

ARRANGEMENT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA  
AND  
THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE  
ON  
TRADITIONAL BORDER CROSSINGS AND REGULATED MARKETS

The Government of the Republic of Indonesia and the Democratic Republic of Timor-leste ; (herein after referred to as "the Parties")

Recalling their established friendly relations in accordance with the Joint Communiqué between the Republic of Indonesia and the United Nations Transitional Administration in East Timor, signed in Dili on 29 February 2000;

Considering the need to create a legal venue to conduct legitimate trading activities, and;

In accordance with paragraph 6 (six) of the Joint Statement of the Joint Ministerial Commission on 8 October 2002 , in which both parties agreed to the continuation of the previous Joint Border Committee arranged between the government of the Republic of Indonesia and the United Nations Transitional Administration in East Timor (UNTAET) as a Joint Border Committee between the Republic of Indonesia and the Democratic Republic of Timor - Leste;

Have agreed as follows :

**Article I**  
**Definitions**

1. For the purpose of this Arrangement:

1. *Indonesia Border Area* means those *Kecamatan Perbatasan* for which the Indonesian or Timor-Leste border forms part of their boundaries as defined in annex A.
2. *Timor-Leste Border Area* means the sub district or equivalent adjacent to the western border listed in annex B to this Arrangement. In the case of Oecussi, Border Area means the whole of Oecussi.
3. *Crossing Point* means a location mutually agreed upon as defined in Article 7, where border residents may cross for purposes of the Arrangement.
4. *Border Crossing Pass* means a pass issued under Article 4 of this Arrangement.
5. *Traditional and Customary Purposes* mean activities such as social contacts and ceremonies including marriage, gardening, and other land



usage, fishing and other usage of waters, customary border trade, sports and cultural activities.

6. *Border Resident* means a person who, by birth or marriage, has permanent residential, traditional and customary rights within the Border Area as defined.
7. *Regulated Market* means a location in the vicinity of the border but within the territory of either Party, where persons who hold a Border Crossing Pass may conduct trade in accordance with applicable laws and regulations.
8. *Indonesian Border Officer* means an Officer designated to carry out border administration and who has functional responsibility in relation to a designated Crossing Point as defined in Article 7 of this Arrangement.
9. *Timor-Leste Border Officer* is an Officer of the Border Service for Timor-Leste designated to carry out border administration and who has functional responsibility in relation to a designated Crossing Point as defined in Article 7 of this Arrangement.
10. *Issuing Officer* means an Immigration Officer of the Government of Indonesia (GOI) stationed in West Timor. In Timor-Leste, the Issuing Officer means the sub-district coordinator in the border sub-districts or another competent official of the district administration.
11. *Border Quarantine Zone* means an area in which rules and regulations relating to quarantine issues apply.
12. *Traditional and customary Border Trade* means:

- (a) Trade which has been the practice of the residents of the Border Areas from time immemorial;
- (b) Trade that has developed over recent years to accommodate the needs of the Border Residents;
- (c) Trade in goods not prohibited by either government.

## Article 2

### Establishment of Regulated Markets.

- 2.1. The parties hereto may establish regulated markets in their respective territory in the vicinity of the Tactical Coordination Line in accordance with the terms of this Arrangement.
- 2.2. A resident of the Border Area as defined, who carries a Border Crossing Pass, may cross the Tactical Coordination Line for the purpose of commercial trade at a regulated market, established in accordance with this Arrangement.



Article 3  
Traditional and Customary Crossings

The Parties hereto will administer a system of border crossing whereby nationals of the two countries who are domiciled in the respective Border Areas may freely enter into and travel within the Border Area of the other, for traditional and customary purposes as defined, provided that they are bonafide holders of a Border Crossing Pass which will be issued by the Parties hereto in accordance with the provisions of this Arrangement.

Article 4  
Border Crossing Pass

- 4.1. A Border Crossing Pass will be issued free of charge upon application to a Issuing Officer at a designated Border Station administering the applicant's home area in Indonesia, and to the Issuing Officer in Timor-Leste, to those persons who satisfy the following requirements:
- a). He or she is an Indonesian citizen or a national of Timor-Leste deemed to be seventeen years of age or over, or have been married;
  - b). He or she is a Border Resident of the Border Area of either country;
  - c). Entry into the Border Area of the other Party will solely be for traditional and customary purposes, or for trade at a regulated market;
  - d). He or she is not a person whose entry into the corresponding Border Area is prohibited, revoked or otherwise considered undesirable by the immigration or other competent Authority of the Parties hereto; and
  - e). He or she is not the subject to pending criminal proceedings.
- 4.2. Subject to paragraph 4.3. of this Arrangement, details of each Border Crossing Pass will be checked with appropriate leaders of the applicant's village and, where appropriate, crosschecked by appropriate leaders of the corresponding village in whose lands/waters traditional rights are claimed.
- 4.3. A Border Crossing pass is issued individually to each eligible person. A Border Crossing Pass issued to a woman or man automatically covers her or his minor children. The names of the children will be entered in the Border Crossing Pass.
- 4.4. A Border Crossing Pass shall be in both Portuguese/Tetum/English and Bahasa Indonesia and will contain the following information:
- (a) personal description with photograph;
  - (b) date and place of issue; and validity of the card;

- (c) signature or right thumb print;
  - (d) village of residence.
- 4.5. The border Crossing Pass will be valid for multiple entry for a period of one year. The Border Crossing Pass may be renewed by the Issuing Officers who issued the original Border Crossing Pass.
- 4.6. Models of the Timor-Leste and Indonesian Border Crossing Pass will be exchanged between the parties as soon as practicable

#### Article 5 Scope of application

- 5.1. Nothing in this Arrangement will apply to :
- (a) Nationals of Indonesia who are not Border Residents of the Indonesian Border Area;
  - (b) National of Timor-Leste who are not Border Residents of the Timor-Leste Border Area;
  - (c) A holder of a Border Crossing Pass issued by the Indonesian authorities who intends to travel beyond the Timor-Leste Border Area or to cross for non-traditional and customary purposes, other than to conduct trade at a regulated market;
  - (d) A holder of a Border Crossing Pass issued by the Timor-Leste authorities who intends to travel beyond the Indonesian Border Area or to cross for non-traditional and customary purposes, other than to conduct trade at a regulated market;
- 5.2. The passport, visa, quarantine and immigration laws and regulations in force in territory of each of the Parties hereto will be applicable to all other travel not covered by this Arrangement.

#### Article 6 Location Regulated Markets

- 6.1. The schedule of the location (s) of regulated market (s) is attached in annex C.
- 6.2. The schedule of the location (s) of regulated market (s) may be amended by the Border Liaison Committee or through diplomatic channel.



#### Article 7

##### Entry and Exit Through Designated Crossing Points.

- 7.1. Entry and exit for traditional and customary purposes, or trade at a regulated market, shall take place through designated Crossing Points. Designated Crossing Points shall coincide with existing Junction Points and are listed in Annex D.
- 7.2. The designated Crossing Points as listed in Annex D may be reviewed from time to time by the Border Liaison Committee and endorsed by the Joint Border Committee.

#### Article 8

##### Immigration

- 8.1. A Border Crossing Pass issued under this Arrangement will be *in lieu* of a passport, visa and vaccination certificate, for crossings in accordance with this Arrangement.
- 8.2. Normal immigration requirements do not apply to persons crossing with a Border Crossing Pass.

#### Article 9

##### Length of Cross-Border Visits

- 9.1. Person entering the territory of the other Party with a Border Crossing Pass may stay in that territory for a maximum period of ten days. An extension of this period may be granted by Border Officer of either parties up to maximum of another ten days.

#### Article 10

##### Refused or Prohibited Entry

- 10.1. At the request of a Border Officer or other competent authority, the Border Crossing Pass must be handed over for inspection together with the identity document referred to therein.
- 10.2. Either Party may refuse entry to a person holding a Border Crossing Pass if a Border Officer of either of the parties hereto has sufficient reason to believe that:

- (a) the Border Crossing Pass was issued in violation of provisions of this Arrangement; or
  - (b) The holder of the border Crossing Pass is an undesirable person according to the laws of either of the Parties hereto.
- 10.3. Where the holder of a Border Crossing Pass is refused the right to enter in accordance with Article 10.2., the Pass will be retrieved and returned to the relevant issuing Officer.
- 10.4. Prohibited entry of a temporary nature will also apply in special or contingency situation declared by either or both of the parties hereto.

**Article 11.**  
**Repatriation, Confiscation.**

- 11.1 A person who stays in the territory of the other party contrary to the terms of this Arrangement shall be considered as being illegal in that territory and normal legal procedures will apply to such persons.
- 11.2 Without prejudice to other penalties, either Party may repatriate, in a manner most suited to the circumstance, a holder of a Border Crossing Pass who has violated the terms of this Arrangement.
- 11.3 Where the holder of Border Crossing Pass violates the terms of this Arrangement, a Border Officer may confiscate the Border Crossing Pass. The Border Officer will return the Pass to the Issuing Officer who may, at this discretion, retain the pass for a period not exceeding 3 months.

**Article 12**  
**Traditional and Customary Border Trade**

- 12.1 Persons possessing a Border Crossing Pass may engage in traditional and customary border trade as defined in this Arrangement.
- 12.2 Goods specified in Annex E of this Arrangement may be subject of traditional and customary border trade (over land). Such goods shall not be subject to any duty or tax. The Border Liaison Committee may from time to time, review the goods specified in Annex E.
- 12.3 Traditional and customary border trade excludes all goods prohibited by the Governments of the Republic of Indonesia and the Democratic Republic of Timor-Leste. A list of prohibited goods may be exchanged by the Parties from time to time and is listed as Annex F. The Border Liaison Committee may, from time to time, review the goods specified in Annex F.



- 12.4 The value of the goods carried by persons holding a Border Crossing Pass entering the territory of the other Party for traditional or customary purposes as defined under this Arrangement, shall not exceed US\$ 50.000 or the Rupiah equivalent per person per entry per day. A person holding a Border Crossing Pass shall not cross more than one time per day in each direction.
- 12.5 Person holding a Border Crossing Pass shall not take more than five cattle or other four-legged animals per entry.
- 12.6 The movement of goods other than goods permitted under this Arrangement, into or out of the respective border areas, is subject to applicable customs or other regulations of either party and shall be conducted through designated ports of entry/exit.
- 12.7 Failure by Border Residents to comply with this article may result in the suspension of the Border Crossing Pass by a Border Officer or other competent authority.

### Article 13 Regulated Markets

- 13.1 Person holding a Border Crossing Pass may cross into the territory of the other party for purposes of trade at a regulated market a designated locations and may carry goods for commercial trade.
- 13.2 Trade at a regulated market is limited to goods not prohibited under existing laws and regulations in the territory where the regulated market is located. A list of prohibited goods is listed as Annex F.

### Article 14 Customs Procedures

- 14.1. Upon entry into the territory of the other party, a person holding a Border Crossing Pass shall declare any goods to which duty or excise applies.
- 14.2. Normal customs procedures shall apply to the entry and exit into and out of the territory of either party, o persons holding a Border Crossing Pass.

### Article 15 Health and Quarantine

- 15.1 The health or quarantine authorities of either or both Parties may, for declared special or contingency situations including quarantine, temporarily prohibit or regulate markets along the whole or any part of the Border Area, and where appropriate this includes vehicular movements.



- 15.2 The competent authority of either Party may decide that vaccinations are required for persons crossing for purposes of regulated markets, or traditional and customary purposes, and/or such other measures for such periods as may be considered necessary.
- 15.3 The competent authorities may decide<sup>4</sup> on appropriate action for plants and animals carried into or across the respective Border areas. In situations declared by the health or other competent authorities, the movement of plants or raw meat within the Border Areas and/or across the border may be restricted or prohibited under such conditions as may be deemed necessary.
- 15.4 In contingency situations under this Arrangement the Border Areas will be prescribed a Border Quarantine Zone.
- 15.5 Indonesian and Timor-Leste visitors to regulated markets will be subject to the quarantine laws and regulations, and prevailing restrictions hereto in special situations.
- 15.6 Border Residents will be made aware of the precautionary and restrictive measures necessary in their own interest, associated with quarantine, surveillance and control, which may be applied from time to time.

#### Article 16

##### Inter functional Official Visits and Communication

- 16.1. In order to administer the regime established under this Agreement, communication will be established among Border Officer of both Parties and schedules of contact may be maintained appropriate as required.
- 16.2. Subject to appropriate approvals for which procedures will be mutually agreed upon by the parties hereto, Border Officers may travel to and between.
- 16.3. The parties will facilitate the entry of means of transport into each other's Border Areas for the purpose of official visits between counterpart Border Officers from designated border Crossing Points.

#### Article 17.

##### Law and Order at Regulated Markets

- 17.1 Law enforcement officers of either party shall maintain law and order at a regulated market in their respective territory.
- 17.2 Law enforcement officers of either Party may restrict the number of person crossing for trade at a regulated market, and the numbers of persons entering into the regulated market area in their respective territory.
- 17.3 Law enforcement officer of either Party may conduct the necessary security search of persons and goods crossing the Tactical Coordination Line if and when required.



- 17.4 Illegal activities, and undesirable activities such as gambling and cockfighting, are prohibited inside the regulated market.

Article 18.  
Applicable law.

- 18.1 An Indonesian citizen who possesses a Border Crossing Pass will, during his or her stay in Timor-Leste, be subject to applicable laws and regulations.
- 18.2 A National of Timor-Leste who possesses a Border Crossing Pass will, during his or her stay in Indonesia, be subject to applicable laws and regulations.

Article 19.  
Adjudication – Traditional and Customary Usage of Land and/or Waters.

- 19.1 Where disputes arise concerning the extent and nature or manner of traditional and customary usage of land and waters, the matter may be resolved initially by the Border Liaison Committee and subsequently, if necessary, by the Joint border Committee.
- 19.2 The final authority over land a water and their use rests with the Party in whose Border area the land and/or waters under dispute are located, in accordance with applicable international standards and common practice.

Article 20.  
Introductory Application of Arrangements

The parties hereto shall make adequate provision for appropriate publicity and education campaigns in the border areas in order to facilitate the implementation of this Arrangement.

Article 21.  
Settlement of disputes

- 21.1 Any dispute arising out of the interpretation or implementation of this Arrangement shall be settled by consultation and mutual agreement by the Border Liaison Committee.
- 21.2 If the Border Liaison Committee cannot resolve the dispute, the matter shall be referred to the Joint Border Committee.

Article 22  
Amendments

- 22.1 The Parties hereto may, at any time, by consultation and mutual agreement amend this Arrangement.
- 22.2 The Parties shall notify each other of any amendment to the procedures regarding regulated markets.

Article 23  
Entry into force and Duration

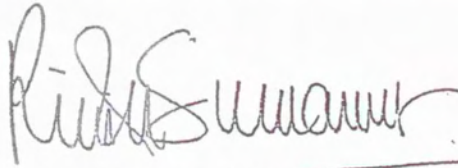
- 23.1 This Arrangement shall enter into force one hundred fifty days, upon its signature.
- 23.2 This Arrangement shall remain in effect unless terminated by mutual consent in writing by both parties, or by either party, upon three months prior written notice to other party.

In witness thereof, the undersigned, being duly authorized thereto have signed this Arrangement.

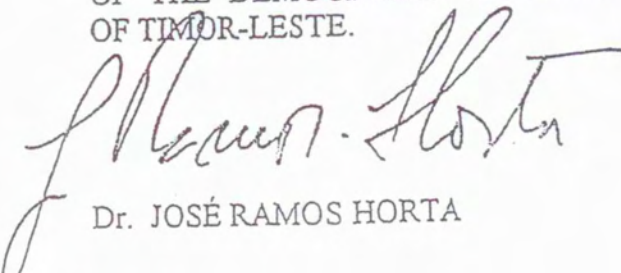
Done, in duplicate at Jakarta, this 11 day of June in the year two thousand and three in the English language.

Signed at Jakarta this 11 day of June in the year of 2003..

FOR THE GOVERNMENT  
OF THE REPUBLIC OF INDONESIA

  
RINI M. SUMARNO SOEWANDI

FOR THE GOVERNMENT  
OF THE DEMOCRATIC REPUBLIC  
OF TIMOR-LESTE.

  
Dr. JOSÉ RAMOS HORTA

08/11/2003



## Annex A

Indonesian Sub districts to which the Arrangement applies

### Belu District

1. Rehat Sub district
2. Lamaknen Sub district
3. East Tasifeto Sub district
4. West Tasifeto Sub district
5. Kobalima Sub district

### Timor Tengah Utara District

1. Insana Sub district
2. East Miamafo Sub district
3. West Miamafo Sub district
4. North Insana Sub district

### Kupang District

1. North Amfoang Sub district

### Alor District (Sea Border)

1. East alor Sub district
2. Pantar Sub district
3. South West Alor

## Annex B

Timor - Leste Sub-district to which the arrangement applies

### Bobonaro District

1. Balibo
2. Maliana
3. Lolotoi

### Covalima District

1. Suai Kota
2. Futululik
3. Fatumean
4. Tilomar

### Oecussi

1. Nitibe
2. Pante Makassar
3. Oesilo
4. Passabe.



Annex C

Schedule and Locations for Regulated Market

Indonesia

Belu district

Motaain  
Metamauk  
Toriskain

Timor-Tengah Utara District

Napan  
Haummeniana  
Humusu

Kupang District

Oipoli

Timor - Leste

Bobonaro District

Tanubibi  
Motaain

Co'va Lima District

Salele (Suai)

Oecussi

Sakaato  
Oesilu  
Napan  
Passabe

## Annex D

### Designated Crossing Points.

1. Motaain – Batugade
2. Metamauk – Salele
3. Haekesak – Turiskain
4. Builalo – Memo
5. Napan – Bobōmeto
6. Haumusu C/Wini – Wini
7. Haumeniana – Passabe
8. Oipoli – Citrana
9. Laktutus – Belulik Leten.



## Annex E

The list of goods permitted to be traded for Traditional and Customary Trade

1. Agricultural products
2. Goods produced in the border area
3. Village gardening tools
4. Village building tools and material
5. Village lighting
6. Village household items
7. Village cooking utensils
8. Clothing for personal purpose
9. Other goods required for daily use or consumption

## Annex F

### Prohibited goods ;

1. Fuel oils (such as diesel, kerosene and gasoline)
2. Weapons (such as, firearms)
3. Drugs
4. Military and government officer clothing
5. Communication equipment (such as HF, and VHF)
6. Sandalwood or products manufactured from sandalwood
7. Gold and other precious stones
8. Subsidized goods
9. Other prohibited items under laws applicable in the territory where the market is located.