

## Australia tenke respeita soberania Timor-Leste ho fronteira lina klaran

La'ó Hamutuk

Instituto ba Analiza no Monitor Desenvolvimento iha Timor-Leste

Movimentu Kontra Okupasaun Tasi Timor

Dezembu 2013

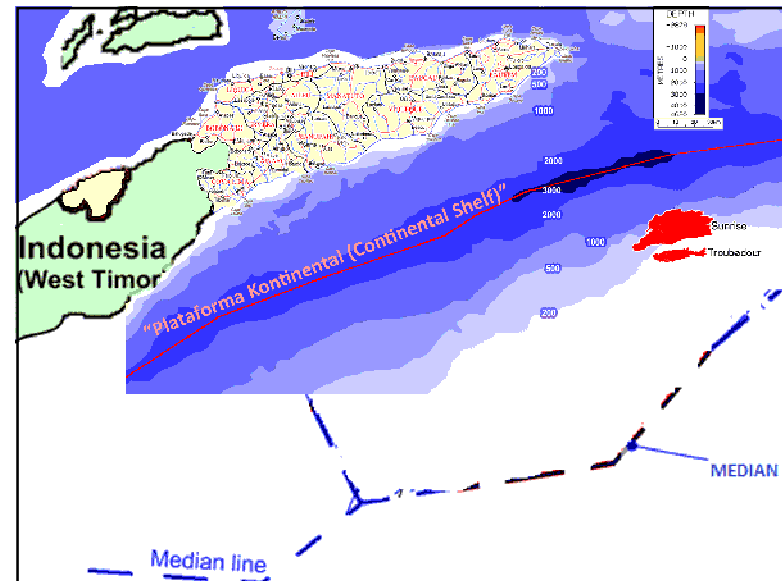
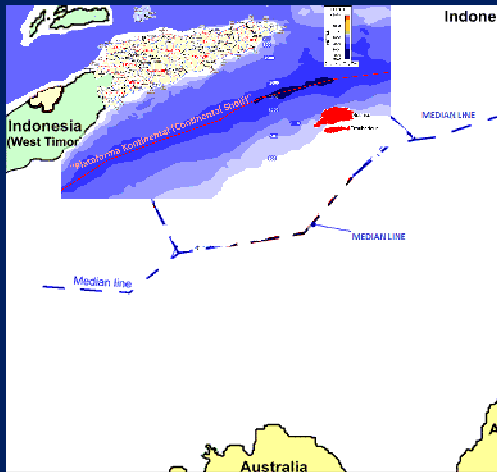


## Konseitu báziku

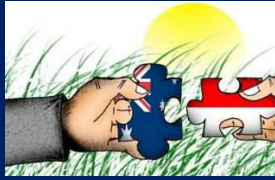
- Tratadu, kontratu, akordu
- Zona Ekonómiku Eskluzivu
- Lei Internasionál
- Liña klaran, plataforma kontinental
- Konvensaun internasionál UNCLOS, Vienna
- Planu Dezenvolvimentu kampu petróleu
- Reguladóres – ANP no Australia

## Istória Fronteira TL-Australia

- 1956 -Portugal reklama soberania Tasi Timor tuir prinsipiu "median line". Australia rejeita, reklama plataforma kontinental.
- 1970-Kompania Australianu sira halo atividade iha Tasi Timor, inklui area ne'ebé besik ba Timor-Portugés.



## Istória (2)



Istória Tasi Timor hahú kedas iha 1970

- 1972 Australia no Indonézia beside 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



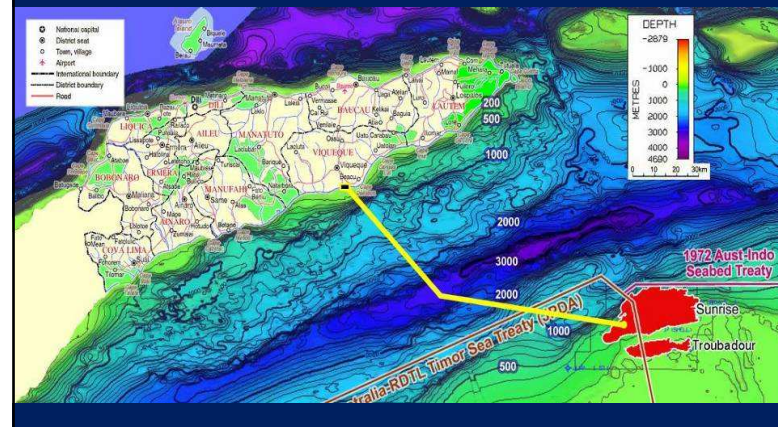
## Istória (3)

- 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, dezvoltimentu Bayu-Undan la'ó.
- 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 beside atu prefere FLNG
- 2013 Timor-Leste lori Australia ba arbitrajen

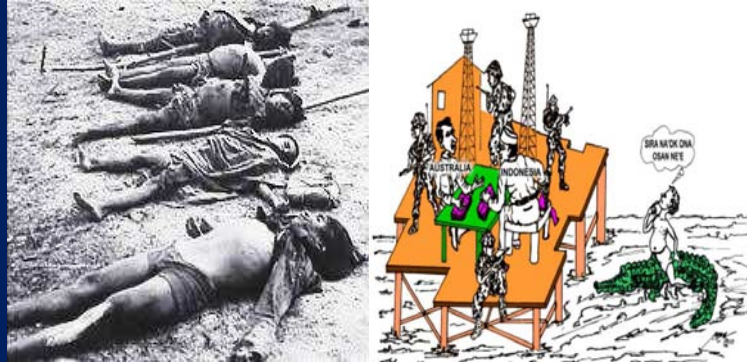
## Tratadu Aust-Indo 1972 (Seabed)



- 1972-Establishing Certain Seabed Boundaries-ba area Tasi Timor no Tasi Arafura
- 1974-Deskobrevimentu Greater Sunrise



# 1975-Australia suporta invazaun Indonézia

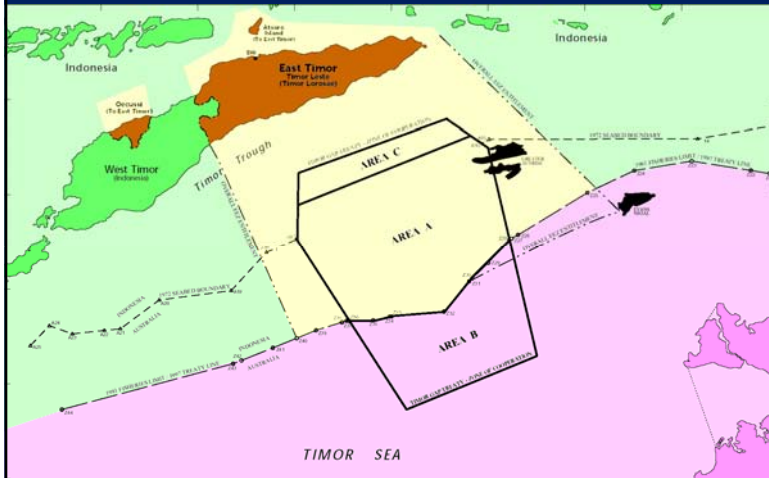


# Konspirasaun atu nauk Timor nia rikeza

1989: Gareth Evans no Ali Alatas celebra asina Tratadu "Timor Gap" iha aviaun iha Tasi Timor nia leten.



# Tratadu Aust-Indo 1989 (TGT)



# Resposta Timor-Leste ba TTS 1989

"Kompañia mina-rai Australia di'ak liu lalika haksoit tama ba iha area Timor Gap. .... Konsellu di'ak ba sira mak: *hein no hare oinsá sasán sira ne'e dezenvolve iha tinan 5 to'o.10 oin mai.*

"Australia pertense ona ba jenosídiu ne'ebé forsa okupador sira halo, tanba ho interese ne'ebé nia hakarake asegura ho Indonesia, liu hosi suporta momoos aneksasaun ba Timor-Leste. Prova loloos mak Akordu Timor Gap"

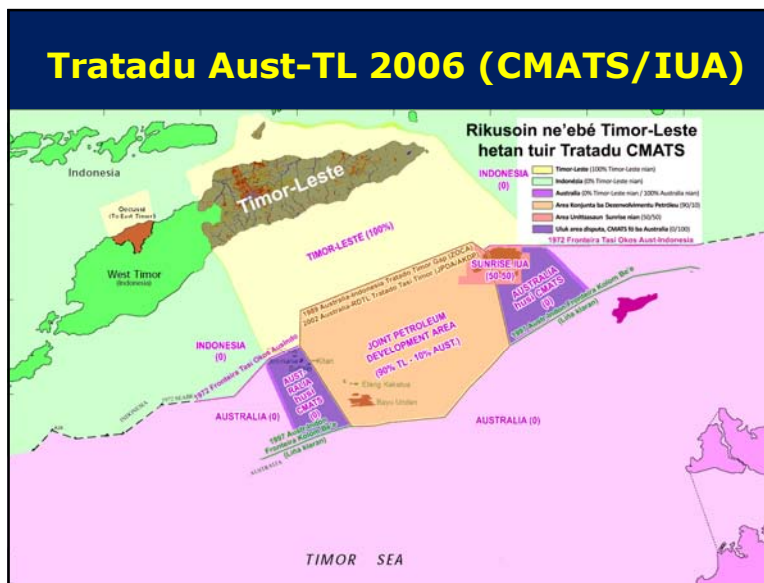
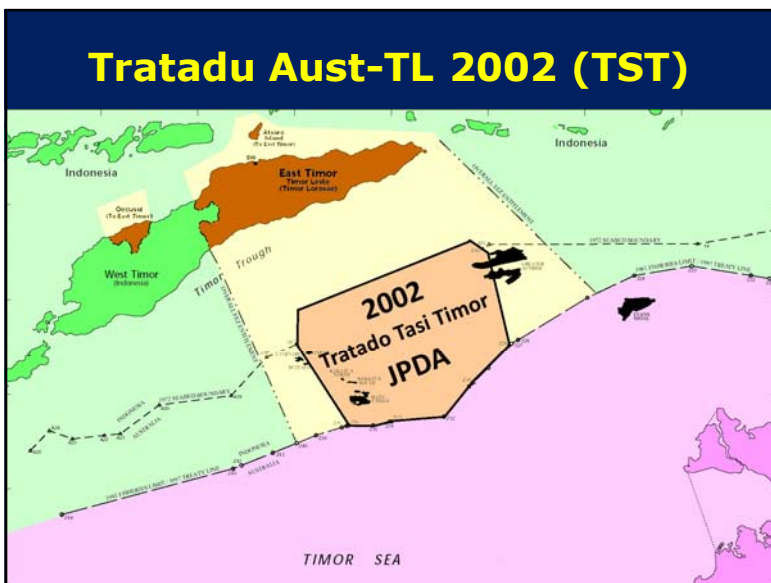
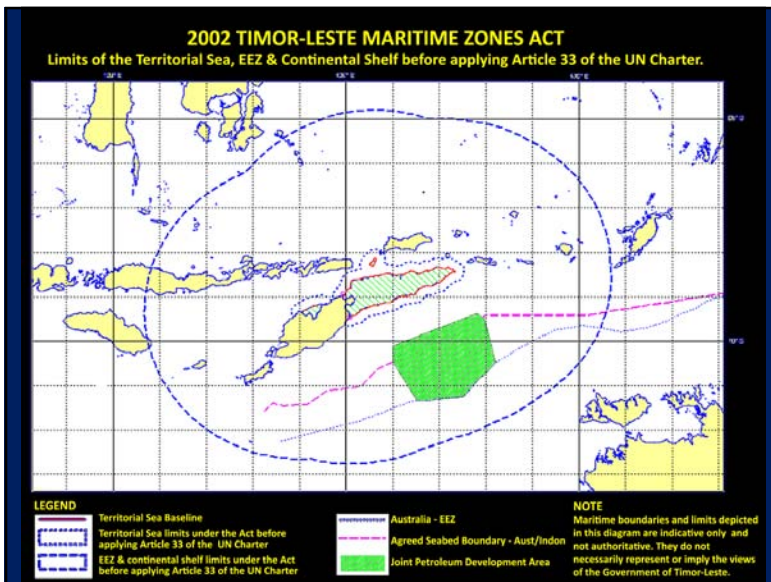


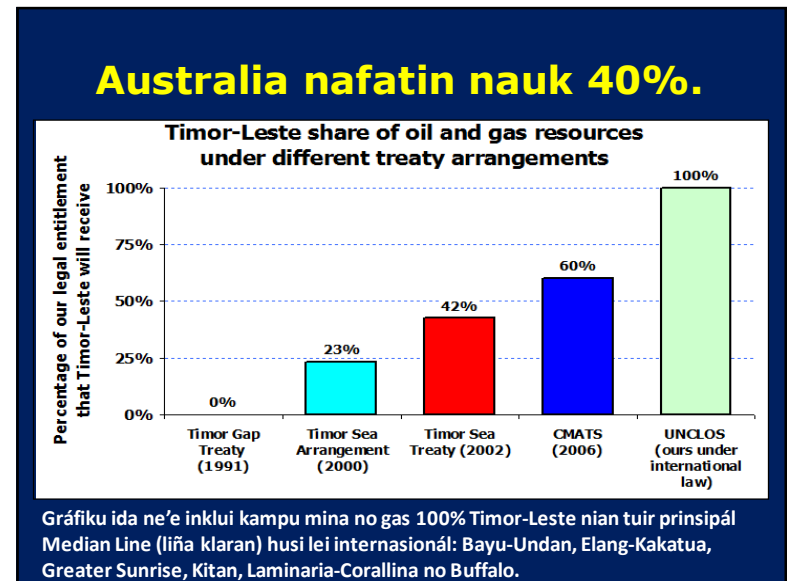
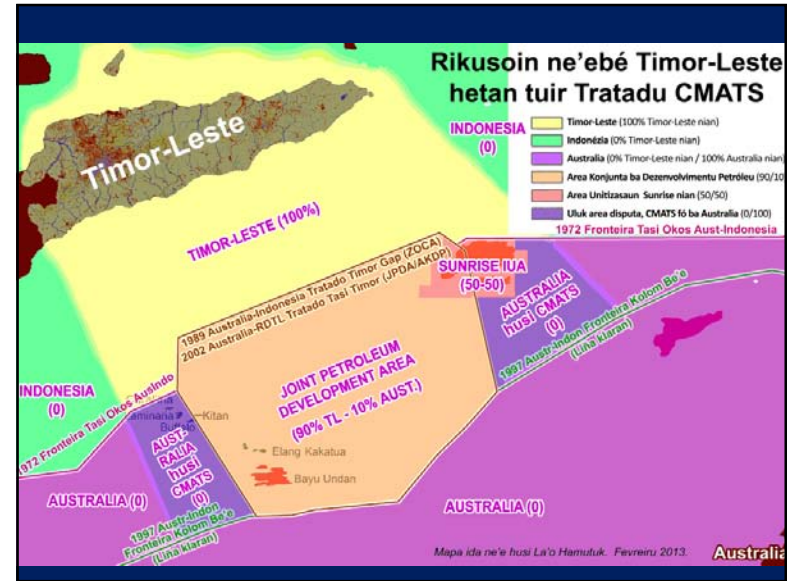
Jose Manuel Ramos-Horta, portavós rezisténsia Timor-Leste nian iha Outubru 1990

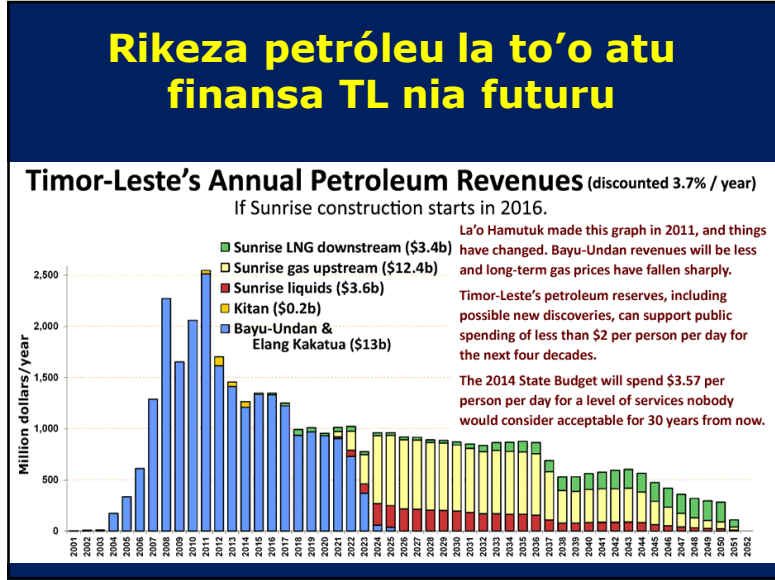


Xanana Gusmao nia karta protesta ba Primeiru Ministru Australia Bob Hawke, no ba delegasaun Parlamentu Australia iha Fevreiru 1991









## CMATS

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

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

## rovizaun (1)

**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.

- 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" petróleu Greater Sunrise 50:50 (Art. 5).



## CMATS nia provizaun (2)

**Article 11. Disputa 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 HUA 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.

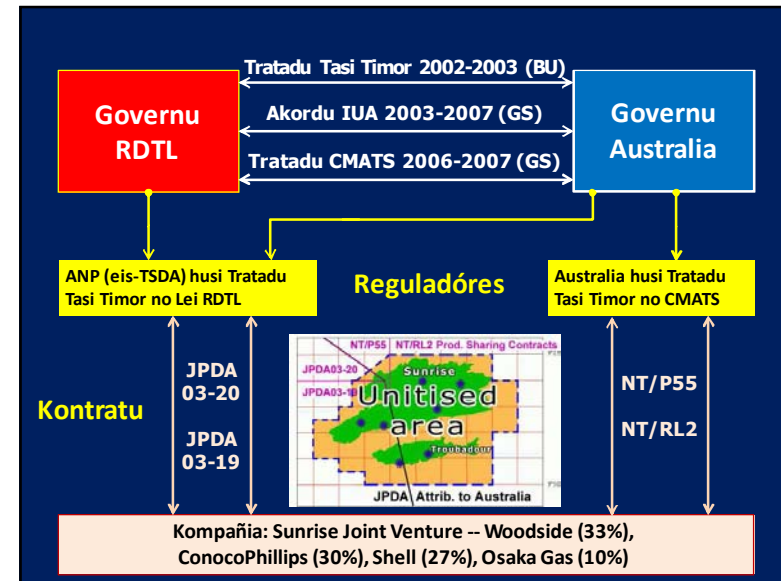
5. The period of this Treaty referred to in paragraph 1 of this Article may be extended by agreement in writing between the Parties.

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

## 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'ó.



## Australia iha mina barak liu duke Timor-Leste

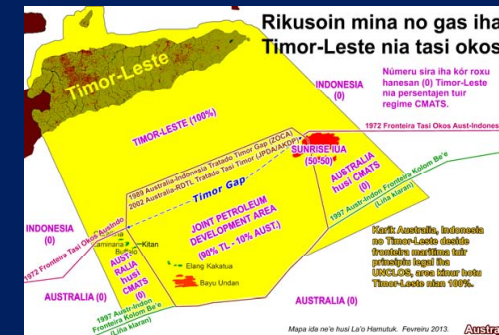
	Timor-Leste	Australia
Rikusoin mina no gas ba kada sidadaun (inklui 50% Sunrise)	797 barril	1,178 barril
Bele kontinua tinan hira ho taxa produsaun 2012	Tinan 14	Tinan 58

## 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?



Iha possibilidade atu negocia 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 negocia ho boa-vontade ba fronteira maritima.
- Karik la notifika ohin, bele halo depois bainhira Sunrise kontinua adia.
- Tenke sukat Australia nia interese 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 deklarasaun iha fulan Marsu 2002*

## Kazu arbitrajen iha Olanda

2004-5: Australia halo espionajen iha Palasio Governu, Dili

2006: Australia no TL asina CMATS

Dez. 2012: TL hakerek karta ba Australia ho evidénsia espionajen  
...Laiha resposta, entaun

23 Abril 2013: TL hahú kazu tuir TST Anexo B atu resolve disputa  
Juñu: Australia resposta.

Out: Painél iha juis na'in tolu:

TL hili Laurence Collins, UK

Australia hili Michael Reisman, EUA

Sira na'in rua hili Tullio Treves, Argentina

3 Dez: ASIO foti arkivu no sst husi servisu-fatin Bernard Collaery, no prevene sasin ida atu ba Olanda

6 Dez: Audiensia inisial iha Olanda

Fev 2014: Tribunal kontinua atu rona sasin no hetan evidénsia

May 2014: desizaun?

Bele kansela CMATS tomak, ka la halo buat ida, ka??

## 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 polítika no Australia nia kanten, sei lakohi atu lakon dollar biliaun balun hosi reseita petróleu.



## Saida mak forsa Timor-Leste?



- UNCLOS 1982
- Sosiedade/povu Timor-Leste no solidariedade internasionál
- \$15 biliaun iha Fundu Petrolíferu
- Infelizmente:
  - Australia retira ona hosi prosesu rezolusaun mandatóriu atu resolve disputa fronteira marítima iha UNCLOS 1982.
  - Movimentu nasional no internasionál ba Tasi Timor paradu ka mate hela.
  - Ita gasta barak durante ne'e hosi FP.

## Saida los mak TL prezisa halo?



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

## Saida mak ita bele halo?



## Presiza konkordansa atu deside fronteira



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**Submission to the Australian Parliament**  
from the  
**Timor-Leste Institute for Development Monitoring and Analysis**  
to  
**Foreign Affairs Sub-Committee**  
**Joint Standing Committee on Foreign Affairs, Defence and Trade**  
Parliament House, Canberra Australia

regarding the inquiry into  
**Australia's relationship with Timor-Leste**  
28 March 2013

**Summary**

- Our relationship should be based on mutual respect for sovereign and human rights.
- Timor-Leste's proximity to Australia is an opportunity, not a risk.
- We appreciate Australian support since 1999, but history still haunts our peoples, as does Australia's continued theft of Timor-Leste's oil and gas resources.
- Australia's generous assistance can meet our people's needs more effectively by prioritizing human security and reducing unnecessary overhead.
- Timor-Leste and Australia should settle our maritime boundary based on current international law and good-faith arbitration or negotiation, including use of legal processes.

### Australia should be willing to fairly resolve our common boundary.

Since restoring independence in 2002, Timor-Leste has created our state and built infrastructure and economy to replace what Indonesia destroyed in 1999. Compared with Australia, we have very few human and natural resources, including oil and gas. However, the petroleum reserves under our part of the Timor Sea are essential to improving the lives of our people, and give us a little time to develop a more sustainable, less import-dependent, non-oil economy. At present, they underwrite about 95% of Timor-Leste's state income and comprise two-thirds of our entire economy.

Unfortunately, these limited resources are being purloined by our larger, wealthier neighbour. How can we build better lives for our people while we allow Australia to pocket much of our wealth from Laminaria-Corallina, Sunrise, Bayu-Undan and Kitan?

Under well-established current international legal principles, the maritime boundary between our nations should be drawn along the median line between our coastlines. Australia accepted this principle in your July 2004 treaty with New Zealand, as well as in your March 1997 treaty with Indonesia. For those neighbours, Australia moved beyond the obsolete "continental shelf" argument to accept current global practice. We ask that you do the same with Timor-Leste.

Geologists agree that the tectonic boundary between Australia and Asia is north of our island - that is, that Timor-Leste and Australia are on the same continental shelf. International lawyers agree that the "Timor Trough" is not an economic, political or geographic boundary. When will Australian politicians join this consensus?

The Democratic Republic of Timor-Leste has the same political and sovereign rights as the larger, more affluent, older Commonwealth of Australia. But history shows that our southern neighbour has repeatedly taken advantage - both during and after the Indonesian occupation - to usurp what is rightfully ours.

In March 2002, less than two months before Timor-Leste restored independence, Australia declared that you would no longer abide by impartial legal mechanisms – the International Court of Justice and the International Tribunal for the Law of the Sea – to settle boundaries fairly.<sup>5</sup> Only hours after we attained nationhood, you used our necessity for Bayu-Undan revenues to coerce us into signing the Timor Sea Treaty, and then refused to ratify that treaty until our Government signed the Sunrise IUA. Three years later, through the CMATS Treaty, you blocked all discussion of the maritime boundary question in return for taking “only” 50% of Timor-Leste’s rightful upstream revenues from Greater Sunrise.<sup>6</sup>

We realize that our perception of this history may be different from yours. But we cannot understand why the democratic nation of Australia, which respects human rights and rule of law for its own citizens, is unwilling to apply those principles to its northern neighbour. Is Australia so afraid of a fair boundary settlement that you would rather be a bully than a good international citizen? Why do you continue to exploit advantages you obtained during the shameful and bloody Indonesian occupation of our country?

We urge you to return to UN mechanisms for resolving maritime boundary disputes. Please respect our legal rights, as your equally sovereign neighbour, and allow an impartial third party to resolve our differences. Article 33 of the United Nations Charter says “The parties to any dispute ... shall ... seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” As a member of the UN Security Council, Australia should take the path of legality and mutual respect by engaging in good faith negotiations and dispute resolution processes to decide our maritime boundary.

Once that is done, controversies over Sunrise development and other Timor Sea issues will be much easier to work out.

Australian money pays for many trainers, advisors and consultants to build Timorese capacity and systems for a democratic state governed under the rule of law. Should we ask some of them to go to Canberra to help your Government relearn these principles?

## Ita iha kolega iha Australia

**TIMOR SEA JUSTICE CAMPAIGN**  
A FAIR GO FOR EAST TIMOR

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This issue is not about Australia being 'generous' to East Timor, this issue is about what East Timor is legally entitled to.

**Timor Sea Justice Campaign**      **Latest News**

*For various historical reasons, East Timor has never had maritime boundaries.*

As a sovereign nation East Timor wants maritime boundaries and is legally entitled to have them. Unfortunately, the Australian Government has persistently refused to establish permanent maritime boundaries with East Timor in accordance with current international law.

Australia has even withdrawn its recognition of the maritime boundary jurisdiction of the International Court of Justice and the International Tribunal of the Laws of the Sea, leaving East Timor with no legal avenues to assert its rights.

Heed law of the sea and set a fair Timor border

Tuesday, December 10, 2013

Only a permanent boundary will provide certainty for the vast resources to be exploited. Indonesia isn't the only country in our region upset ... read more





Obrigado.  
A luta continua!  
[www.laohamutuk.org](http://www.laohamutuk.org)

## Opsaun ba explota gas husi Sunrise

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

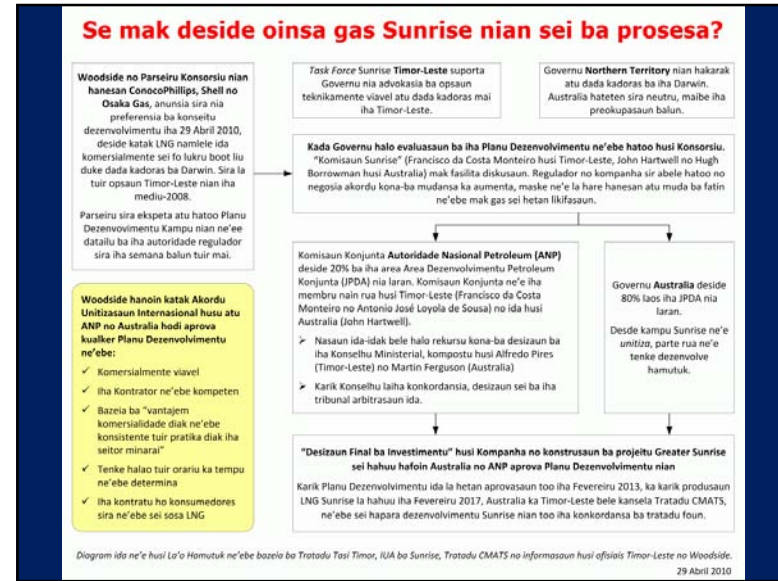


**Povo no Governu Timor-Leste hakarak kadoras mai Timor-Leste.**

**(Australia prefere kadoras ba Darwin, maibé sira lakon tia ona.)**







**Informasaun tan**

Vizita [www.laohamutuk.org](http://www.laohamutuk.org) ka <http://laohamutuk.blogspot.com/>

**Obrigado barak**