

Protracted Unresolved Segment of Indonesia-Timor Leste Land Boundary in Noel Besi – Citrana Region

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Received: 31/06/2023

Accepted: 04/12/2023

<https://doi.org/10.22034/igq.2024.184550>

Abstract

The purpose of this study is to examine the protracted border problems of Indonesia - Timor Leste, especially unresolved segments in the Noel Besi - Citrana area. The method used in this research is qualitative research with a case study approach. The findings in this study show that the protracted land boundary problem between Indonesia and Timor Leste, namely the unresolved segment Noel Besi-Citrana, is caused by differences in interpretation between Indonesia and Timor Leste of the 1904 Treaty. Therefore, the Noel Besi River and its estuary, as contained in the 1904 Treaty, are still a matter of debate between Indonesia and Timor Leste. The error in the 1904 Treaty was to define an object using two definitions, geometrically and toponymical, which caused later debate. This condition has an impact on the social conditions of border communities, to be prone to conflict due to the unclear territorial boundaries of the country.

Keywords: Unresolved Segment, Boundary, Indonesia – Timor Leste.

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1. Introduction

Borders are spatial phenomena that define geographic boundaries of political entities or legal jurisdictions, such as governments and states (Zarghani,2007:1). State borders for a country have significance because they not only affirm the limits of a country's sovereignty but also have an international dimension because there are also international interests of a country. 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 (Van Houtum,2005:672). Borders are a vital aspect for the people living in the region as they are useful as residences, private property, and land for cultivation. Land ownership is then seen as a socio-economic symbol (Baywood and et al,2020:2). Most boundary disputes can be traced to the colonial era when European countries imposed foreign concepts of borders in Southeast Asia between the 19th and early 20th centuries. Rarely consulted with traditional kingdoms, sultanates, and sovereignty, Europeans divided the region among themselves as they maneuvered for economic and strategic gains (Wain,2012:39). Borders of regional countries were set and designed in accordance with the interests of the superpowers and are absolutely incompatible with the cultural, geographical and national characteristics of the regional states (Jafari Valdani,2009:1). Therefore, the determination of borderlines does not consider the socio-cultural factors adopted by local communities, causing people in border areas not to accept the borders that have been set because they feel mutually disadvantaged (Tuames,2018:697).

Indonesia and Timor Leste adhere to the principle *uti possidetis juris* in determining land boundaries, where boundary determination refers to treaties agreed by the Netherlands and Portugal, namely the Convention for the Demarcation of Portuguese and Dutch Dominions on the Island of Timor (Treaty,1904) and the Permanent Court of Arbitration (PCA,1914). East Timor is one of the few territories still remaining on the political map of the world that emerged from the colonial past to the post-colonial era. After being under Portuguese rule for nearly three centuries, East Timor was annexed by Indonesia in 1975 (Deeley,2001:1). Then after Timor Leste became independent in 2002, on 8 April 2005, a Provisional Agreement was agreed between the Government of the Republic of Indonesia and the Government of the Democratic Republic of Timor Leste on the Land

Boundary. However, the fact is that the determination of the land boundary between Indonesia and Timor Leste still leaves boundary problems. Basically, the problems that arise are caused by a mismatch between the substance stated in the legal basis (Treaty,1904; PCA,1914) with the reality on the ground and known by the surrounding community today (Sutisna and Widodo,2010:54).

Indonesia-Timor Leste border problems are divided into two categories of border problems, namely unresolved segment and unsurveyed segment. Efforts to resolve the land boundary issue have been carried out by Indonesia and Timor Leste through diplomacy. Indonesia-Timor Leste border diplomacy is carried out at three levels, namely the Joint Ministerial Commission (JMC), Joint Border Committee (JBC), and Technical Sub-Committee on Border Demarcation and Regulation (TSC-BDR) levels (Anggita,2014:25).

JMC was formed to solve residual problems that occurred after Timor Leste's independence. At the JMC level, RI-RDTL border diplomacy not only discusses the issue of land delimitation but also tries to solve problems in all dimensions of life that occur on the Indonesia-Timor Leste border. JBC is an institution aimed at solving problems that specifically arise in border areas, such as cross-border problems, security, order, river management at the border, and problems of delimitation and demarcation of land boundary lines. TSC-BDR is an institution part of JBC that specializes in managing technical matters related to delimitation, delineation, and demarcation.

The Indonesia-Timor Leste land boundary problem requires an acceleration in its resolution. With clear boundaries, border management can be realized without significant constraints. Thus the process of border area development can run optimally as well as aspects of national life can develop well.

Several studies that have been conducted discuss the problem of Indonesia's border with Timor Leste include; (Wila,2006), (Remon,2008), (Andi,2013), (Anggita,2014), (Kolne,2015), (Strating,2014), (Tadeus,2011), (Rachmawati and Fauzan,2016), (Raharjo,2016), (Gumilar,2017), (Kase and Tamunu,2017), (Kolne,2017), (Dewa Gede Sudika Mangku,2017), (Pusvitasary,2017), (Sianipar,2017), (Ekon,2018), (Nino,2018), (Rahman, 2018), (Siregar and et al,2019), (Julqurniati and Susanty,2019), (Pertwi and Putri,2020), (Rato,2019), (Leo,2020), (Fiizha and Yulianti,2021). The study of the protracted unresolved segment of the Indonesia-Timor Leste land

boundary in the Noel Besi – Citrana region has differences from previous studies. Several studies that have been conducted discuss the problem of the Indonesia-Timor Leste border in general. While this study discusses specifically the problem of the protracted unresolved segment in the Noel Besi – Citrana area.

Based on the background presentation above, the purpose of this study is to analyze the protracted border problems of Indonesia with Timor Leste, especially the unresolved segment Noel Besi - Citrana. The contribution of this research indirectly complements and enriches previous studies related to solving state border problems, especially Indonesia with Timor Leste.

2. Literature Review

2-1. Border Conflict Resolution Theory

Border conflicts or disputes should be resolved peacefully and reject aggression, threats, or use of force or other actions in any form contrary to international law (Farida,2014:58). The peaceful Settlement of disputes, provided for in Article 33 paragraph (1) of the Charter of the United Nations, namely negotiation, investigation, mediation, conciliation, arbitration, trial, or submit it to regional organizations or bodies or other means of peaceful Settlement of their choosing. The ways of peaceful dispute resolution can be categorized into 3 ways, namely; (1) settlement of diplomatic disputes; (2) settlement by law (judicial); and (3) settlement through international organization procedures (Malanczuk,1997:273-274).

1) Diplomatic Settlement of border disputes

Diplomatic Settlement of border disputes between countries includes negotiation, good services, mediation, and conciliation.

- a) Negotiation. According to Tsani (1990:108), negotiation means an exchange of opinions between disputing parties to seek the possibility of achieving a peaceful dispute resolution. Negotiation has two functions, namely, a means to prevent disagreements and a means to resolve international disputes (Merrills,1998:2-3). According to Adolf (2004:19-20), dispute resolution through negotiation is a common way, but this method requires a long time, is protracted, and sometimes the strong party puts pressure on the weak party. Negotiation is a negotiation held directly between the parties with the aim of finding a solution through dialogue without involving third parties. Such dialogues, in turn, are more political than legal. Nevertheless, in the negotiation process, legal arguments serve to strengthen the position of the parties. If the

negotiation process is successful, then the result benefits in the form of a peace treaty document with legal force. Furthermore, if in the negotiation process, there is a deadlock or failure within a certain period of time. Usually, the parties submit dispute resolution by other means, such as arbitration, mediation, consolation, court, and others.

- b) Mediation. According to Tsani (1990:110), mediation is the action of third countries or individuals who have no interest in an international dispute that aims to bring to negotiation and, at the same time, participate in negotiations among disputing parties. Third parties or so-called mediators can be organizations or countries. The function of the mediator is to promote dispute resolution that can satisfy all parties, restore good relations and agree to end disputes, loosen tensions, and develop the scope of negotiations (Merrills,1998:35).
 - c) Good Service. Good services are the actions of third parties which lead to negotiations or facilitate the implementation of negotiations without participating in discussions about the substance or subject matter of the dispute concerned (Tsani,1990:110-111). The difference with mediation is that in mediation, third parties have an active role and participate in negotiations and direct the parties to the dispute toward the path of resolution. In good services, third parties do not actively participate in Negotiate or conduct an investigation into disputes that occur. While the similarities with mediation both involve third parties (Starke, 1950:289).
 - d) Conciliation. According to Adolf (2004:22), conciliation is a way of resolving disputes by third parties or by a commission formed by the parties. The commission formed is called the conciliation commission. The conciliation commission may be a standing commission whose function is to establish the terms of Settlement accepted by the parties, but its decision is not binding.
- 2) Legal Settlement of border disputes.
- There are two legal settlements of border disputes, namely by Arbitration and the International Court of Justice.
- a) Arbitrage. According to Crawford and Brownlie (2019:704), arbitration is the voluntary submission of a dispute to a neutral third party to issue a final and binding decision. A permanent Arbitration Court has been established since 1899, based on the 1899 Hague Convention for the Pacific Settlement of International Disputes. The Convention became the legal basis for the establishment of a

Permanent International Arbitration Body called the Permanent Court of Arbitration.

- b) International Court of Justice. International Courts that can resolve border disputes between states, which are recognized by the international community, are the International Court of Justice and the International Court of the Law of the Sea. The International Court of Justice is a United Nations judicial institution based in The Hague, Netherlands. It was established in 1945 under the Charter of the United Nations. The establishment of the International Court of Justice is to resolve dispute cases by peaceful means and prohibited from using violence so that countries in dispute do not need to resolve disputes by force (Winarwati, 2014:56).
- 3) Settlement through procedures of international organizations. The International Organization for the Settlement of Disputes between States, i.e., the United Nations (UN) and specialized organizations within the UN system as well as other regional organizations such as ASEAN, EU, etc. (Poeggel and Oeser,1991:512).

Indonesia and Timor Leste chose to resolve disputes by negotiation as a settlement of land boundaries and border problems between the two countries. Negotiation is often used more than other means because, in the way of negotiation, countries feel the advantage even though the dispute at hand is so complicated and difficult to reconcile (Merrills, 1998:3). Since Timor Leste decided to secede from the Republic of Indonesia, the Indonesian government and the Timorese government have held several meetings to discuss the affirmation of the territorial boundaries of the two countries. On 14 September 2000, the Government of Indonesia and the United Nations Transitional Administration in East Timor (UNTAET) signed an Arrangement between the Government of Indonesia and UNTAET on the establishment of the Joint Border Committee. In this arrangement, the Indonesian government and UNTAET agreed to form a Joint Border Committee (JBC) and Border Liaison Committee (BLC) in order to discuss the management of border cooperation between Indonesia and Timor Leste. The reason for the establishment of this body is to accelerate the Settlement of national delimitation between the two countries and to build more concrete steps in an effort to strengthen cooperation, especially in the fields of welfare

and economy, in order to build a safe and decent border for humanity (Indonesia Ministry of Foreign Affairs,2014:19).

3. Research Methods

This research is qualitative research. Moleong (2017:6) states that qualitative research is research that intends to understand the phenomenon of what is experienced by the research subject holistically and by way of description in the form of words and language, in a special natural context, and by utilizing various natural methods. The qualitative method approach used in this research is the application of case study research methods.

The data used in this study consisted of primary data and secondary data. Primary data, namely data obtained from direct observations in the field and the results of interviews. Secondary data is data that supports research, namely literature studies including maps of research areas, national and international journals and books related to border problems and territorial resilience, documents of land boundary delimitation agreements between the Netherlands - Portuguese and Indonesia - Timor Leste, sources from the internet / online that support research.

Data collection techniques used in this study include interviews (in-depth interviews), observations, and documents. According to Yin (2014:140-158), data analysis in the case study method consists of testing, categorizing, pen tabulating, or combining empirical evidence. There are five analytical techniques that can be done in conducting data analysis in the case study research method, namely, pattern matching, explanation making, time series analysis, logic models, and cross-case synthesis. Each of these analytical techniques can be applied to both single and multi-case cases, and each case study should consider these techniques.

4. Result and Discussion

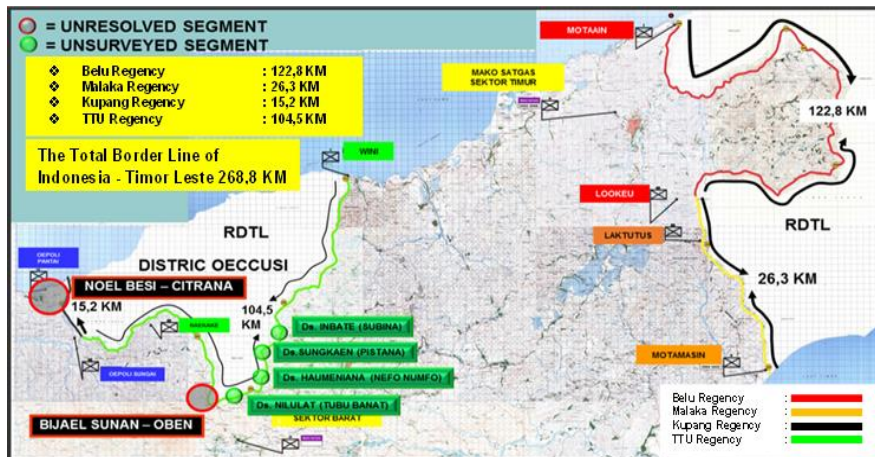
4-1.Protracted Unresolved Segment Land Boundary Indonesia – Timor Leste Segment Noel Besi – Citrana

Tension and conflict between political-spatial units in different local, regional, national, and global aspects have been a part of the human beings history on this planet. The nation-state countries as the most basic political units of sovereignty and authority in the territorial space, which is under their own control, have experienced relations based on tension and conflict with their neighbors due to their quest for national survival and expansion of their sphere of and to achieve national interests. In many cases,

governments, because of their perspectives toward geographical and geopolitical factors and values both within and outside their territory, have hold inharmonious views with neighbors or regional and global powers and in such a case tension and conflict occurs (Hafeznia and et al,2014:1). Relations between countries have been marked by very interesting developments, especially related to the issue of the boundaries of a country's sovereign territory. On the one hand, the rapid development of information technology and economic globalization has blurred the boundaries of sovereign territory. However, on the other hand, the country's territorial boundaries are believed to be the incarnation of political sovereignty. So that the issue of a country's territorial boundaries becomes a very important issue, especially when a country interacts with other countries. Tensions in the Middle East over Palestine, the China-Japan conflict over Diaoyu/Senkaku islands, the Japanese and Russian dispute over the Sakhalin islands, Indonesian and Malaysian conflict over the Ambalat block are some examples that show how important the issue of territorial boundary line firmness is for a country (Wuryandari,2009:115).

The issue of national boundaries, as described above, can also be seen in the context of bilateral relations between Indonesia and Timor Leste. The emergence of this problem is inseparable from changes in Timor Leste's political status. After twenty-three years under Indonesian rule, East Timor finally declared its departure from the Republic of Indonesia and established itself as an independent state in 2002. Land boundary problems between Indonesia and Timor Leste are divided into two types, namely unresolved segment and unsurveyed segment, as shown in Figure (1). An unresolved segment means a segment that has not been resolved, so there should be no activity in the area. Meanwhile, an unsurveyed segment means a segment that has been delineated but the community does not accept and refuses to be demarcated. The reason the community refuses is because they do not want to lose arable/agricultural land (BNPP,2022:9).

Figure (1): Map of Indonesia-Timor Leste Land Boundary Problems



(Source: Broto,2022)

In the unresolved segment, there are two cases, namely the Noel Besi - Citrana segment with the Naktuka area, which is a disputed area, having an area of 1069 Ha, and the Bidjael Sunan - Oben segment covering 489 plots of land along 2.6 Km with an area of 142.7 Ha. As for the unsurveyed segment, there are four disputed areas. First, in the Subina area, Inbate Village, Bikomi Nilulat District, North Middle East Regency, with an area of 393.5 Ha. Second, in the Nefonumpo area, Haumeniana Village, Bikomi Nilulat District, with an area of 290.5 Ha. Third, in Tubu Banat area, Nilulat Village, Bikomi Nilulat District, North Middle East Regency covering an area of 183.7 Ha. Fourth, in the Pistana area, Sunkaen Village, Bikomi Nilulat District, North Middle East Regency (Korbaffo and Binsasi,2021:2). Unresolved segment Noel Besi – Citrana is included in the administrative area of East Amfoang District, Kupang Regency, which is directly adjacent to the Oecussi District of East Timor. The disputed area is in Naktuka, an area located in the deltas of the Iron Noel River and the Nonotuinan River. So that the area of 1069 Ha becomes very fertile and suitable to be used as agricultural land, the fertile condition of Naktuka land will be able to increase economic value for those who occupy it.

With regard to how the Indonesian government interprets the boundaries of the Noel Besi – Citrana segment, the explanation from key informant TM is as follows:

"Referring to international law, the borders of Indonesia and Timor Leste are the same as the borders of Indonesia and Malaysia or Indonesia and Papua New Gini, namely adhering to the principle of *uti possedetis juris*, which uses legal basis or agreement in order to determine land boundaries. The legal basis used is the Treaty of 1904. In fact, on the ground, the boundary is determined by the river. However, in the field, there are differences in geographical situation to the map in the 1904 Treaty. Indonesia is in the position that in the 1904 Treaty, there are legal imperfections because what is texted and fielded is different. Referring to field facts, the river is on the right side of the delta, but azimuth is on the left of the delta. From the technical aspect, on the left of the delta, there is no talweg on the right. The position of the Government of Indonesia is to the right of the delta" (Interview with key informant TM,7 September 2022).

Opinions were also conveyed by key informants AE, and the Indonesian government interpreted the boundaries of the Noel Besi – Citrana segment as follows:

"In general, the borders of Indonesia and East Timor are regulated in the Timor Territorial Treaty between the Dutch and Portuguese (Treaty 1904). The territory of East Timor, which became independent in 2002, follows the principle of *uti possidetis juris*, following the boundaries specified in the 1904 Treaty. In interpreting the boundaries in the unresolved segment, the Indonesian technical team conducted various technical and leadership-level meetings to obtain a mandate to prepare positions and technical data to support Indonesia's position in negotiating with Timor Leste. The agreement of the Indonesian technical team to determine Indonesia's position was determined in various inter-ministerial meetings to be a common handle" (Interview with key informant AE,8 September 2022).

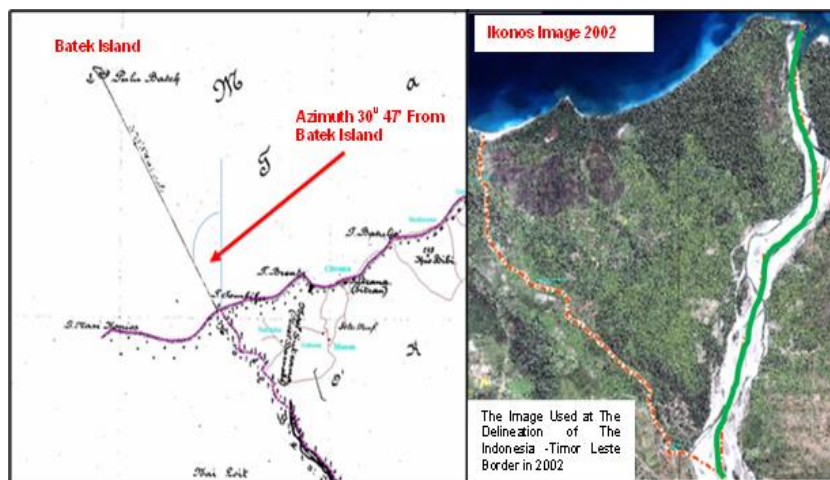
Furthermore, key informant AR stated the causes of the Indonesia-Timor Leste land boundary problem, especially the unresolved segment Noel Besi – Citrana, as follows:

"The delimitation of the Indonesia-Timor Leste boundary leaves 4%. Consists of 2 (two) unresolved segments, consisting of Noel Besi / Citrana and Manusasi / Bijael Sunan. Besides the 2 (two) unresolved segments, there is an unsurveyed segment in Subinan-Oben. The unresolved segment of Noel Besi – Citrana occurred due to differences in perception or interpretation of the 1904 Treaty between the Portuguese and the Dutch" (Interview with key informant AR,6 September 2022).

The unresolved segment of Noel Besi – Citrana was caused by differences in interpretation between Indonesia and Timor Leste of the 1904 Treaty. According to the Treaty of 1904 (Convention for the Demarcation of Portuguese and Dutch Dominion on the Island of Timor, 1 October 1904), point Article III .1 stated that:

"Proceeding from the mouth of the Noel (river) Besi, from where the summit of Pulu (Island) Batek can be sighted, on a 30⁰47' NW astronomical azimuth, following the thalweg of the Noel Besi, that of the Noel Nima and of the Bidjael Sunan up to its source".

Figure (2): Map of the 1904 Treaty and Image of Ikonos Unresolved segment Noel Besi – Citrana



(Source: Haryadi,2021)

From the contents of Article III.1 of the 1904 Treaty above, the two countries, namely Indonesia and Timor Leste, have their own interpretations. Therefore, the Noel Besi River and its estuary, as contained in the 1904 Treaty, are still a matter of debate between Indonesia and Timor Leste. Indonesia wants the national boundary line to be east of the delta (big river), while Timor Leste wants the boundary line to be west of the delta (small river). From Figure 2, it can be explained that based on the 2002 Ikonos image, the red line is the state boundary according to Timor Leste's claim, while the green line is the state boundary according to Indonesia's claim.

Field observations show that the Noel Besi River is in the east of the Naktuka delta, here obtained thalweg according to the contents of article III.1 of the 1904 Treaty. This is the basis for Indonesia in determining the view of the unresolved segment of Noel Besi – Citrana. The small river to the left of the delta, according to Timor-Leste's claim, is a small ditch. There is even no flow of water during the dry season. But azimuth, the mouth of this small ditch approaches the azimuth mentioned in the 1904 Treaty, which underlies East Timor's claim that the boundary is a river or ditch to the left of the delta.

4-1-1.Indonesia interpretation

Based on the results of the 15th Technical Sub-Committee on Border Demarcation and Regulation (TSC-BDR) meeting held in Yogyakarta in October 2004, there are different perceptions about the determination of Indonesia-Timor Leste land boundaries in the Noel Besi-Citrana region. Indonesia's position is as follows:

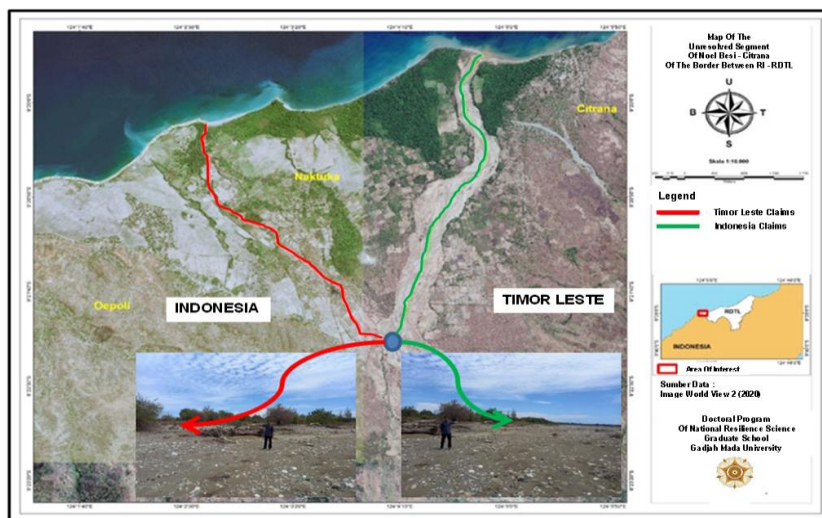
"The existing Noel Besi is the large river east of the delta. The placing of the geographic name Noel Besi attached to a small stream known as Sakotuinan is a toponymy blunder. The name Noel Besi definitely refers to a large streaming river and not a small, sometimes dried-out stream. The azimuth was measured from the wrong place. There is a possibility that the existing map is derived from unreliable sources."

The Portuguese never described the eastern river as not Noel Besi. At the same time, the western river has another name No-no-tu-I-nan. This is what underlies both parties' claims to the boundary line for the Noel Besi - Citrana area. The claim is that Indonesia claims that in accordance with the existing Noel Besi, toponymy is now the boundary of the country in question. Indonesia stated that there were differences in the two countries' interpretations of the 1904 Treaty between the Netherlands and Portugal, where the current actual conditions did not reflect the conditions described in the 1904 Treaty.

Based on the results of observations in the field shows that the actual condition of the mainstream of the Noel Besi River follows the current path. From geological and geomorphological studies of this region, there is no indication of river flows through "No-no-tu-I-nan" (river west of the delta). Communication with local community leaders also strengthens the argument that Noel Besi has never changed. The following is the narrative from the key informant of the kindergarten as follows:

"We had a meeting between traditional chiefs between Amfoang and Ambeno, and we agreed that the big river (Noel Besi) is the territorial boundary. Noel Besi's condition has always been as it is now, unchanged" (Interview with key informant TK, 3 October 2022).

Figure (3): Map of Unresolved Segment Noel Besi – Citrana Indonesia-Timor Leste Land Border



(Source: Field Documentation, 2022)

4-1-2. Timor Leste interpretation

Timor Leste's position at the 15th Technical Sub-Committee on Border Demarcation and Regulation (TSC-BDR) meeting held in Yogyakarta in October 2004 regarding the Indonesia-Timor-Leste land boundary in the Noel Besi-Citrana region was as follows:

"The position in the Treaty map is clear and refers to the west channel; The azimuth used in the Treaty text to define the position of the river mouth is clear and refers to the west channel; The name Noel Besi is assigned to the west channel in the Treaty map; Oil Poli document is specific on that the border follows Nono-Tu-I-Nan (a present name for the west channel); All other maps show the border as the line proposed by TL and not a single map was found with a different line. The line on the Nono-Tu-I-Nan was accepted as the borderline between Portuguese Timor and Indonesia and between Portuguese Timor and The Netherlands (the RI provincial border between NTT and Tim Tim also follows the TL line)."

Timor Leste claims the No-no-tu-I-nan River, which has azimuth $30^{0}47'$ NW against Batek Island as the boundary of the country referred to in the 1904 Treaty. As explained earlier that before the separation of East Timor Province from the Unitary State of the Republic of Indonesia into the state of Timor Leste, the Noel Besi - Citrana (Naktuka) area was an area located on the border between Kupang District, East Nusa Tenggara Province (NTT) and Ambeno District, East Timor Province. Based on observations, this is evidenced by the former highway connecting the two regions. Then there is also a boundary pillar that shows the provincial boundary between NTT province and East Timor province made in 1992, as shown in Figure (4) below.

Figure (4): Provincial Boundary of NTT and East Timor



(Source: Field Documentation,2022)

Such differences in views are very likely because the provisions in the 1904 Treaty base the land boundaries of Indonesia and Timor Leste on landscapes, especially rivers. Natural activities, very potential to change the condition of these rivers. Differences in toponymy due to changing generations also affect existing differences in perception. The Indonesian side argues that the territorial boundary of Indonesia and Timor Leste is Noel Besi (in the local language, Noel means big river), not Noemnea (small trench), as Timor Leste claims.

4-2. The Protracted Impact of Unresolved Segment of Indonesia's Land Boundary–Timor Leste, Noel Besi-Citrana's Segment on Border Communities

The impact arising from differences in views or perceptions of the 1904 Treaty between the Portuguese and the Netherlands, as already described, resulted in negotiations to resolve the land boundary problem of Indonesia and Timor Leste until now have not met a meeting point, especially the unresolved segment Noel Besi - Citrana. Even the negotiations have been deadlock because both Indonesia and Timor Leste are firm with their respective stances or opinions.

The area around Noel Besi is a potential conflict between bordering communities. If the Naktuka delta enters Timor Leste, then Indonesia will lose 1069 Ha of agricultural arable land, and vice versa, Timor Leste will get 1069 Ha of arable land. Not only related to fertile land, but the impact of this dispute will be very broad for Indonesia and Timor Leste, namely regarding economic, social, defense, and security aspects.

When East Timor became part of Indonesia, the Naktuka Delta area was shared by two adjacent local communities, Amfoang and Ambenu. Every time there is a conflict regarding land processing in the Naktuka delta, it can be resolved customarily and familiarly, namely through areca nut tree climbing ceremonies. Today, however, the ceremony no longer exists, and the people of Amfoang cannot take advantage of the fertile Naktuka delta.

With the land boundary in the Noel Besi – Citrana area unfinished, the Naktuka area became a sterile area. But de facto, the Naktuka area is now inhabited by residents. The latest data based on observations and interviews with Naktuka residents who returned to Oepoli/East Amfoang to join as Indonesian citizens said as follows:

"In Naktuka, there are approximately 110 families and have Timor Leste ID cards. If the number of citizens is approximately 500 people. The farmland in Naktuka has been cultivated by them". (Interview with informant AS,6 October 2022)

Based on observations, residents in the Naktuka area still have family relations with residents in East Amfoang District. The narrative of the key informant is as follows:

"People in East Amfoang and people living in Naktuka actually still have many family relationships. Until now, there is still intermarriage between Amfoang residents and Naktuka residents. So that his family entanglement

is actually no problem. Political decisions that lead to differences in citizenship". (Interview with informant AT,6 October 2022).

There are ethnic similarities between the people living in the border region of East Amfoang and Oecussi. This is because they have a common ancestor. Nevertheless, observations show that conflicts over land grabs are still common between them. As said by the traditional leaders of East Amfoang District follows:

"We are still brothers, but because the boundaries are not yet clear, there are often struggles for arable land. So far, we can solve it together, but if this happens continuously, it will be dangerous too". (Interview with key information TK,6 October 2022).

There are differences in political views and policies carried out by the two countries. Indonesia maintains the border well, meaning that no Indonesian citizens live or use land that is included in the disputed area. On the contrary, Timor-Leste even allows its citizens to live and use land in the Naktuka region. It has even erected permanent buildings and irrigation in the Naktuka region. Residents of East Amfoang, especially residents of North Netemnanu Village, which is directly adjacent to Naktuka, do not dare to participate in cultivating disputed land because there is no guarantee of security. The following is the narration of key informants related to activities in the disputed land of Naktuka / unresolved segment Noel Besi – Citrana.

"In Naktuka, there are already many permanent buildings owned by the Timorese government. Irrigation has also been built in Naktuka. However, due to protests from Satgaspamtas Indonesia, the construction of several buildings owned by the Timorese government was stopped. For example, the forced halt to the construction of the Timor-Leste Immigration office in the Naktuka region in November 2008" (Interview with key informant DS,7 October 2022).

Data on physical buildings that have been built unilaterally by Timor-Leste can be seen in Figure (5). Physical buildings that have been built are in the form of immigration offices (unfinished), meeting halls, commemorative pamphlets of the Ministry of Agriculture RDTL, seating houses, water/irrigation channels, bulog buildings, and churches.

Figure (5): Physical Buildings Located in the Naktuka Disputed Area



(Source: Simanjuntak,2022)

Timor Leste unilaterally utilizes and facilitates the people living in Naktuka. Satgaspamtas Indonesia may not enter the Naktuka region without permission from the Unidade Pilisia Fronteria (UPF). So Satgaspamtas cannot monitor up to date what is happening in the Naktuka area. If members of Satgaspamtas Indonesia or residents of East Amfoang enter the Naktuka area, it is considered to be encroaching. But not with Timor Leste, people living in Naktuka consider that Naktuka belongs to Timor Leste, when in fact, the Naktuka area is still a disputed area and is still being negotiated by the two countries. The narrative of key informant DS is as follows:

"We must ask permission from the Unidade Pilisia Fronteria (UPF) if we are going to carry out patrols in the Naktuka area. The patrols must be carried out jointly with the UPF. During the month we were here, we had never patrolled into Naktuka. Communication and coordination with UPF are quite difficult. They tend to shut themselves down" (Interview with key informant DS,7 October 2022).

The countries need to open their borders for using new opportunities to reach self-interests in international community. On the other hand, there are some problems and challenges besides these interests and opportunities that affect countries in different ways and encounter their order and security with some problems. Meanwhile, countries should open their borders in different

grounds of objective space, cyberspace and identical (perceptual) to catch interests and opportunities of overseas, and close their borders to some extent so that insecurities and challenges of overseas can't bring disorder and insecurity into the country and society (Janparvar et al., 2014:1). The conflict that occurs on the Indonesia-Timor Leste border can be a threat to the country's defense and security. At the state level, the Timorese government's claim that the Naktuka area, referred to as a neutral zone, belongs to East Timor, which is then manifested in the form of territorial occupation through the creation of residences, gardens, agricultural buildings, houses of worship and immigration buildings. This is a form of threat to the sovereignty and territorial integrity of Indonesia which should be guarded every inch. If left unchecked, physical evidence of land management could be a strong reason for Timor-Leste to argue if the dispute is taken to the International Court of Justice, as Malaysia did in the Sipadan-Ligitan case.

Based on field observations, in the community aspect, conflicts in the form of fighting for resources in disputed areas can cause violence between residents which greatly endangers the safety of residents living in the border area. This, of course, should be avoided because it is very detrimental to citizens, especially those living in the country's border areas.

Unclear boundaries have resulted in insecurity in the Indonesia-Timor-Leste border area, especially in the Noel Besi-Citrana region, in fighting for resources in Naktuka. Although there is currently no open conflict, Timor-Leste's unilateral control of the Naktuka delta could cause security disturbances because the potential for conflict is very high. In this regard, the more social capital, the more security will increase (Mossalanejad, 2017:1). Therefore, settlement efforts as part of national defense need to be carried out effectively and as soon as possible so that these vulnerabilities can be eliminated immediately.

5. Conclusion

Based on the explanation above, it can be concluded that the problem of territorial boundaries between Indonesia and Timor Leste cannot be separated from changes in Timor Leste's political status. After twenty-three years under Indonesian rule, East Timor finally declared its departure from the Republic of Indonesia and established itself as an independent state in 2002. Land boundary problems between Indonesia and Timor Leste are divided into two types, namely unresolved segment and unsurveyed

segment. An unresolved segment means a segment that has not been resolved, so there should be no activity in the area. While unsurveyed segment means a segment that has been delineated but the community does not accept and refuses to be demarcated, the reason the community refuses is that they do not want to lose arable/agricultural land. Naktuka dispute. In the unresolved segment, there are two cases, namely the Noel Besi - Citrana segment with the Naktuka area, which is a disputed area having an area of 1069 Ha, and the Bidjael Sunan - Oben segment covering 489 plots of land along 2.6 Km with an area of 142.7 Ha. As for the unsurveyed segment, there are four disputed areas. First, in the region of Subina, the Middle East. Second, in the Nego Numfo area, and Third, in the Tubu Banat region. Fourth, in the Pistana region.

The unresolved segment of Noel Besi – Citrana was caused by differences in interpretation between Indonesia and East Timor of the 1904 Treaty. Therefore, the Noel Besi River and its estuary, as contained in the 1904 Treaty, are still a matter of debate between Indonesia and Timor Leste. Indonesia wants the national boundary line to be east of the delta (large river), while Timor Leste wants the boundary line to be west of the delta (small trench). Both countries have a technically sound basis for claims in the unresolved segment of Noel Besi – Citrana. The error in the 1904 Treaty was to define an object using two definitions, geometrically and toponymical, which caused later debate. This condition has an impact on the social conditions of border communities, to be prone to conflict due to the unclear territorial boundaries of the country.

6. Acknowledgement

The authors would like to express their appreciation to the Ministry of Defense of the Republic of Indonesia for supporting this research and all the people who cooperated with us in writing and editing this research.

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