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Gusmao's last big battle: The Star columnist



Timor-Leste Prime Minister Kay Rala Xanana Gusmao giving a speech at the dinner hosted by Singapore Prime Minister Le Hsien Loong at the Istana on June 3, 2013. PHOTO: ST FILE

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He may be facing the biggest fight of his life but the charismatic leader of the world's youngest

democracy certainly didn't show it.

Jose Alexandre "Xanana" Gusmao dispensed with protocol and reached out to total strangers as he went on spontaneous walkabouts after arriving in Malacca for a conference, three days earlier.

While eating at stalls at the Portuguese Settlement, he hugged those who came up to see him and pose for photos, patted their backs and even helped to clear the dishes of fellow diners at his table.

The 67-year-old former president and prime minister of Timor-Leste was clearly on a charm offensive, something which he does wherever he goes.

But it is no secret that the hero of the fledgling nation, whose two nicknames are Maun Boot (Big Brother) and Katuas (Old Man), is in the midst of a David-and-Goliath fight against a powerful neighbour – Australia.

After voluntarily stepping down as prime minister on Feb 6 last year, two years before his term was due to expire, the former rebel has remained as Minister for Planning and Strategic Investment.

And since then he has been focusing on negotiating a maritime boundary with Australia in the Timor Sea and along with it, the rights to the oil in its seabed.

Timor-Leste signed the Treaty on Certain Maritime Arrangements in the Timor Sea with Australia 10 years ago.

Under the deal, Timor-Leste gets 90 per cent of the output of a Joint Petroleum Development Area with a proposed 50-50 split of Australian oil giant Woodside Petroleum Limited's Greater Sunrise gas field.

The Greater Sunrise field, located about 100km from Timor-Leste's coastline, is expected to generate about US\$40 billion (S\$54 billion) in revenues.

If the line is established in accordance with international law, it would entirely be within Timor-Leste's Exclusive Economic Zone.

Australia's boundary with the tiny nation, though, remains undefined.

Last month, Gusmao told a gathering in Sydney that while Australia had settled its maritime boundaries with its other five maritime neighbours bilaterally, it has refused to talk to Timor-Leste about the remaining 1.8 per cent of its boundary in the Timor Sea.

Highlighting that Timor-Leste was clearly taken advantage of when it was at its weakest, he said: "We were a young nation and a people with little or no experience in governance.

We were activists, freedom fighters and guerrillas.

We were ‘babes in the woods’ when it came to negotiations and the world of petroleum resources.

“We lacked knowledge in complex issues and experience in critical areas of state building. We knew nothing about that. That is why we accepted to transition for two years,” he said.

Although Timor-Leste’s vulnerability was taken advantage of when the deals on how to divide resources in the Timor Sea were signed, he said they were not agreements marking maritime boundaries, stressing that there must be certainty on where the country’s sovereign rights began and ended.

“In an affront to our dignity, Australia continues to maintain that it is generous in providing us with 90 per cent of the revenue that has flowed from petroleum fields, which under international law, belong to us. So generous, so generous!” he added.

The issue was first raised when Julia Gillard was prime minister of Australia but she insisted that no wrong had been done.

In 2013, Timor-Leste filed secret proceedings in the Permanent Court of Arbitration, claiming that the treaties dividing petroleum revenue were null and void because Australia had bugged government offices in Timor-Leste in 2004 when it undertook renovation works as part of an aid programme.

The Australian government’s response to the revelations was to send intelligence agency officers to raid the office of a Canberra lawyer who had been acting for Timor-Leste and the home of a former spy, identified only as “Witness K”, and slap them with criminal charges.

Timor-Leste, however, agreed to Australia’s request to put the case on hold in 2014, believing that it would lead to negotiations on the maritime border.

Australia did not admit to any violation of Timor-Leste’s sovereignty but returned the seized information last year.

Timor-Leste is in a quandary as it cannot file a case against Australia in the International Court of Justice under the United Nations Convention on the Law of the Sea because Australia is not a party to a clause allowing compulsory dispute resolution since 2002.

Anger against Australia is mounting in Timor-Leste.

In March 10,000 people protested against the unfair maritime boundary, outside the Australian Embassy in Dili.

In April, the Australian Labour Party’s shadow cabinet minister Tanya Plibersek addressed the glaring hypocrisy.

Among other things she said: “Australia’s unwillingness to commit to maritime border

negotiations with Timor-Leste has raised valid questions about our commitment to a rules-based international system and to being a good global citizen.

This must change.

“We are seeking to end more than 40 years of uncertainty over a maritime border, and committing to international norms that we expect others to follow.

“At the same time as we’re saying that China and other nations that have claims in the South China Sea should submit themselves to arbitration and should abide by the outcome of that arbitration, particularly under the UN Convention on the Law of the Sea, it’s a bit rich if we’re not prepared to do it ourselves.”

During dinner on Monday, I asked Gusmao about the latest developments on the boundary issue which his colleagues have described as his “last big battle”.

“You can write about it later, after what is being said here. Write about the good things going on. You know, I am the ambassador of Malacca,” he said, in relation to the 1st Asian Portuguese Community Conference aimed at re-establishing the language and cultural links among former Portuguese colonies and territories in Asia, which concluded this week. .