Leste could apply. This solution is based on a top-down political approach. The presidents of Indonesia and Timor Leste, predicated on political considerations, directly decided or drew the lines which divided the disputed areas based on the agreed principle or a simplified median line approach. Even though this political settlement put little concern on technical aspects, this model would likely hasten the settlement process, as shown by the progress of the negotiation process to settle the unresolved segment in Noel Besi-Citrana.

How to apply the concept of settlement using a political model with a top down approach proposed in the policy framework. This means that the process of finalizing the land boundary between Indonesia and Timor Leste is carried out or taken by the two heads of State. The political decisions of the head of State are then translated into technical language. In other words, the policies taken by the two heads of State as stages of determining boundary allocation are in accordance with Jones' theory<sup>36</sup>. Then after that, it is confirmed in the field in the

<sup>36</sup> Jones, S. B. *Boundary Making; A Handbook for Statesmen, Treaty Editors, and Boundary Commissioners*. New York: William S. Hein & Co., Inc., Buffalo., 1945.

form of boundary coordinates or border stakes. Next, the boundary coordinates or border markers are outlined in a border agreement that has legal force.

The study of the process of re-demarcating the Indonesia-Malaysia land boundary on Sebatik Island is one example that the application of a political approach is very necessary if the technical approach used is deadlocked. From the results of the study, it was found that the bottom-up negotiation model carried out so far has caused delays in the Sebatik Island agreement<sup>37</sup>.

The advantage of this approach compared to what has been done is that this approach will speed up dispute resolution. The approach that has been taken is technical so that often decisions at the technical level cannot be accepted at the political level. The challenge faced in implementing this approach is the egoism of each head of State and their unwillingness to make adjustments. If this model is not successful then this dispute may require a third party or international court to resolve it.

## Conclusion

The unresolved segment in Noel Besi-Citrana was induced by different interpretations between Indonesia and Timor Leste concerning the 1904 Treaty. Hence, the Noel Besi River and its mouth, as stated in the 1904 Treaty, were still subject to debate between Indonesia and Timor Leste. Indonesia was anxious to claim that the State borderline was in the east of the delta (the large river), whereas Timor Leste desired to place the borderline in the west of the delta (the small ditch). The mistake in the 1904 Treaty was defining an object using two definitions, i.e., geometric and toponymic, leading to debate. Regarding the advancement of unresolved segment settlement in Noel Besi-Citrana, it had come to an agreement and signing of the Agreed Principles 2019, containing guidelines for the settlement. However, although a simplified median line approach had been agreed upon as a settlement method, common ground had yet to be reached.

After studying the negotiation process development between Indonesia and Timor Leste, we proposed a model for settling the unresolved segment in Noel

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<sup>37</sup> NURDIN, AMIN, et.al, "Examining the Negotiation Model of the Disputed Boundary Between Indonesia and Malaysia on Sebatik Island," *Indonesian Journal of International Law*: Vol. 21 No. 2, Article 7. 2024.

Besi-Citrana using a political approach. A political approach was considered the most effective to settle the segment because the problem stems from multiple interpretations (1904 Treaty) and the interests of each State. The solution with this political approach was top-down in nature. The presidents of Indonesia and Timor Leste, grounded on political considerations, directly decided or drew the lines divided the disputed areas predicated on the agreed principle, namely a simplified median line approach.

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