

Speech by Independent Australian Senator Nick Xenophon Timor Sea Justice Campaign Rally outside Parliament House, Canberra 14 June 2017

It's a little surreal to be back here in June 2017. The problem of how to share the resources of the Timor Sea is one of the easiest problems in world politics to solve. When you compare it to the Kashmir dispute, the competing claims in the South China Sea, the Israel-Palestine conflict, and other disputes, this one's a no-brainer. Anything north of the median line between Australia and East Timor should be theirs, and anything south of the median line should be ours.

This saga, which began in the 1960s, could've been solved immediately after the Australian-led peacekeeping force, InterFET, entered East Timor on 20 September 1999.

All that was needed was a maritime border in the Timor Sea halfway between our two coastlines. Such a border would allow East Timor to enjoy its fair share of the \$40 billion in oil and gas resources under the Timor Sea.

You'd think Australia had a stake in seeing East Timor's 1.2 million people prosper and thrive, and come to regard us as a good friend and a natural ally.

But incredibly, since East Timor gained independence in 2002, successive Australian governments have refused point blank to agree to a maritime border. When Timor tried to bring the matter before an independent umpire, then-Foreign Minister Alexander Downer unilaterally withdrew Australia's recognition of the maritime boundary jurisdiction of the International Court of Justice and the International Tribunal on the Law of the Sea.

No maritime boundary was negotiated in the Labor Government years either, from 2007 to 2013.

It's welcome news to hear that, now that it's in opposition, Labor's national conference passed a resolution about the maritime border dispute. It would help if Labor states explicitly that it would agree on a border halfway between the two coastlines, and commit explicitly in its resolution to the words 'median line' or 'lines of equidistance.' That's what it once said back in 2000, when Laurie Brereton was Shadow Foreign Minister.

As far as I'm concerned, fixing economic arrangements without first agreeing to a maritime boundary is like playing tennis without a net – there is no way to tell what counts as fair, or which side benefits more.

Furthermore, Australia's use of its overseas spy agency against the East Timorese government during treaty negotiations has poisoned the bilateral relationship.

I can't help remarking, however that some tactics by the East Timorese side have been perplexing. In September 2014, at the height of intense Australian public interest in the espionage case before the International Court of Justice, East Timorese negotiators suspended proceedings for six months. The resultant drop in Australian public interest is hard to revive. Momentum is invaluable in political campaigns, and cannot be easily regained.

I hope Labor and the Timor Sea campaigners haven't thrown Witness K under a bus. I've pursued his case in Parliament for some time, and will continue to do so.

Since 1999, Australia has taken more than \$4 billion in oil revenue that really should belong to East Timor. During this time, we have given them about \$0.4 billion in aid and about \$0.5 billion in military assistance. That means Australia has taken four times more from the East Timorese than we have given them in aid. As Professor Clinton Fernandes from UNSW has said, 'East Timor is Australia's biggest foreign aid donor - this is not a typo.'

The East Timorese consider they're fighting for their rights as a sovereign country and a future free of poverty and hunger.

At stake for Australia is not just the resources of the Timor Sea or our international reputation as a good global citizen but our strategic national interests.

In recent years, China has built East Timor's Presidential Palace, its foreign ministry buildings and its army barracks. It is proving itself to be a reliable friend of the Timorese just as our espionage and refusal to agree to a fair maritime border are driving the Timorese away from us. Our foreign and defence policies are acting in a contradictory fashion. The defence interest is in a peaceful and stable East Timor that is not subject to third party influence. But in denying them their fair share of the oil and gas, and in refusing to negotiate a fair maritime border, our foreign policy is pushing in the opposite direction.

In time, the implications of these contradictory policies could end up costing Australia far more than our ill-gotten gains, to date, from the Timor Sea.