

## Junk Explained: Why Are 10,000 East Timorese Protesting Outside The Australian Embassy?

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Over 10,000 East Timorese citizens gathered outside Australia's embassy in Dili yesterday in one of

the country's largest ever protests. Protests are also being held this week outside Australian embassies in Manila, Jakarta and Kuala Lumpur in support of East Timor, and further protests are taking place in Australia — one in Sydney yesterday, and another in Melbourne today.



**Timor Sea Justice**

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Dili has shown us how its done; Now your turn Sydney (wed) & Melb (thurs) #HandsOffTimorsOil [timorseajustice.com/timor-sea-just...](http://timorseajustice.com/timor-sea-just...)

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So what did we do to get our closest neighbour so offside? It all relates to a decade-long conflict around maritime boundaries between Australia and East Timor — a fascinating but ugly case of international relations involving espionage, corporate interests and what many judge to be extremely un-neighbourly behaviour (<https://www.getup.org.au/campaigns/foreign-aid/east-timor/you-wont-believe-what-were-doing-to-east-timor>) on our part. Here's a summary of what's gone down.

## Bad Neighbour: The Fraught History of Australia's Relationship With East Timor

During Indonesia's occupation of East Timor late last century, Indonesia and Australia made agreements to share the profits from oil and gas resources in the Timor Sea. Australia was closely partnered with oil companies, particularly Woodside Petroleum, which generated \$900 million for the Australian government from the Timor Sea at the turn of the century alone. All was well for us and our finances.

Following East Timor's bloody but successful arrival at independence in 2002, however, this all changed. Unsurprisingly, a newly independent East Timor — trying to kick-start a stable economy — saw that these oil fields in its backyard presented a great opportunity for revenue. In particular, it

looked towards the Greater Sunrise fields – the largest oil and gas fields in the Timor Sea – which are estimated to be worth about \$40 billion.

This was fair enough — Australia’s claim to Greater Sunrise relies on out-dated ideas of maritime boundaries which have since been replaced by the ‘median line’ rule: an international norm that places boundaries at the strict halfway point between two nations. It puts Australia in a bit of a pickle, however: as many experts have suggested, current international law would place Greater Sunrise in Timorese territory.



(<http://junkee.com/wp-content/uploads/2016/03/median-line.jpg>)

The current and proposed maritime boundary between Australia and East Timor. (Source: [Timor Sea Justice](http://www.timorseajustice.com/TSJC/introduction) (<http://www.timorseajustice.com/TSJC/introduction>))

One would like to think that, as a developed nation with a relatively strong and diverse economy, we would recognise that East Timor (placed 128<sup>th</sup> on the Human Development Index) would probably benefit more from extra revenue here and, hey, it’s actually kind of the legal thing to do. So we’ll let East Timor have this one? Right?

Wrong. Instead, quite an ugly situation emerged.

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## Murky Waters: Australia’s Dodgy Practices

Australia and East Timor attempted to settle maritime boundaries back in 2002 but they didn’t come to a concrete agreement, and this remains the case today. In the meantime, however, they did negotiate how they’d split the revenue from the Greater Sunrise fields and signed the Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS) in 2006.

CMATS splits Greater Sunrise profits between Australia and East-Timor 50-50. This may seem fair at first glance, and is a definite improvement on the previous arrangement that saw an inexplicably staggering 82 percent of revenue given to Australia, and a measly 18 percent to East Timor. Considering that the fields actually lie predominantly on East Timor’s side of the median line, however, and that East Timor is a far less wealthy nation than Australia with a higher dependence on these resources, the ‘fairness’ of the treaty is extremely questionable.

Moreover, CMATS officially prohibits East Timor from raising the question of its unsettled maritime boundaries for 50 years: this puts at least a half-century waiting period on East Timor’s ability to consolidate its boundaries and get on with being a sovereign nation like everybody else, which is a big source of frustration for the small country and motivates this week’s protests.



**Migui Santos Nuak**

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A LUTA CONTINUA!!!



**Humans of Dili**

@dili\_humans

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The biggest backstabbing of this whole saga, though, lies in a remarkable example of spying orchestrated by our very own government.

In 2004, Australia commissioned a Queensland construction firm to renovate East Timor's Prime Minister's offices as an act of foreign aid. On the surface, this seems like a nice thing to do. That is, until ASIS (Australia's intelligence agency) used the opportunity to bug the building's meeting rooms (<https://www.themonthly.com.au/issue/2014/april/1396270800/kim-mcgrath/oil-gas-and-spy-games-timor-sea>) with listening devices so they could spy on East Timorese officials during the negotiation process.

It's one thing (though by no means the right thing) if this was done "in the national interest," and in Australia's interests alone. Waters are murky here, though; two Australian officials involved in the treaty negotiations later went on to secure work for Woodside, the leading corporate stakeholder. The mingling of corporate interests and the perceived injustice of the whole thing was what allegedly led Witness K, an ex-ASIS spy involved with the bugging, to expose what had gone on (<http://www.smh.com.au/national/timor-spy-scandal-former-asis-officer-facing-prosecution-20150621-ghtp17.html>). In addition to the unquestionable immorality of it all, East Timor's lawyers (<http://www.smh.com.au/national/timor-spy-scandal-former-asis-officer-facing-prosecution-20150621-ghtp17.html>) are making the case that Australia's actions were in fact very much illegal, even under our own laws, because they go far outside ASIS' proper functions.

## What Happens Now?

East Timor's focus is on renouncing the controversially procured CMATS treaty and, most importantly, reopening discussion with Australia to negotiate firm maritime boundaries. After waiting years in the hope of good faith negotiations with the Australian government, last year East Timor decided to pursue arbitration against Australia (<http://www.abc.net.au/news/2015-11-25/east-timor-greater-sunrise-spy-scandal/6969830>) at the International Court of Justice in the Hague. This process is likely to take years, and even if CMATS is ruled invalid, Australia is not fully obliged to the UN Convention on the Law of the Sea or the median line rule.

The guarantee of a mutually beneficial resolution that respects East Timor's status and sovereignty, therefore, rests on our government's shoulders and its sense of fairness. Malcolm Turnbull, however, has rejected the prospect of formal talks (<http://www.smh.com.au/federal-politics/political-news/pm-malcolm-turnbull-disappoints-east-timor-on-talks-on-maritime-boundary-20160301-gn798f.html>) and insists our treaties were conducted in good faith.

This needn't be our country's reaction to such an earnest grievance of our newest neighbour. An alternative way of addressing the issue has been nicely articulated by Joanne Wallis of ANU (<http://www.laohamutuk.org/misc/Parllnq/Hansard22May2013.pdf>):

“A way for Australia to improve its relationship with Timor-Leste would be for us to comply with international law as set out in the UN Convention on the Law of the Sea... Australia is a very wealthy country with one of the highest standards of living in the world. Timor-Leste remains one of the world's poorest countries where 37 percent of the population lives below the global poverty line... Only once [Australia meets its legal and moral obligations] will we ever have a truly free, fair and friendly relationship with one of our nearest neighbours.”

This cause has been taken up passionately by Xanana Gusmao, East Timor's former Prime Minister, who appealed to the Australian public to put pressure on Canberra (<http://www.abc.net.au/news/2015-11-17/east-timor-appeals-to-australian-public-in-border-dispute/6949604>) in the name of fairness in November last year.

Now, it seems, people are listening to his call for action. Protests will be held around Australia this week, and yesterday Tanya Plibersek declared that an official settlement of maritime borders with East Timor would be a part of Labor's official election policy (<http://www.sbs.com.au/news/article/2016/03/22/federal-labor-reaffirms-promise-mend-relations-east-timor>).

Until jurisdiction over the Timor Sea is settled, East Timor's losses in the region are pitched at as much as \$1 million a day. More importantly to Gusmao and activists, however, is the symbolic denial of true sovereignty that can only be resolved when Australia agrees to negotiate. At this point, we are only perpetuating a narrative of imperialism and foreign control that has loomed over East Timor for decades.

The right thing to do seems pretty straightforward. It is yet to be seen whether we take that path.

Natassia sells books and studies in Sydney. She currently enjoys feminist theory and a good

bushwalk.

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Feature image via Timor Sea Justice (<https://twitter.com/search?f=images&vertical=news&q=east%20timor&src=typd>).