

Tansá Timor-Leste- Australia Seidauk iha Fronteira?

Hosi

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Istória Timor Gap iha Tasi Timor

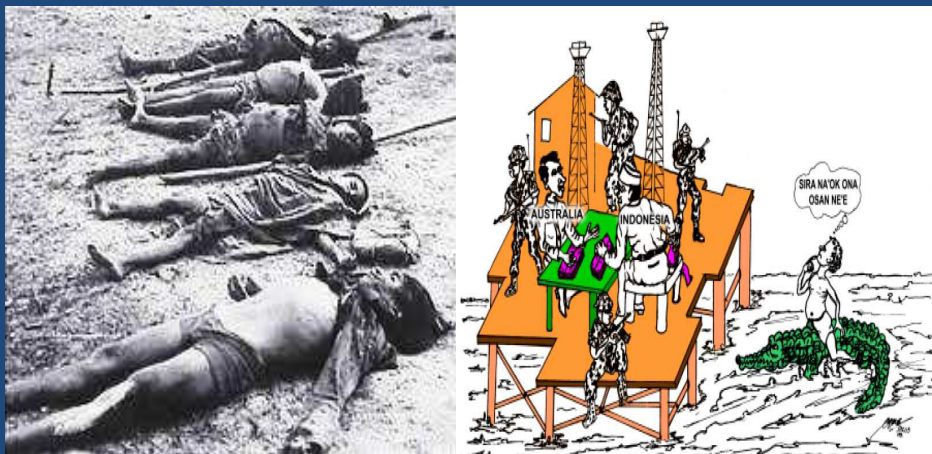
- 1956 -Portugal reklama soberania Tasi Timor tuir prinsipiu “median line”. Australia rejeita, no proklama hodi okupa.
- 1970-Kompania Australianu sira halo atividade iha Tasi Timor, inklui area ne'ebé besik ba Timor-Portuguese



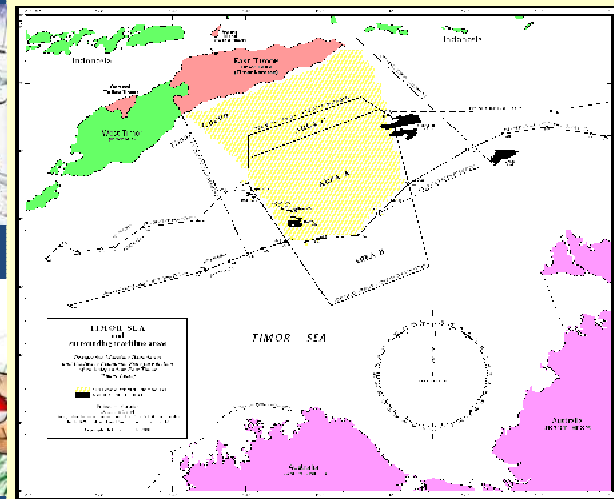
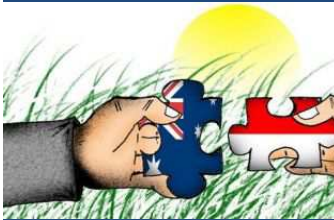
- 1972-Establishing Certain Seabed Boundaries-ba area Tasi Timor no Tasi Arafura
- 1974-Deskobrevimentu Greater Sunrise

The top map shows Timor and Australia with the 1972 Australia-Indonesia seabed boundary and the 1972 Australia-Indonesia seabed boundary. A 'TIMOR GAP' is labeled with an arrow. The bottom map is a bathymetric map of the region, showing depth contours from 0 to 3000 meters. It includes labels for '1972 Aust-Indo Seabed Treaty', 'Sunrise', and 'Trobador'. A legend on the left identifies symbols for National capital, District area, Town, village, Airport, International boundary, District boundary, and Road.

1975-Australia suporta invazaun Indonézia



1989-Tratadu Tasi Timor



Resposta Timor-Leste ba TTS 1989

“Kompañia mina-rai Australia di’ak liu lalika haksait 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.*”



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

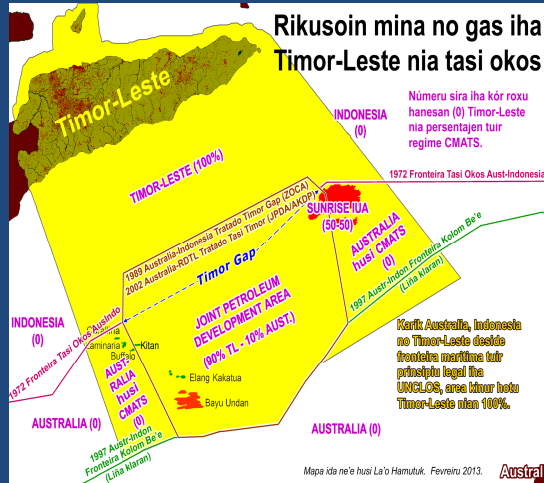
“Australia pertense ona ba jenosídiu ne’ebé forsa okupador sira halo, tanba ho interese ne’ebé nia hakarak asegura ho Indonesia, liu hosi suporta momoos aneksasaun ba Timor-Leste. Prova loloos mak Akordu Timor Gap”



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

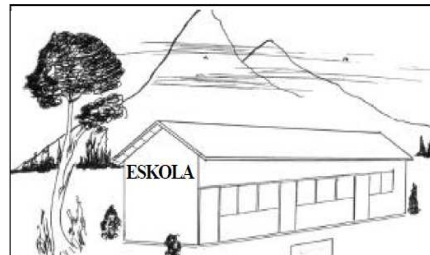
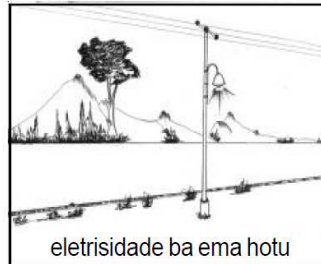
Saida mak interese Timor-Leste hafoin ukun an?

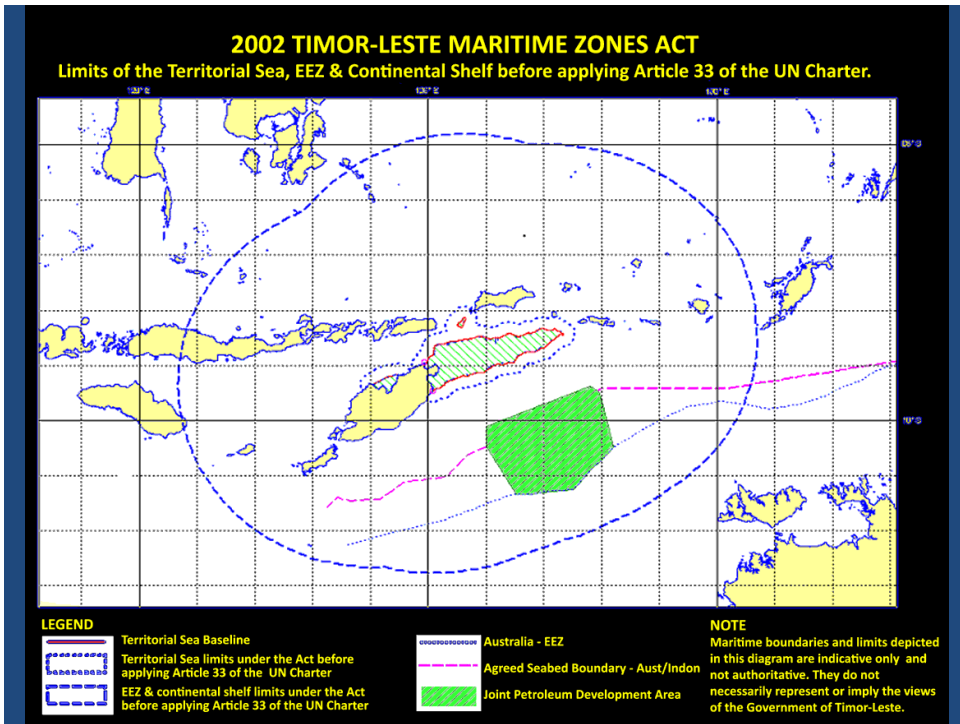
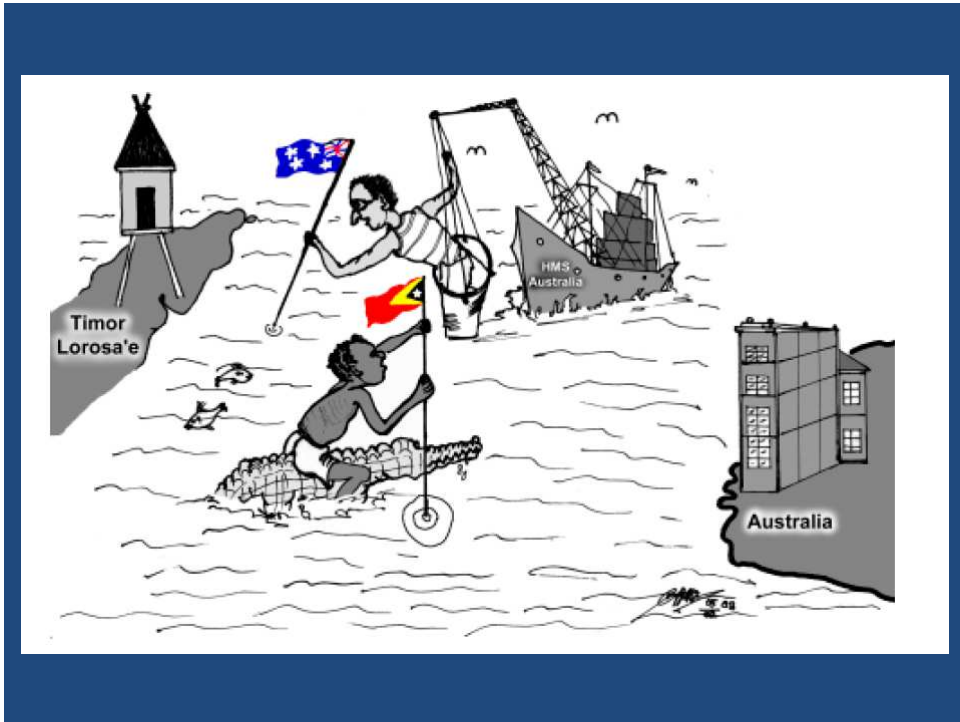
- Reafirma Soberania
- Deside fronteira bazeia ba UNCLOS
- Reklama nia riku soin



Tanba sá mak tenke iha fronteira maritima?

Fronteira marítima tenke deside tuir prinsipu hosi lei internasionál no desizaun ne'e tenke sai hosi Tribunal Justisa Internasionál. Ida ne'e sei fó rendimentu ba Timor-Leste dala tolu. Konkretamente rendimentu ida ne'e atu imuniza no eduka labarik sira hotu, aumenta produtividade, no literasaun. No mós, asuntu fronteira marítima kona-ba mate ka moris nian. (Primeiru Ministru Dr. Mari Alkatiri, Abril 2004)





Saida mak interese Australia

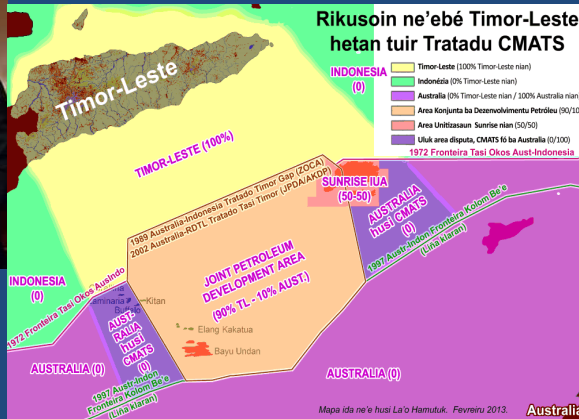
Laos ho UNCLOS no ICJ





CMATS

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



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.

provizaun (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).
- Faha reseita "upstream" petróleu Greater Sunrise 50:50 (Art. 5).

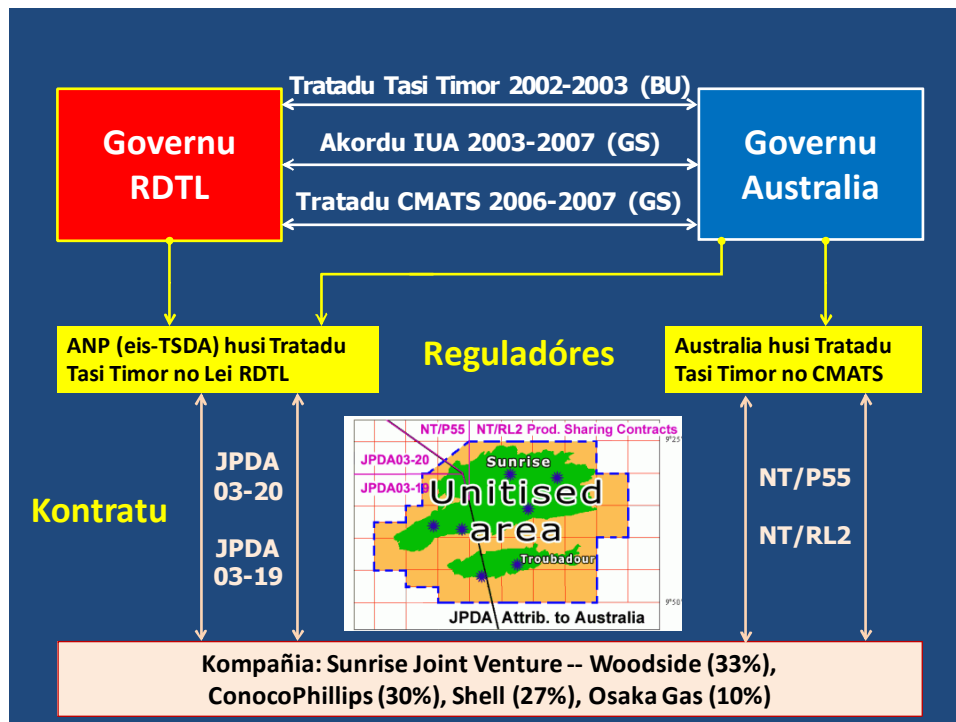
CMATS nia provizaun (2)**Article 11: Dispute Settlement**

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.

- Disputa ruma sei rezolve ho negosiasaun (Art. 11).
- Bele fó notifikasaun termina tratadu ne'e hafoin 23 Fev. 2013 se seidauk iha aprovasaun planu dezvoltamentu, ka seidauk 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



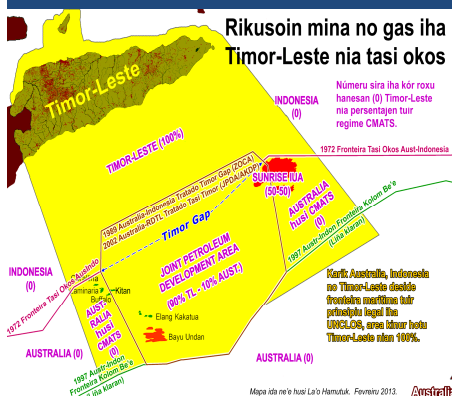
- Aumenta TL nia parte reseita husi explorasaun Greater Sunrise husi 18.1% ba 50%.
- Fo seguransa ba investidor sira katak rejime Greater Sunrise stavel; projetu bele la'ó.

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 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 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 oportunitade 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

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
- Sociedade/povu Timor-Leste no solidariedade internasionál
- \$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 prezisa halo?



- Ezije fronteira marítima tuir prinsipiu lei internasionál.
- Fanun 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.