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Timor Sea Maritime Boundary
Friends of Dili
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The 1982 United Nations Convention on the Law of the Sea gives every coastal state a right to a 200 mile nautical mile Exclusive Zone in which they have full sovereignty from the water surface to under the seabed. Australia signed this convention in 1994.

Where these Zones overlap or are adjacent, international courts and tribunals have developed a process that uses the median line as the starting point, and then adjusts the line to take into account relevant circumstances which modify the line such as the location of minor islands or the shape of the coastlines.

Timor-Leste is confident that this internationally accepted method for delimiting maritime boundaries which would place the entire Greater Sunrise project in Timor-Leste's territory. However Timor-Leste can't have an independent umpire decide a maritime border with Australia because in 2002 the then Foreign Minister Alexander Downer decided to pull Australia out of the compulsory jurisdiction of international courts and tribunals in relation to maritime boundary matters. This decision was made just two months before Timor-Leste achieved its independence.

This is still Australia's position. Prime Minister Malcolm Turnbull recently rejected a request from the Prime Minister of Timor-Leste to commence negotiations to settle a permanent maritime border in the Timor Sea. Australia wants to continue to rely on the temporary resource sharing arrangements negotiated in 1989 when Indonesia was still occupying Timor-Leste.

Timor's position has more merit. As a sovereign nation it wants maritime boundaries and is legally entitled to them. It is wrong to think that Timor is asking for its maritime boundaries to be redrawn. It has never had maritime boundaries; it is simply seeking to have them established for the first time, which is the right of every sovereign nation. Australia is not being generous by allowing Timor-Leste to share in profits from resources in the Timor Sea. What it should do is negotiate permanent maritime boundaries.

The maritime boundary between Australia and Timor-Leste has been a significant and unresolved issue since the late 1960's. The Timorese fought for 25 years for their independence. They do not want or need our charity. They simply want what is theirs by law. Timor-Leste seeks to exercise its legal and sovereign right, and Australia seeks to stymie Timor-Leste's right.

Australia has often said, rightly, that everyone should abide by international law in general and the United Nations Convention on the Law of the Sea in particular. It is time we practiced what we preach.