

Briefing kona-ba Tratadu CMATS

Husi Juvinal Dias no Charles Scheiner

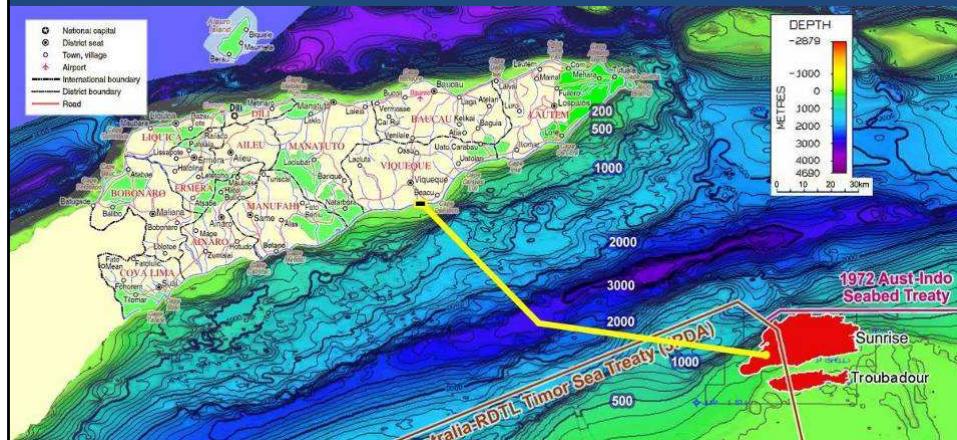
La'o Hamutuk

Institutu Timor-Leste ba Monitor no Analiza Dezenvolvimentu

21 Fevreiru 2013

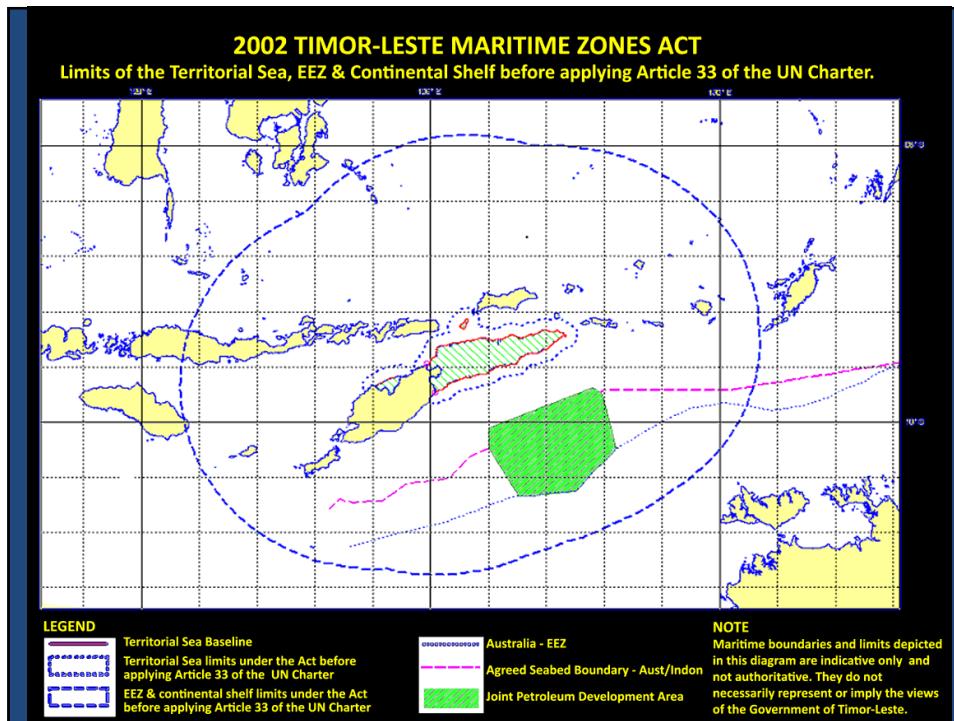


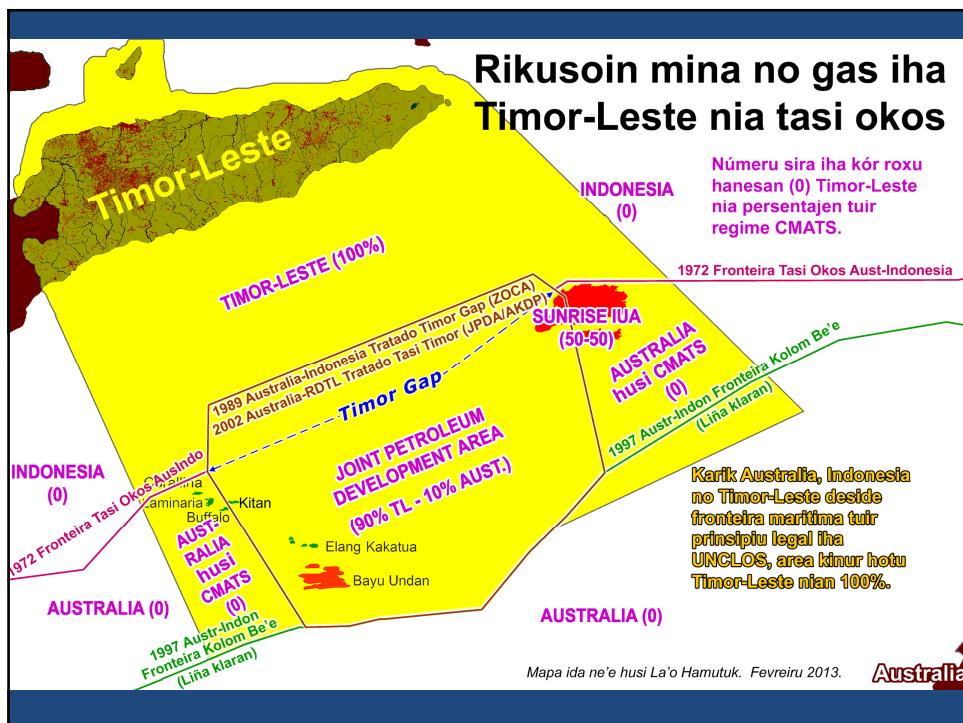
Greater Sunrise ba ne'ebé?

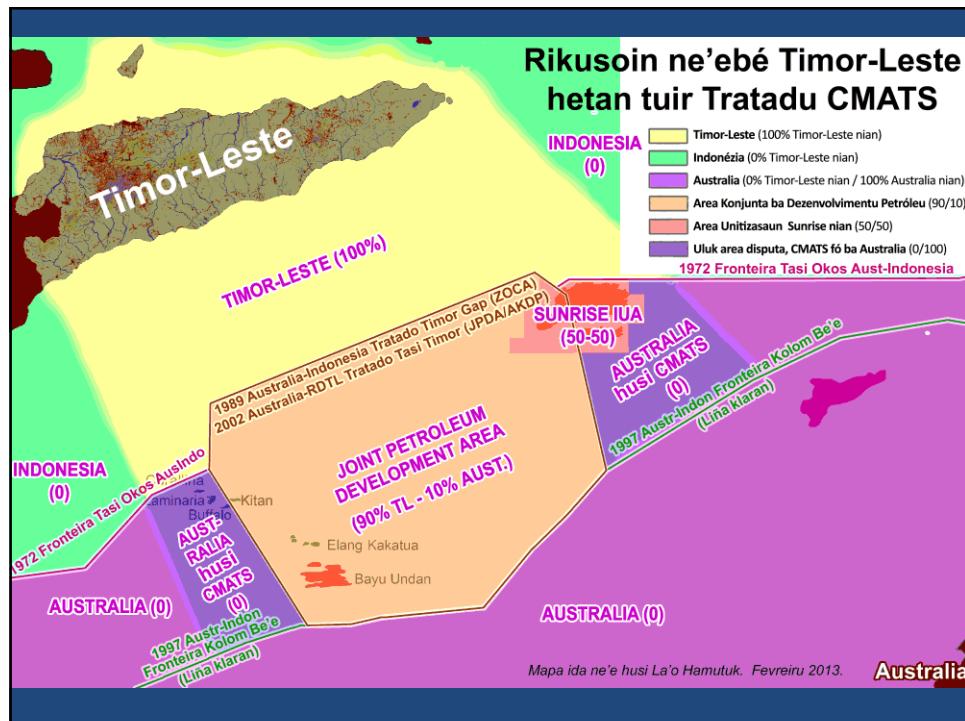


Konseitu báziku

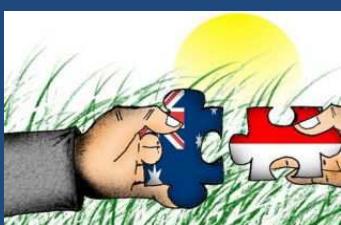
- Tratadu, kontratu, akordu
- Zona Ekonómiku Eskluzivu
- Lei Internasionál
- Liña klaran, plataforma kontinental
- Konvensaun internasionál UNCLOS, Vienna
- Planu Dezenvolvimentu kampu petróleu
- Reguladóres – ANP no Australia





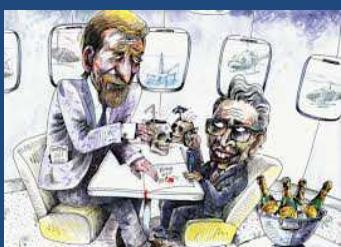


Istória



Istória Tasi Timor hahú kedes iha 1970

- 1972 Australia no Indonézia deside fronteira tasi okos nian.
- 1974 Woodside deskobre Sunrise
- 1975 Indonézia invade TL, Australia suporta Indonézia
- 1991 Indonézia no Australia ratifika Tratadu Timor Gap (*Celah Timor ka ZOC*)
- 1994-1997 Kompañia sira deskobre Bayu-Undan, Elang-Kakatua, Laminaria-Corallina, Buffalo



Istória, kontinua

- 1999 TL livre husi Indonézia
- 2002 TL restaura independénsia
- 2002 TL-Australia asina Tratadu Tasi Timor (90:10)
- 2003 Australia foin ratifika Tratadu Tasi Timor, hafoin TL asina IUA (Sunrise International Unitization Agreement) Entaun, dezenvolvimentu Bayu-Undan la'o.
- 2006 TL no Australia asina Tratadu CMATS
- 2007 TL no Australia ratifika CMATS, no mós ratifika IUA
- 2008 Eni deskobre Kitan, kampu úniku dezde 1997
- 2010 Woodside deside atu prefere FLNG

CMATS

Certain Maritime Arrangements in the Timor Sea
Aranjamentu Maritima Balu iha Tasi Timor



- Asina iha Sydney iha 12 Janeiru 2006.
- TL ratifika iha 20 Fevreiru 2007.
- Australia ratifika iha 22 Fevreiru 2007, lahó aprovasaun husi sira nia Parlamentu.

rovizaun (1)

- **La deside (Art. 2) no prevene atu ko'alia fronteira maritima durante periodu tinan 50 nia laran (Art. 4).**
- **Prolonga Tratadu Tasi Timor husi 2033 ba 2057 ka liu (Art. 3).**
- **Fasilita esplotasaun iha area ne'ebé la parte hosi JPDA (Sunrise, Laminaria-Corallina) (Art. 4.2).**
- **Fahe reseita "upstream" petróleo Greater Sunrise 50:50 (Art. 5).**

Article 4: Moratorium

1. Neither Australia nor Timor-Leste shall assert, pursue or further by any means in relation to the other Party its claims to sovereign rights and jurisdiction and maritime boundaries for the period of this Treaty.
2. Paragraph 1 of this Article does not prevent a Party from continuing activities (including the regulation and authorisation of existing and new activities) in areas in which its domestic legislation on 19 May 2002 authorised the granting of permission for conducting activities in relation to petroleum or other resources of the seabed and subsoil.
4. Notwithstanding any other bilateral or multilateral agreement binding on the Parties, or any declaration made by either Party pursuant to any such agreement, neither Party shall commence or pursue any proceedings against the other Party before any court, tribunal or other dispute settlement mechanism that would raise or result in, either directly or indirectly, issues or findings of relevance to maritime boundaries or delimitation in the Timor Sea.
5. Any court, tribunal or other dispute settlement body hearing proceedings involving the Parties shall not consider, make comment on, nor make findings that would raise or result in, either directly or indirectly, issues or findings of relevance to maritime boundaries or delimitation in the Timor Sea. Any such comment or finding shall be of no effect, and shall not be relied upon, or cited, by the Parties at any time.
6. Neither Party shall raise or pursue in any international organisation matters that are, directly or indirectly, relevant to maritime boundaries or delimitation in the Timor Sea.
7. The Parties shall not be under an obligation to negotiate permanent maritime boundaries for the period of this Treaty.

Article 5: Division of Revenues from the Unit Area

1. The Parties shall share equally revenue derived directly from the production of that petroleum lying within the Unit Area in so far as the revenue relates to the upstream exploitation of that petroleum.
9. Australia shall make a [monthly] payment to Timor-Leste equivalent to half the Australian revenue component and the Timor-Leste revenue component, less the Timor-Leste revenue.

CMATS nia provizaun (2)

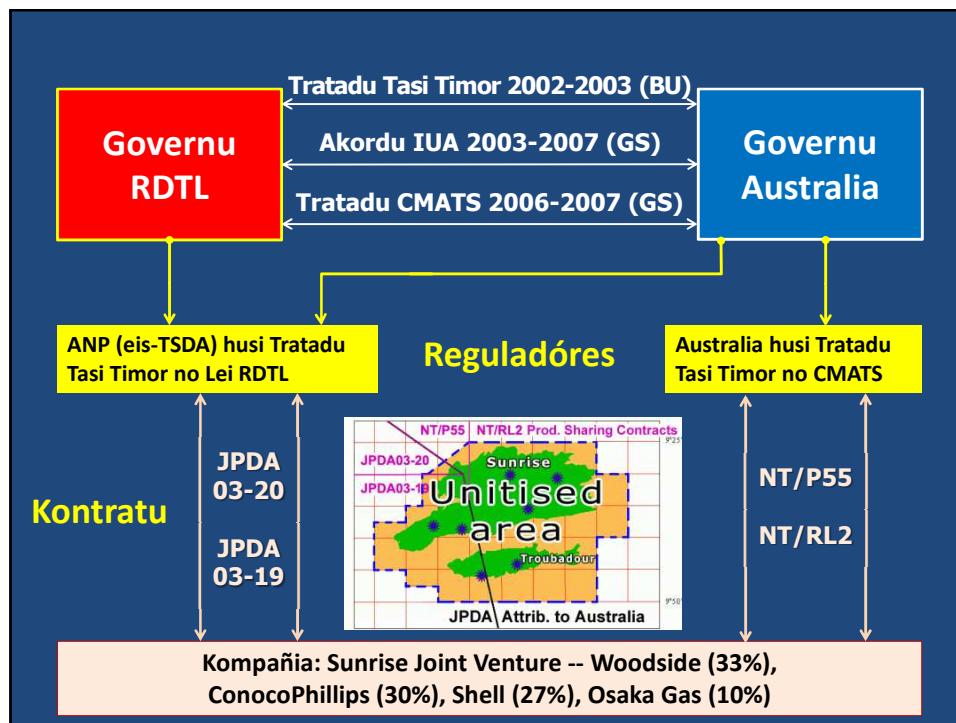
- **Disputa ruma sei rezolve ho negosiasaun (Art. 11).**
- **Bele fó notifikasiun termina tratadu ne'e hafoin 23 Fev. 2013 se seidauk iha aprovasaun planu dezenvolvimentu, ka seidauk iha produsaun iha 2017. (Art. 12.2).**
- **Karik Sunrise sei hahú produsaun, CMATS moris fali (Art. 12.3), inklui 50-50.**

Article 11: Dispute Settlement

Any disputes about the interpretation or application of this Treaty shall be settled by consultation or negotiation.

Article 12: Period of this Treaty

1. Subject to paragraphs 2, 3 and 4 of this Article, this Treaty shall remain in force until the date 50 years after its entry into force, or until the date five years after the exploitation of the Unit Area ceases, whichever occurs earlier.
2. If:
 - (a) a development plan for the Unit Area has not been approved in accordance with paragraph 1 of Article 12 of the Sunrise IUA within six years after the date of entry into force of this Treaty; or
 - (b) production of petroleum from the Unit Area has not commenced within ten years after the date of entry into force of this Treaty; either Party may notify the other Party in writing that it wishes to terminate this Treaty, in which case the Treaty shall cease to be in force three calendar months after such notice is given.
3. Should petroleum production take place in the Unit Area subsequent to the termination of this Treaty pursuant to paragraph 2 of this Article, all the terms of this Treaty shall come back into force and operate from the date of commencement of production.
4. The following provisions of this Treaty shall survive termination of this Treaty, and the Parties shall continue to be bound by them after termination:
 - (a) Article 2;
 - (b) the second sentence of paragraph 5 of Article 4;
 - (c) paragraph 3 of this Article; and
 - (d) this paragraph.
5. The period of this Treaty referred to in paragraph 1 of this Article may be extended by agreement in writing between the Parties.



Opsaun ba exploita gas husi Sunrise

**Kompañia Woodside
no sira nia parseiru
sira hanoin namlele,
iha tasi leten, fó lukru
boot liu ba sira.**



**Povo no Governu Timor-Leste hakarak kadoras mai Timor-Leste.
(Australia prefere kadoras ba Darwin, maibé sira lakon tia ona.)**

Planta LNG iha Darwin, Australia



Se mak deside oinsa gas Sunrise nian ba prosesa?

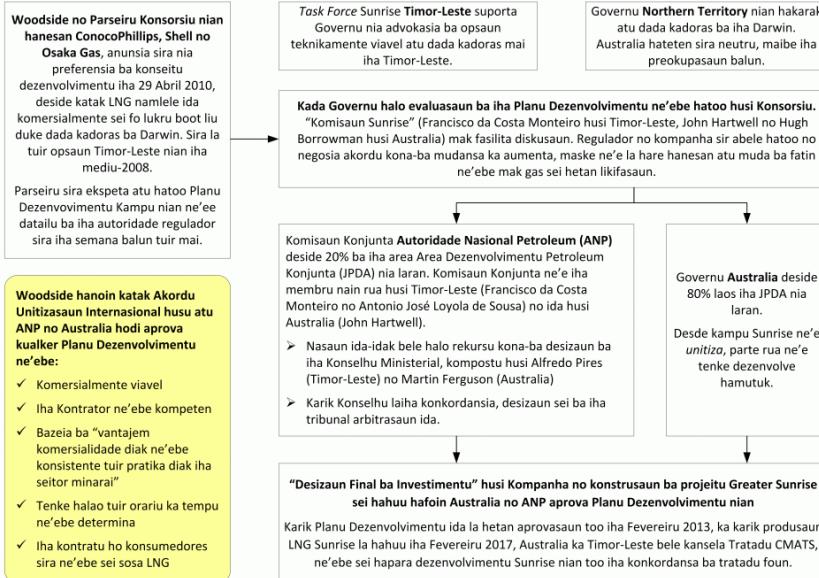


Diagram ida ne'e husi La'o Hamutuk ne'ebe bazeia ba Tratadu Tasi Timor, IUA ba Sunrise, Tratadu CMATS no informasaun husi ofisialis Timor-Leste no Woodside.
29 Abril 2010

Vantajen CMATS ba TL



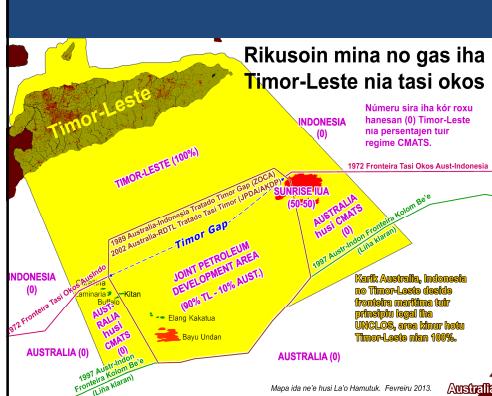
- Aumenta TL nia parte reseita husi explorasaun Greater Sunrise husi 18.1% ba 50%.
- Fo seguransa ba investidor sira katak rejime Greater Sunrise stavel; projetu bele la'o.

Dezvantajen CMATS ba TL



- Blokeia oportunidade ba Timor-Leste atu hetan nia direitu fronteira too kampu petróleu no gas maran tiha.
- Fó oportunidade ba Australia atu nauk osan petróleu no gas liu hosi okupa territóriu tasi okos (*seabed*), hanesan Laminaria-Corallina.

Karik TL termina?



Vantajen:

Iha posibilidade atu negosia fali fronteira maritima atu reklama TL nia direitu soberania ba Tasi Timor, inklui kampu Greater Sunrise, Area Dezenvolvimentu Petróleu Konjunta, kampu Laminaria no Corallina.

Presiza atu termina ka lae?



- TL bele termina CMATS bainhira de'it ita hatene ona katak Australia sei negosia ho boavontade ba fronteira maritima.
- Karik la notifika ohin, bele halo depois bainhira Sunrise kontinua adia.
- Tenke sukat Australia nia interesse no kbiit sira nia sidadaun atu muda sira nia estadu.

Maibé :

**Terminasaun ida ne'e la hakotu ka
afeta kontratu haat Sunrise ho
kompañia Woodside, Shell,
ConocoPhillips no Osaka Gas asina
iha tinan 2003.**

Iha oportunidade legal ba TL?

The Government of Australia further declares, under paragraph 1(a) of article 298 of the United Nations Convention on the Law of the Sea done at Montego Bay on the tenth day of December one thousand nine hundred and eighty-two, that it does not accept any of the procedures provided for in section 2 of Part XV (including the procedures referred to in paragraphs (a) and (b) of this declaration) with respect to disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles.

Summary of the purpose of the proposed treaty action and why it is in the national interest

8. The purpose of the treaty action is to place some limitations on Australia's acceptance of the compulsory jurisdiction of the International Court of Justice (ICJ). The changes are in line with the Government's view that that countries like Australia that have a broad and long term acceptance of the jurisdiction of the International Court of Justice are not exposed to the possibility of litigation by countries that only accept the compulsory jurisdiction of the Court for a short time or for a specific purpose. It is also the Government's view that maritime boundary disputes are best resolved through negotiation and not litigation.

Australia nia deklarasau iha fulan Marsu 2002

Saida mak obstákulu iha futuru negosiasaun?



- Dezde kleur ona Australia iha interese boot atu haluan nia asesu ba kampu mina-rai no gas iha Tasi Timor.
- Australia okupa territóriu tasi nasaun viziñu sira liu hosi negosiasaun bilateral.
- Kultura, sosiedade política no Australia nia kanten, sei lakohi atu lakon dollar biliaun balun hosi reseita petróleo.



Saida mak forsa Timor-Leste?



- UNCLOS 1982
- Sosiedade/povu Timor-Leste no solidariedade internasional
- \$12 biliaun iha Fundu Petrolíferu
- Infelizmente:
 - Australia retira ona hosi prosesu rezolusaun mandatóriu atu rezolve disputa fronteira marítima iha UNCLOS 1982.
 - Movimentu nasional no internacional ba Tasi Timor paradu ka mate hela.
 - Ita gasta barak durante ne'e hosi FP.



Saida los mak TL presiza halo?



- Ezije fronteira maritima tuir prinsipiu lei internasional.
- Fanu movimentu nasional no internasional ba Tasi Timor.
- Investe ba setór naun petrolíferu.
- Gastu estadu tenke kontrola, labele hamamuk Fundu Petrolíferu.
- Reseita petróleu: hetan, uza, poupa no investe.

Informasaun tan

Vizita www.laohamutuk.org ka
<http://laohamutuk.blogspot.com/>

Obrigado barak