

BORDER CONFLICT RESOLUTION STRATEGIES
BETWEEN THE REPUBLIC OF INDONESIA AND THE
DEMOCRATIC REPUBLIC OF TIMOR LESTE IN
MANUSASI SECTION

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Abstract

The study aimed to identify conflict resolution strategies or approaches employed to settling border disputes between the Democratic Republic of Timor Leste (East Timor) and the Republic of Indonesia in Manusasi section. One-on-one in-depth interviews were used to collect the data from the study participants recruited using snowball sampling technique. Data were analysed using a framework analysis introduced by Ritchie and Spencer. The results indicated several conflict resolution strategies or approaches that have been applied to settle Manusasi border dispute among tribes from the two countries. They included conventional or traditional, negotiation, and mediation approach. The use of conventional or traditional conflict resolution approach has resulted in the division of the border into three zones: zone one (Indonesia), zone two (neutral), and zone (East Timor). Negotiation approach that involved the governments of the two countries, both at local and national level to initiate Manusasi border conflict resolution seemed to fail. Likewise, mediation approach led by the United Nations as the third party to mediate the tribes involved in the border conflict in Manusasi was ineffective. Arbitration or international court was suggested as a future strategy to settle the problem if these three

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approaches continue to fail. This study suggests the development of new strategies or approaches that address the socio-cultural roots and values, and historical aspects of the land, which can lead to better understanding of the causes of the conflict.

Key words: Approach or strategy, conventional, negotiation, mediation and arbitration, Indonesia, East Timor

INTRODUCTION

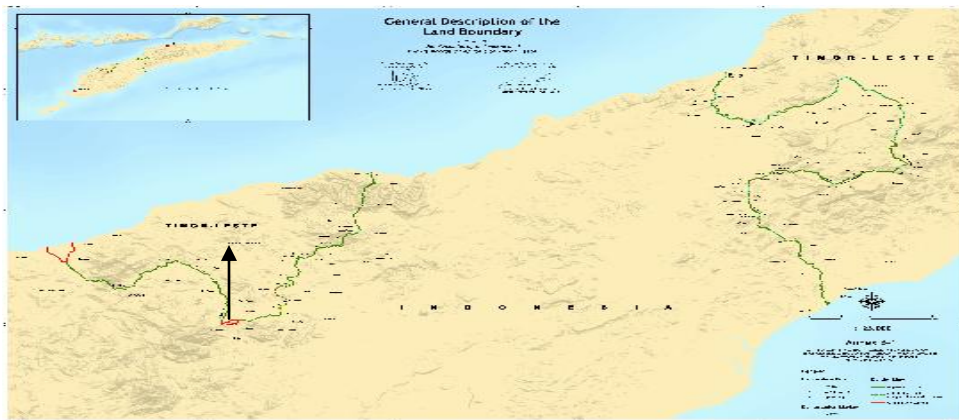
The border conflicts between the Republic of Indonesia and the Democratic Republic of Timor Leste (East Timor) have began in 1515 when Portuguese merchant vessels roamed the Nusantara archipelago, especially spice-producing islands (1). The routine Portuguese merchant vessels sailed to Flores, a sandalwood producing island, rapidly increased the trade in the island. This made the locals enthusiastically greet the traders and attracted the attention of local rulers (kings) to control trade by issuing various policies which did not permit the traders to build permanent settlements along the coast of the island (2). They can only be anchored to the specified trading locations and the trade of sandalwood in trade locations should be controlled by local rulers (Farram, 2003).

During the colonial period, border occupation was no longer a matter of culture but has shifted to economic, religious and political issues in the interests of the colonizers. The presence of colonialism with the motto of Gold, Glory and Gospel, in Timor land, aimed to take over the political power of the local kings, and retained that power with the strength of weapons and tactics of pitting the local kings (3). This political tactics aimed to divide the power of the local kings so that there was no sufficient power to resist. Thus, the invaders were easier to expand the conquered territory. As a result of the expansion, some points as a marker of the boundaries between the kingdoms then became blurred (2).

The island of Timor was divided into two parts, namely the Dutch colony and the Portuguese colony during the colonial period. This division did not involve the local kings who were the landowners but on the basis of the colonial economic interests (2, 4). Both Dutch and Portuguese competed for colonies until the war and ended up with a resolution model of arbitration conflict

that settled the problem through bilateral agreement known as Lisboa agreement in 1859. Because of the violation of the agreement, the settlement of the conflict was conducted at the level of the International Court of Justice in 1904 through agreement (treaty) 1904 (3) which stipulates that the Portuguese took control over Dili, which came to be known as East Timor and the Dutch occupied the western part known as West Timor (Map 1).

Map 1: Map of the Division of Timor Island by the Netherlands and Portugal



After a long civil war, East Timor officially integrated with the Republic of Indonesia on July 17, 1976, and was designated as the newest province based on Law No. 7/1976. Under this law, pre-determined boundaries were no longer an issue, even Ambeno citizens (now part of East Timor) were asking the local governments to be allowed to work on land in previous conflict sites (2). Therefore, in 1988, the Indonesian Armed Forces National Team, the Indonesian National Police and the National Land Agency installed the new border pillars as a mark of administrative boundary between East Timor Province and East Nusa Tenggara Province. At some point, this new boundary was shifted into the East Nusa Tenggara region for approximately 400 meters. This political policy of the (Indonesian) government that shifted the boundary created conflict between the tribes from East Timor and West Timor because this policy disrupts the ownership of the land (4, 5). The Ambeno people (now the East Timor region) are busy working on the land without the local communities' consent.

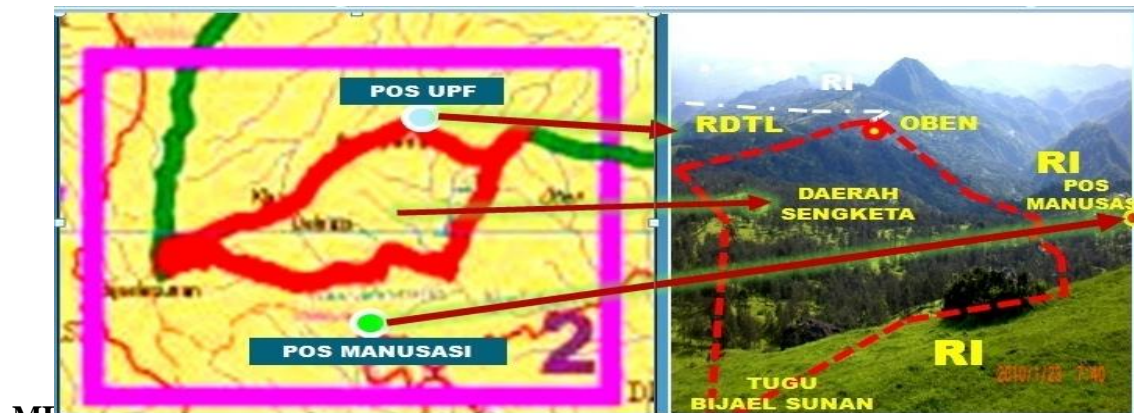
After the independence of East Timor, the two the governments of Indonesia and East Timor established the boundaries of the two countries. The basis for the determination of boundaries for both countries, especially on land and sea boundaries, referred to the Dutch and Portuguese agreement known as the Treaty of 1904 (3). Therefore, despite the borders have been agreed

upon by both countries, there are still several points in the district of Timor Tengah Utara that often trigger conflict, including Bijaelsunan / Oelnasi in Manusasi Village, Miomaffo Barat Sub District; Tubu Banat / Oben in Nilulat Village, Bikomi Nilulat Sub District; Nefo Nunpo in Haumeni Ana Village, Bikomi Nilulat Sub District; Pistana in Sunkaen Village, Bikomi Nilulat Sub District; Suni / Subina in Inbate Village, Bikomi Nilulat Sub District; and Bah Ob / Nellsu / Noel Ekat in Sunsea village, Naibenu Sub District.

Globally, strategies or approaches to conflict resolutions have been reported in several previous studies and reports. For example, the studies by Stojanow (6), Adusei (7) and Sone (8) have indicated that leadership responsibility and contribution reflected in strong decision-making, and political will seen as a determinant supportive of the implementation of a policy decision (unaccountable or accountable) even if it is difficult and the most powerful tool to bring about positive changes in a society, are conflict resolution strategies proven to be effective in settling border disputes in many other settings. Likewise, communication and mediation have also been indicated in a few other studies as an effective border conflict resolution approach (9-11). Arbitration or international court is another approach indicated to be effective in settling border conflict if other approaches seem to continuously fail (12, 13).

Despite the existence of border disputes between Indonesia and East Timor, evidence on conflict resolution strategies or approaches is scarce. Therefore, this study focused on identifying conflict resolution strategies or approaches employed in settling Manusasi border conflict between Indonesia and East Timor.

Map 2: Disputed area in Manusasi



Theoretical Framework

Border conflict between Indonesia and East Timor in Manusasi section basically arises due to different opinions about the history of the land resulting in physical and non-physical violence. Such characteristics of conflict have been explained in Galtung's ABC Triangle Model on conflict which was employed to guide the study and the analysis of the study results (14). This model defines conflict as physical and verbal clashes which could lead to destruction. Meanwhile, violence is seen an inconvenient situation experienced by actors involved in a conflict. Inconvenience is what should not be the same as what exists which includes attitude that suppresses opponents physically, verbally or psychologically.

Conflict is also seen as a group of problems that require the creation of new solutions (14). This model explains three determinants of conflict including Attitude (A), Behaviour (B) and Contradiction (C). Contradiction is sharp conflicts that occur and the root of a conflict, attitude is the way parties in a conflict feel and think about a conflict, and behaviour is seen as verbal or physical expression towards a conflict (15). Behaviour towards a conflict emerges when interpersonal conflicts are influenced by perception and attitude. Border conflict in Manusasi section is also a social system conflict as stated by Dahdendorf (15), indicating that society as a social system consists of different interests where there are components that try to conquer the others to fulfil their interests.

Study Setting

The study was conducted from 2015 to 2016 in Manusasi, the border of Indonesia and East Timor. The majority of the people in this area are farmers and a few are civil servants. Manusasi village covers 9km² and 902 total populations, comprising 451 female and 451 male (16). Conflict area covers 142.7 hectares divided into 489 parcels of land worked by 70 households prior to the conflict. The population living in the area are from Fay tribe, Uskono tribe and Lake tribe from Indonesia, and Malelat tribe and Pasabe tribe from Timor Leste (16).

Study Design, Recruitment and Data Collection

This study employed a qualitative design using one-to-one in-depth interviews. Qualitative design was considered useful to be used in this study since it helped the researchers to observe the situations and settings where the respondents lived, worked and interacted, and provided a chance for direct interaction between the researchers and the participants (17-19).

The study engaged four sub-sets of participants (n=24) recruited using snowball sampling technique. They included traditional leaders and tribal leaders, community leaders and land owners, youth figures and woman figures, and the local government staff. Interviews focused on identifying the conflict resolution strategies or approaches that have been employed to settle the problem. Data collection was conducted from 2015 to 2016 and before the interviews the participants got an explanation about the nature and aim of the study. They were informed that their participation in this study was voluntary and they could withdraw their participation with no consequences. Prior to the interviews, each participant was advised that the interview would take 30 to 60 minutes, and the data they provided in the interview would be treated confidentially and anonymously. Each participant signed and returned a written consent form at the interview day.

Data Analysis

Data were transcribed into coding sheets. The framework approach described by Ritchie and Spencer (1994) was used to analyse the data. The analysis framework uses a systematic approach to data management in order to provide coherence and structure to the qualitative data (20, 21). The framework analysis involved five steps of data analysis including: (i) *familiarisation* with the data or transcripts by reading them line by line repeatedly, breaking down into several chunks of data, and giving comments or labels, (ii) *identifying a thematic framework* where recurrent key issues, concepts and themes were written down and a thematic framework or coding frame was used to develop coding scheme for the data. The thematic framework or coding frame was identified and constructed based on the theoretical framework described in the previous section, (iii) *indexing* of the entire data where a list of open codes was analysed to look for similar codes and redundant codes. This helped to reduce the list to a smaller and manageable number for further analysis. This was followed by creating closed coding where codes referring to the same theme were grouped together. After several stages, a short list of 4 overarching themes was reached; (iv) *Charting* the data through arrangement of appropriate thematic references in a

summary chart so that it could be compared across the interviews and within each interview, and (v) *mapping and interpretation* to examine the ideas that made up the themes in order to see the relationship and association between them (20). This approach enhanced rigour, transparency and validity to the analytic process (22). Analysis was both deductive, with categories derived from prior knowledge, and inductive, with categories emerging purely from the data (23).

Ethical Consideration

The study was approved by Diponegoro University, Indonesia. All the potential participants were provided with study information, informed about the aim of the study and the voluntary nature of the data collection. They were also informed of confidentiality of the collected information and that there would be no consequences or benefits to individuals for either participating or not. Additionally, they were asked to sign an informed consent form indicating their voluntary willingness to participate in the study.

RESULTS

Conventional Approach

Findings from the fieldwork indicated that conventional approach to settling Manusasi border dispute has been undertaken by parties in conflict, including tribes from the two countries, that live around the border. Several interviewees commented that conventional agreement among the tribes from East Timor and Indonesia has been reached. The agreement was initiated by the United Nations as a strategy to settle the conflict among the tribes. The result of the agreement was that the border was divided into three zones where first zone belongs to the tribes from Indonesia, second zone is the neutral zone and third zone belongs to the tribes from East Timor:

“To avoid the escalation of the conflict among the tribes, the United Nations took initiative and with the help of the governments of the two countries divided the disputed area into three zones: first zone is for Indonesia, second zone is the neutral zone, and third zone is for East Timor. This took place on 11 September 2002, and was witnessed by representatives of Indonesian army force, the local government of Indonesia and East Timor. This step was undertaken because the East Timor tribes wanted to claim all parts of the land” (P11: 52 years old).

“The effort to settle the border disputes conventionally has been undertaken but it seems that the problem continues to escalate. Many parties have interests in the border so it is difficult to settle” (P13: 51 years old).

Political interests of the two countries were pointed out as the reasons why the efforts to settle the border disputes in Manusasi section continue to fail. Participants interviewed articulated that East Timor has political interests in the border, hence putting its tribes particularly the ones that were not involved in the initial agreement to occupy the border. This contributes to escalate the problem because they do not really understand the history of the land and the initial agreement between the tribes from East Timor and Indonesia:

“I think there are political interests of East Timor in the border, therefore the country has put its other tribes at the disputed areas which do not belong to them, and forget the history of land. I think this is the factor that hampers the efforts to settle this problem” (P15: 68 years old).

“Initially, we had an agreement with Tua Amu tribe regarding the border but not with Pasabe tribe that is now occupying the border area. This tribe does not know the conventional agreement that has previously been reached among the tribes. This worsens the conflict” (P17: 64 years old).

Negotiation Approach

Negotiation was reported as another strategy employed to settle Manusasi border dispute between Indonesia and East Timor. It was used since it allowed all parties involved in the negotiation to bring forward their suggestions and recommendations to be discussed during the negotiation process. Participants interviewed indicated that there have been several times of negotiation taken place between the two countries, which allowed parties from the two countries to discuss all possible alternatives that could lead to border conflict settlement. However, the interviewees commented that the negotiation both formal and informal had not yet led to positive results:

“Since East Timor separated from Indonesia in 1999, negotiations between the leaders of the two countries have been conducted several times to settle the border disputes between parties from the two countries. The problem is that leaders refer to what had been stipulated in the 1904 agreement made by the colonizers, while the parties from the two countries involved in the border conflict do not agree with that agreement. It seems that each of them from the two countries is trying to claim the location being disputed as the inheritance of their ancestors” (P1: 68 years old).

“All kinds of negotiations have been done, and I was invited to take part in the negotiations everywhere including in Bali, Yogyakarta, Jakarta and Bandung, and discuss the border disputes but up to now those negotiations do not yet lead to positive results. I think this is because all parties including the United Nations, East Timor and Indonesia that involved in the negotiation process have their own interests” (P2: 75 years old).

Conflict of interests among the tribes living in the disputed location was indicated to influence the negotiations initiated by the governments of the two countries and the United Nations. Participants interviewed expressed that there were strong tensions among people from the tribes living at Manusasi border because each of them from both Indonesia and East Timor sides claimed the rights toward the location being disputed:

“It is true that there have been overlapping problems regarding the border because of different interests of the parties or tribes from both Indonesia and East Timor sides. The interests of the tribes have resulted in inability reach mutual agreement between them and between the two countries” (P3: 68 years old).

“If the parties including the tribes insist to have their interests accommodated then mutual agreement would be impossible to reach. This is still happening and that is why the negotiations failed” (P4: 70 years old).

Mediation Approach

Mediation as an interaction process initiated by third party such as the United Nations has been undertaken as a conflict resolution approach to settling Manusasi border dispute. Several study participants put forward that mediation by the United Nations has been conducted to settle border disputes in Manusasi section. The involvement of the United Nations in the mediation processes aimed to bridge parties and tribes involved in the conflict to reach mutual agreement about the border. However, it seemed that mediations by the United Nations failed to reach mutual agreement due to the tribes in conflict were being emotional and willing to pursue their own interests:

“The border disputes escalated since the Democratic Republic of Timor Leste separated from Indonesia. People from the tribes around Manusasi village emotionally reacted and tried to occupy the disputed area. People who happened to work on the area tried to claim their rights over the land. Therefore, the conflict involves people from the two countries, who live in the surrounding communities. Such disputes attract the attention of the United Nations to mediate parties in conflict. However, the mediation has failed so far” (P5: 75 years old).

“Mediations initiated by the United Nations failed because everybody [parties in conflict] wants to win but neglects the need of other people or parties” (P6: 67 years old).

Furthermore, the study’s findings illustrated that the lack of evidence and unwillingness to accept the evidence testifying the land ownership of other parties were the influencing factors that hampered the efforts to reach mutual agreement among the parties involved in the conflict. Likewise, the unjust behaviour of the United Nations’ representatives in determining the border or zones was articulated as another added factor influencing the effort to reach mutual agreement about the border:

“The United Nations as the mediator has asked us to provide evidence supportive of our ownership over the land. We from the Indonesia side have shown the evidence including cultural agreement, cemetery of our ancestors, big stones, ect. The UN accepted the evidence we provided. Meanwhile, the ones from the East Timor side do not have any evidence to support

their claim over the land. However, the conflict is still going on because the United Nations were unjust in determining the zones for us and the people from East Timor” (P7: 75 years old).

“I once met the representatives of the UN and provided them with the evidence. They accepted the evidence but they kept on dividing the border into zones, even though the second zone is the neutral zone and some parts belong to us and are productive land. We feel sorry for what the United Nations have done” (P8: 79 years old).

Arbitration Approach

Arbitration as an action directed by a third party authorized to decide and execute the settlement of a border dispute was also reported as a good conflict resolution strategy. Some participants commented that arbitration is a good strategy to take, but this has never been done in the case of Manusasi border conflict:

"We have not yet taken arbitration as a way to settle the border conflict in Manusasi section, we are still at the stage of negotiation and mediation. Mediation and negotiation efforts between East Timor and Indonesia are underway. Hopefully, there will be further talks for the determination of border coordinate points between the two parties, so we need to wait for the process "(P9: 60 years old).

"The government is making efforts to resolve this conflict. We have not yet sent the dispute to the arbitration or the international court. So we wait for the results of this effort. Hopefully, in the near future an agreement can be reached between the two parties, so there will be no more zones within the border and there is clarity on the border between the two countries" (P10: 52 years old).

DISCUSSION

The study aimed to identify conflict resolution strategies or approaches employed to settle Manusasi border dispute between East Timor and Indonesia. Studies and reports on border conflicts in different settings and countries have indicated several approaches used for dispute settlement, including active involvement of leaders of countries involved in border disputes and strong leadership support and political will, communication and mediation (6-8, 10, 11, 24).

Consistent with the results of previous studies (25-27), the findings of the current study suggest that conventional or traditional approach to border conflict resolution undertaken by Indonesia and East Timor with the help of the United Nations was ineffective in settling border disputes in Manusasi section. This was due to the various reasons including political interests and the involvement of tribes that did not participate in the initial agreement and did not know the history of the land. Contrast to the results of previous studies (9, 10), the current study's findings report that mediation was not effective in settling border disputes between East Timor and Indonesia in Manusasi section. This was largely due to the fact that parties involved in conflict reacted emotionally and insisted to claim the disputed area as their belonging, hence mutual agreement between the two sides was not reached.

The findings of the present study also show that negotiation was also used an approach to solving the border disputes in Manusasi section. However, this approach seemed ineffective due to the governments of the two countries referred to the colonial-boundary making to determine the border area being disputed but the parties involved in the negotiation process did not agree and insisted to accommodate their own interests. This is in line with the results of a previous study (28), reporting that colonial-boundary making errors created conflicts among the locals. The current study's findings contrast to the results of previous studies (29, 30), indicating negotiation as an effective approach to settling land disputes among people within or across countries. A successful negotiation should be reported to be supported by good intentions of the parties and countries involved in land or border disputes, and active involvement of governments at local and national levels. Strong leadership, government contribution and political will of countries which have been reported to be the factors supportive of border disputes settlement were not diagnosed in the current study (9, 10). Likewise, communication reported in the findings of previous studies (9, 10) as an effective strategy to settle border conflict in different settings and countries was not the case in the present study. Communication could only be an effective border conflict resolution strategy if it is underpinned by other factors including strong commitment of parties and countries in conflict, strong leadership and good governance (10, 28).

Furthermore, the current study's findings suggest that arbitration or international court could be another alternative approach to border disputes settlement especially in Manusasi section. Such

opinion was expressed by the participants as a future strategy to settle the problem as it has previously been reported to be an effective border conflict resolution (31). This approach was suggested as it can help to reach a final decision on the ownership of an area or location being disputed by different parties or counties. In other words, it can provide final answer to problems including border conflicts which could not be settled at local or national level.

The results of the current study should be interpreted with caution to several limitations. Firstly, the study involved small numbers of participants; and secondly, the study was conducted in Manusasi section which has different characteristics to other settings or countries. As consequence, the results of the current study are less likely to be transferable to similar conflict in other settings or countries with different characteristics in terms of socioeconomic and cultural factors, and governmental systems. Despite the limitations, the current qualitative inquiry represents the first qualitative investigation to border dispute resolution strategies or approaches in the context of Indonesia and East Timor, and its findings can be useful information to inform governments of the two countries at local and national level to develop new strategies to settle the problem. Future studies that compare border disputes resolution applied in different settings or countries are recommended as the results can be transferable to broader border conflicts.

CONCLUSIONS

This study reports several border conflict resolution strategies or approaches applied to settle border disputes between East Timor and Indonesia in Manusasi. Conventional or traditional, negotiation and mediation approaches were reported to have been applied by the two governments and the UN to settle the conflict but ineffective. Conflict of interests between the two countries and tribes living around the border, colonial-boundary making referred to by the negotiators and mediators during the negotiation and mediation processes, and the lack of commitment of the two governments at local and national level, were the additional factors supportive of the failed mediation and negotiation. This study's findings indicate the need for the establishment of strong leadership responsibility and contribution through strong decision-making and commitment of the two countries and parties to settling the problem. Likewise, the current study's findings suggest the development of new strategies or approaches that address the socio-cultural roots and values and historical aspects of the land, which can lead to better

understanding of the causes of the conflict (32). Arbitration or international court is also suggested to be a final strategy to end the conflict if other strategies that involve parties at local and national level are ineffective (31).

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