

COMMUNITY PERCEPTIONS IN THE BORDER AREAS REGARDING THE MAIN POINTS OF AGREEMENT CONCERNING FINAL COMPLETION OF THE LAND BORDER BETWEEN RI-RDTL (CASE STUDY IN HAUMENIANA VILLAGE, DISTRICT BIKOMI NILULAT NORTH CENTRAL TIMOR DISTRICT)

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Abstract:

This research was motivated by the incomplete completion of the RI - RDTL state boundary in the Oekusi enclave area. Three segments are still problematic: the Noelbesi - Citrana segment, the Bijaelesunan - Oben segment, and the Haumeniana - Pasabe segment. On July 22, 2019, Wiranto (Coordinating Minister for Political, Legal and Security Affairs of the Republic of Indonesia) and Kay Rala The contents of the Agreement, among other things, stipulate that the Neolbesi - Citrana segment be divided into two, the Bijaelesunan - Oben segment to be completed by the 1904 Agreement between the Dutch and the Portuguese, and for the Haumeniana - Pasabe segment the boundary is determined by adjusting the line along the road according to the coordinate points of both parties. It will be determined later. This research was carried out in Haumeniana village, Bikomi Nilulat sub-district, North Central Timor district, focusing on the perceptions of the Haumeniana village community regarding the contents of the Wiranto. This means that the disputed area all belongs to RDTL. This research uses a descriptive qualitative approach. Data collection used interviews, observation and FGD techniques. This research concluded that all primary informants and FGD participants from elements of the Haumeniana community had negative perceptions of the contents of the Wiranto - Xanana Agreement.

Keywords: Society, Borders, Perception, Territory

INTRODUCTION

Since the province of East Timor separated from the Republic of Indonesia and formed a sovereign state called the Democratic Republic of Timor Leste (RDTL), the border issue between the two countries has become one of the priority issues to be resolved. The border between RI - RDTL in the Eastern Sector stretches for 150 km, while in the Western sector (Oekusi enclave), it stretches for 120 km. On February 2, 2002, the Indonesian Minister of Foreign Affairs, Hasan Wirayuda, and the leader of UNTAET, Sergio Vierra de Mello, signed an agreement to use the principle of uti possidetis juris, namely using the 1904 Convention, which Portugal and the Netherlands had signed, as well as the results of the 1914 Permanent Court of Arbitration decision, as a basis. Law to regulate the RI-RDTL border. On April 8, 2005, Indonesian Foreign Minister Hasan Wirayuda and RDTL Foreign Minister Ramos Horta signed the 2005 Provisional Agreement between the Government of the Republic of Indonesia and the Government of the Democratic Republic of Timor-Leste on the Land Boundary 2005, known as Provisional Agreement 2005).



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This temporary Agreement agrees on 907 boundary point coordinates, or around 96% of the total land boundary lines. However, several segments in the border region still need to be improved to achieve a final agreement between the two countries. Since 1999 - until now 3 (three) segments in the Oecusse enclave still have boundary problems, both boundary delineation and demarcation, as well as other areas of problems. The problematic segments in question are the unresolved segment Noelbesi - Citrana, Unresolved, Bijaelesunan - Oben, and Unsurveyed, Haumeniana - Passabe (Subar, 2016). The three problematic segments can be briefly described as follows (Lake, 2014, 2016):

Unresolved segment Naktuka. Naktuka is located in the East Amfoan sub-district, Kupang district, which borders Citrana (RDTL Oekusi). The size of the disputed Naktuka area is 1,069 ha, 4.5 km long. This is due to differences in interpretation between the Indonesian and RDTL technical teams regarding the 1904 Treaty. According to the Indonesian side, the boundary line is located on the Noelbesi River, while according to the RDTL, the boundary line is located on the western canal, namely a small river called Nonotuinan. The Indonesian side rejected the RDTL's interpretation, arguing that the azimuth was measured from the wrong place in the past because the map used came from an unreliable source.

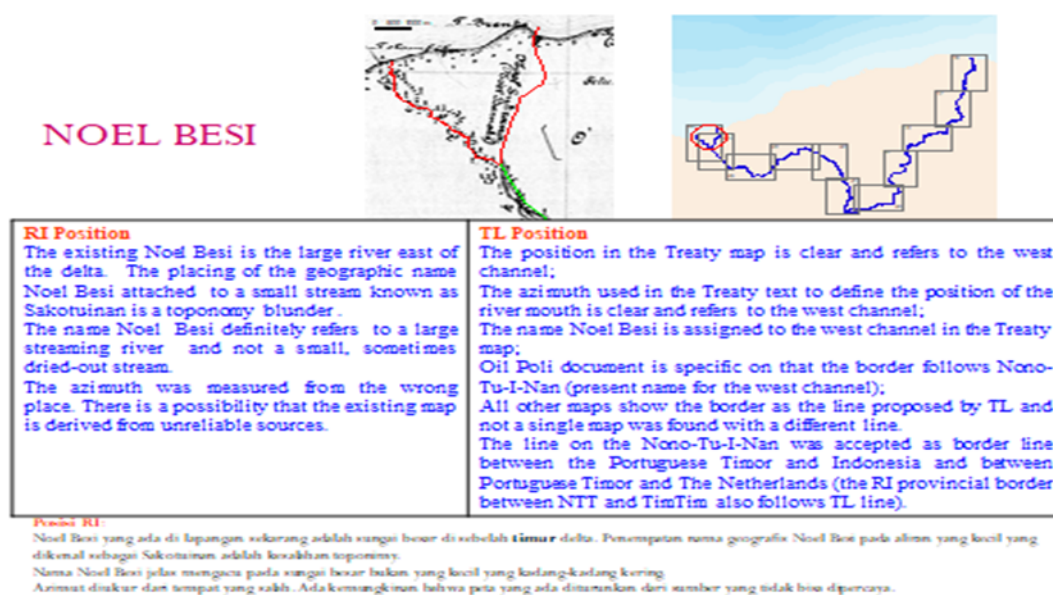


Figure 1. Unresolved segment Naktuka

Unresolved segment Bijaelesunan-Oben. The unresolved segment Bijaelesunan-Oben is located in Oelnasi, Manusasi village, West Miomaffo sub-district, TTU district. The disputed area covers an area of 142.7 ha along 2.6 km. This area has 489 plots of land/gardens belonging to the Manusasi village community. The Republic of Indonesia wants the state boundary to start from the Bijaelesunan Monument, which follows the mountain ridge to Oben. However, Timor Leste wants the state boundary to start from the Bijaelesunan Monument, following the valley and flow of the Miomaffo River to Oben.

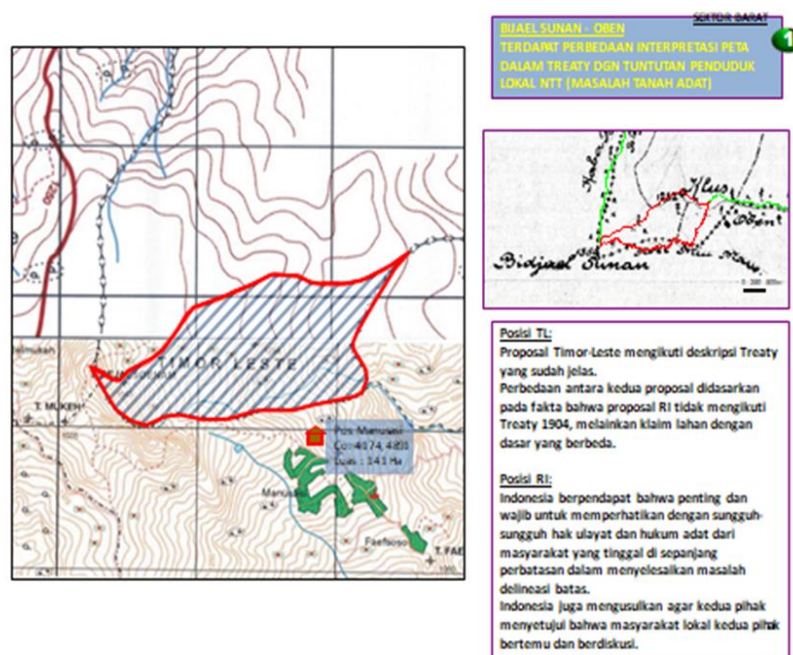


Figure 2. Unresolved segment Bijaelesunan – Oben

Unsurveyed segment Haumeniana – Passabe. The unsurveyed segment Haumeniana – Passabe, or Subina – Oben, is in the Bikomi Nilulat sub-district, North Central Timor district. The term Haumeniana – Passabe segment is not quite right because the dispute location has not been surveyed, not only in Haumeniana village, but spread across six villages (all villages) in the Bikomi Nilulat sub-district, namely Tubu Banat/Oben (in Tubu Village and Nilulat Village), Nefo Nunpo (in Haumeniana Village), Pistana (in Sunkaen village), and Subina (in Nainaban village and Inbate village). The unsurveyed segment stretches for ± 14 km, which is a matter of claiming customary rights because gardens are cultivated by the people of the six villages in locations which, according to the 1904 treaty, are within Portuguese territory.

This research focuses on the Haumeniana - Pasabe segment, especially the Nefo Nunpo location in Haumeniana village, Bikomi Nilulat subdistrict, because physical conflicts often occur in this village compared to the other dispute segments mentioned above. In 1966, at that time, Oekusi was still a Portuguese colony; a border conflict in this segment occurred between the Kefetoran Nilulat (RI) community and the Passabe (Portuguese) community, which resulted in the death of Laurensius Lake (a national hero). Since East Timor became the territory of the Republic of Indonesia, even though this segment is part of East Timor because the provincial boundaries follow the 1904 treaty, conflict in this segment has reduced because the disputed area in 1966 is still managed as a plantation and has been reforested by the people of the six villages mentioned above. However, since East Timor changed its status to RDTL, the frequency of conflict has increased again between the Haumeniana village community and the Pasabe community (RDTL) because the gardens and plants (teak, etc.) belonging to the Haumeniana village community in the disputed location are claimed by RDTL as their own.

RI-RDTL: Survei Data Pertanahan di Segmen Batas Darat Subina-Oben

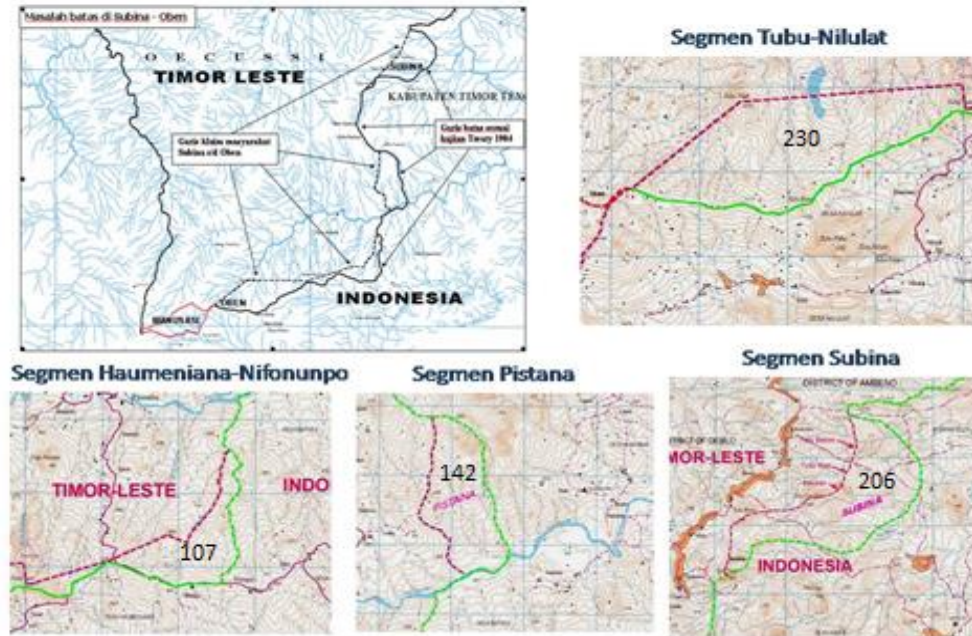


Figure 3. Unsurveyed segment Subina - Oben

The existence of unresolved segments and unsolved segments is because Indonesian indigenous peoples in these three problematic segments disagree if the Indonesian Government - RDTL uses the 1904 Convention (A Convention for the Demarcation of Portuguese and Dutch Dominions on the Islands of Timor), which Portugal and the Netherlands signed and the results the decision of the Permanent Court of Arbitration (PCA) 1914, as the legal basis for regulating the RI-RDTL border. They argued that using the 1904 Convention and the 1914 PCA would cause them to lose the land they managed. They want the two countries' governments to resolve the border conflict using a customary approach because the areas in the three disputed segments are traditionally their customary land.

Paying attention to potential conflicts that may occur during the process of resolving national boundary disputes, the governments of both countries agreed to consider customary law (local wisdom) as part of resolving national boundary disputes as stated in Article 6b 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 2005 or known as the 2005 Provisional Agreement which was signed on April 8, 2005.

As a follow-up to the need to consider local wisdom in efforts to resolve border conflicts, in 2010, a meeting will be held in Noelbesi between King Amfoan and King Ambenu to carry out a traditional oath regarding the existence of the boundaries of the two kingdoms. However, UNTAET troops and RDTL did not allow the meeting and ordered the figures of the Ambenu Kingdom to return home, so the traditional meeting was canceled. Meetings between traditional leaders from the Kupang and North Central Timor districts and traditional leaders from the Ambenu kingdom were held again in Oekusi and Kefamenanu. However, the Ambenu (RDTL) did not present critical figures at both meetings, so they still needed to produce an agreement.

On November 14, 2017, the Indonesian Government and RDTL succeeded in bringing together 4 (four) great kings of West Timor, namely Liurai Wehali, Liurai Sonbai, Emperor Amfoan, and King Ambenu in Bokos - Oepoli, East Amfoan subdistrict, Kupang district. Representatives of the foreign ministries of both countries were also present at the meeting. According to the theme "Nekaf Mese Ansaof Mese Atoni Pah Meto," the main agenda of this historical and emotional meeting was how to build peace in the border areas of the two countries. In the meeting, which was preceded by traditional rituals, the kings formulated an 8-point agreement known as the Bokos Agreement. One of the points of the Agreement is that the indigenous peoples of both countries recognize and strengthen the traditional boundaries between the Liurai Wehali, Liurai Sonba'i, Amfoan and Ambenu (RDTL) kingdoms. Suppose the points of this Agreement are adhered to by the RDTL government. In that case, the state boundary dispute between RI-RDTL is resolved because all the disputed segments belong to the Indonesian indigenous people. On the other hand, the RDTL government continues claiming that the territory in the disputed segments belongs to them, according to the 1904 treaty. This causes the two countries' governments to continue negotiating to resolve disputes in these problematic segments.

On July 22, 2019, Wiranto (Coordinating Minister for Political, Legal and Security Affairs of the Republic of Indonesia) and Kay Rala The contents of the Agreement include, among other things, that the two problematic segments in North Central Timor district belong entirely to RDTL, while the Naktuka segment in Kupang district is divided into two.

On August 10, 2019, the Indonesian Ministry of Foreign Affairs invited the regent of Kupang district and the regent of North Central Timor, along with their respective traditional leaders and officials from related agencies, to take part in the socialization of the Principles of Agreement Concerning the Final Settlement of the Land Boundary Between RI - RDTL at the Aston Hotel Kupang. During the meeting, the two regents and traditional leaders firmly expressed their dissatisfaction with the policies of the governments of both countries contained in the Agreement because they were very detrimental to Indonesia, especially the land-owning communities in Oepoli (Kupang district), as well as the Manusasi and Bikomi Nilulat communities. (North Central Timor district).

This research was aimed at finding out the perceptions of the people of Haumeniana village, Bikomi Nilulat sub-district, North Central Timor district, regarding the contents of the Principles of Agreement on the Final Settlement of the Land Boundary Between RI - RDTL, especially regarding the elements of the Subina-Oben surveyed segment. This location was deliberately chosen because the problematic Subina-Oben segment, including the disputed Nefo Nunpo location in Haumeniana village, was recorded as still having the status of an unveyed segment (a segment that has not been surveyed but a decision regarding the status of land ownership has been stipulated in the Agreement).

METHODS

This research was carried out in Haumeniana village, Bikomi Nilulat subdistrict, North Central Timor district, with a focus on the perceptions of the Haumeniana village community regarding the contents of the Wiranto – this means that the disputed area all belongs to RDTL. This research used a descriptive qualitative approach. Data collection used interviews, observation and FGD techniques.

RESULT AND DISCUSSION



Haumeniana village community's perception of the contents of the Wiranto - Xanana Agreement. As has been stated, on July 22, 2019, Wiranto (Coordinating Minister for Political, Legal and Security Affairs of the Republic of Indonesia) and Kay Rala The contents of the Agreement include, among other things, that the two problematic segments in North Central Timor district belong entirely to RDTL, while the Naktuka segment in Kupang district is divided into two.

This research is focused on finding out the perceptions of the people of Haumeniana village, Bikomi Nilulat sub-district, North Central Timor district, regarding the contents of the Principles of Agreement regarding the Final Settlement of Land Boundaries between RI - RDTL, especially regarding the Subina-Oben surveyed segment. This location was deliberately chosen because the problematic Subina-Oben segment, including the disputed Nefo Nunpo location in Haumeniana village, was recorded as still having the status of an uncovered segment (a segment that has not been surveyed, but the decision regarding land ownership status has been stipulated in the Wiranto - Xanana Agreement).

In the Principles of Agreement, specifically for the Haumeniana - Passabe segment, it is stated that this segment will be determined by adjusting the lines along the road according to both sides, whose coordinate points will be determined later. This means that the boundary between RI-RDTL in the Haumeniana - Pasabe segment is a highway built by the Indonesian Government across Haumeniana village.



Figure 4. The highway referred to in the Wiranto - Xanana Agreement is in the Haumeniana - Pasabe segment. To the left of the highway is RDTL territory, while to the right is Indonesia. The trees that grow in the RDTL area were planted by the Haumeniana village community in 1980 based on a Joint Decree of the Governor of NTT and the Governor of East Timor.

Below, we will describe the perceptions of the Haumeniana village community regarding the Wiranto -

A total of 11 key informants were interviewed separately to find out their perceptions of the contents of the Wiranto - Xanana Agreement regarding the RI-RDTL boundary in the Haumeniana - Pasabe segment. They are village heads, former village heads, heads of traditional institutions, meo (traditional functionaries who handle security issues, members of the Village Consultative Body, traditional leaders (tribal heads), and community leaders. These informants usually represent

the village community of Haumeniana in matters of state borders. Among them, several figures are directly involved and have witnessed the history of border issues since 1966.

The main issue related to perceptions that were asked of the primary informants was whether the contents of the Wiranto - Apart from that, perceptions about the social relations of the people of the two countries and border security after the final determination of state borders were also explored.

The results of the interviews showed that none of the 11 informants agreed with the Agreement's contents. All informants negatively perceived the Agreement's contents for almost the same reasons.

The following describes the arguments behind their negative perceptions.

1. Aspects of justice

All the primary informants said that the contents of the Wiranto - Xanana Agreement were very unfair. The reason is, based on the decision of the governors of NTT and East Timor in 1980, the people of Haumeniana were ordered to green the area from the highway to the 1966 border (the disputed area). At that time, the area was a grazing field with no trees except grass. The Government gave the people of Haumeniana teak tree seeds to plant. Apart from teak, the community also plants candlenuts and pine trees. After 40 years, when the area is green, and the teak trees are enormous, "Wiranto and Xanana agreed to hand over the land entirely to RDTL, so what do we get? This is very unfair. Apart from that, when 1966 the Army Topography Service established a new boundary between Indonesia and Portugal, we were ordered to guard the boundary to the last drop of blood. We obeyed that order until our man Laurens Lake was shot dead by Portuguese soldiers because he was defending the country's borders."

2. Aspects of community aspirations

Since East Timor separated from the Republic of Indonesia and formed its own country, the Indonesian Government, including teams from the central, provincial and district levels, have often visited villages on the border, including Haumeniana village, to collect data to resolve national border problems. The public was asked for various data related to borders, starting from the boundaries between kingdoms before the arrival of the colonialists, the RI-Portuguese border until the boundary was established in 1966, the boundary between the provinces of NTT - Timor Timor, and various conflicts that occurred at state borders until recent years. Indigenous peoples have repeatedly conveyed to the Government that to resolve the problem of national borders, it is necessary to involve indigenous peoples and provide opportunities for indigenous peoples on both sides to find the best solution because, between the indigenous peoples of the two countries, there are agreements regarding borders, including agreements between kings. Which ended the 1966 border conflict that killed Laurensius Lake. However, "our proposal was not responded to. The aspirations of indigenous peoples were not considered at all in the Wiranto - Xanana Agreement."

3. Socio-cultural historical aspects

Before the Portuguese and Dutch colonized Timor, those who ruled were kings with clear royal boundaries. Previously, the boundary between Sonbai and Ambenu was at Noel Kol Unu. However, when the daughter of the king of Kono (one of the great Sonbai meos) married the king of Ambenu, the king of Kono handed over the land to Ambenu as posadas podium of the daughter of the king of Kono so that the original boundary at Noel Kol Unu was moved to Klus Nikome - Bijaelesunan. Then, the murder of Puin Toaf occurred in Nunpo (Haumeniana), so the Nikome - Bijaelesunan Klus boundary was moved again to Nunpo - Bijaelesunan. In 1966, when Laurens Lake was killed by the Pasabe people, according to customary law, the Nunpo - Bijaelesunan boundary had to be moved back to the Nikome - Bijaelesunan Klus. However, this did not happen because



Tua Amu king Ambenu and Usif Lake, considering the conflict situation then, agreed to make the boundary laid down by the Army Topographic Service in 1966 the legal boundary. The Agreement between the two kings ended the conflict at that time. Indonesian-Portuguese government officials witnessed the Agreement. "So, in our opinion, the Wiranto -

4. Aspects of community economic interests

After the events of 1966, Indonesian people on the Subina - Oben border, including the Haumeniana people, planted gardens in the disputed location (the area between the 1904 boundary and 1966 boundaries). When East Timor joined Indonesia, the provincial boundaries followed the 1904 boundaries. However, the Haumeniana people did not question this because East Timor was part of Indonesia, and the Haumeniana people were still allowed to farm in the disputed location. The Government provides teak seeds to the community to green the location. The Haumeniana people planted teak, cypress, and other things, so the once wilderness locations have become green. "Now, after 40 years have passed, based on the Wiranto - Xanana Agreement, the land that we defended with blood and turned green is simply given to RDTL. This is very unfair and does not consider the interests of the Indonesian people, especially our economic interests, the Haumeniana people. Where do we have to garden and raise livestock? What about the teak trees we plant? Was it just given to the Pasabe people?"

The primary informants' negative perceptions were also shared by FGD participants from elements of the local community.

2 The attitude of the Haumeniana village community towards the Wiranto - Xanana Agreement

As has been explained, all informants, including FGD participants from elements of the Haumeniana village community, had negative perceptions of the contents of the Wiranto - Xanana Agreement, specifically regarding the Haumeniana - Pasabe segment. They considered the Agreement very unfair, did not accommodate the aspirations of the community, did not consider cultural history, and ignored the economic interests of the Haumeniana village community.

If their perception is like this, then what is their attitude? Consistently, all informants rejected the contents of the Agreement. Even though they refused, most informants said that as good citizens, they respected the Government's policies because they believed it could not possibly sacrifice its people. However, a small number of informants emotionally said that they would evict Pasabe people who dared to plant gardens in the disputed location, if necessary, with violence.

5.3 Impact of the Wiranto - Xanana Agreement on social relations and security of the RI - RDTL border in the Haumeniana - Pasabe segment

As stated, the Indonesian people living on the RI - RDTL border still have family relations with the RDTL community, including the Haumeniana village and the Pasabe communities. Therefore, the informants and other FGD participants were asked: Will their negative perception and rejection of the contents of the Wiranto - Xanana Agreement hurt their relations with the Pasabe community, especially regarding social relations and border security? Below is a digest of their answers.

The relationship between the Indonesian people and the RDTL people has been going on for a long time because their ancestors were brothers. This relationship becomes more potent because intermarriage occurs. During the Portuguese era, relations between the Indonesian people and the Ambenu (Portuguese) were excellent. People from both countries are free to visit each other without needing permission from the Government. Even Indonesians on the border often receive free health services from Portuguese health workers. Their livestock can roam around for food because of a customary agreement.



However, nowadays, people's social relations are not as accessible as they used to be because visiting each other for family matters, such as weddings, death matters, and so on, requires permission from the governments of both countries. Apart from that, while resolving state boundaries, there have been several physical conflicts related to disputed land. These social relations will become increasingly strained with the Wiranto - Xanana Agreement regarding borders. The Haumeniana people were "hurt" because the land they had defended with blood (the death of Laurensius Lake in 1966) and the teak trees and other plants they had planted in 1980 were handed over to the Ambenu (RDTL) people.

They view the Ambenu people (especially the Pasabe people) who benefit directly from the Agreement as "enemies," which could erupt into physical conflict when the Pasabe people start working on the disputed land. This means that the Wiranto - Even in the FGD activities, several participants openly said that if the Pasabe people dared to plant gardens on the former disputed land location, they would physically attack the Pasabe people.

Both during individual interviews and during FGD activities, information was obtained that the Wiranto—Information about the Agreement was obtained from the sub-district head and conveyed informally to village heads without explaining the arguments behind its birth. As a result, everyone who receives information from the village head can assess (perceive) the Agreement's contents, as described above.

The informants and FGD participants hope that the government (district, provincial, central) will immediately socialize the Wiranto - Xanana Agreement to the public so that the public understands why the Government is making policies that are detrimental to the Indonesian state, especially the people on the border, including the Haumeniana people.

CONCLUSION

Based on the description above, it can be concluded that all the primary informants and FGD participants from the Haumeniana community have a negative perception of the contents of the Wiranto - the following:

1. Wiranto's—Xanana agreement is unfair because it is detrimental to the people of Haumeniana. The Haumeniana community's actions to garden and green the disputed location in the Haumeniana—Passabe segment were not on their initiative but based on Indonesian Government policies made in 1966 and 1980.
2. Wiranto's - Xanana agreement does not fulfill the aspirations of the Bikomi Nilulat indigenous people, who previously hoped that the governments of both countries would bring together the indigenous communities of both parties to resolve the problem of state boundary disputes in the Pistana - Oben segment in a traditional manner.
3. Wiranto's—Xanana agreement does not consider social and cultural history related to changes in boundaries between kingdoms in the past and the 1966 border conflict that killed Laurensius Lake. At that time, a customary agreement witnessed by Indonesian and Portuguese government officials defined the boundary between Indonesia and Portugal. It is the 1966 limit.
4. Wiranto's—Xanana agreement does not consider the economic interests of the Haumeniana village community. This is related to teak trees and other trees they planted at the disputed location in 1980 based on a joint agreement with the NTT and East Timor governors. With the Wiranto—Xanana Agreement, the trees they planted automatically became the property of the Pasabe community.



5. As a result of this negative perception, all the primary informants and FGD participants from elements of society rejected the contents of the Wiranto – Xanana Agreement. However, most informants respect the Government's policy and believe it cannot sacrifice its people.
6. Wiranto's – Xanana agreement, which is considered very detrimental to the Haumeniana village community, will weaken the social relations between the Haumeniana community and the Pasabe community and potentially disrupt the border security system in the future.

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