



[ABOUT](#)   [BLOG](#)   [THE ISSUE](#)   [WHAT YOU CAN DO](#)   [MORE INFO](#)  
[VOICES OF SUPPORT](#)  
[CONTACT](#)

## The Border with the Dog's Hind Leg

*March 10, 2018*

On Tuesday 6 March 2018 Timor-Leste and Australia signed the new Maritime Boundaries Treaty in New York. Agio Pereira, Deputy Minister for the Delimitation of Borders Timor-Leste, and Julie Bishop, Foreign Minister of Australia were the signatories. The event was witnessed by His Excellency António Guterres, Secretary-General of the United Nations.

The Timorese people are to be congratulated for their diplomatic skills and commitment to justice in gaining this resolution.

It has not been without immense difficulty.

A few reminders as to the extraordinary nature of this triumph.

Timor-Leste (then East Timor) suffered overwhelming destruction just 18 years ago as Indonesia left after a 24 year occupation. Australian government assistance given from 1999 onwards was a turn-around from the official Australian cooperation with Indonesia which had facilitated the 1975 invasion and subsequent occupation.

It is to our shame that the prospect of financial gain from the resources of the Timor Sea figured in the Australian complicity in the Indonesian invasion and occupation of Timor.

Australian Ambassador Richard Woolcott sent a cablegram to Canberra from Jakarta on 17 August 1975, a few months before the invasion:

*It would seem to me that this Department (Minerals and Energy) might well have an interest in closing the present gap in the agreed sea border and that this could be much more readily negotiated with Indonesia by closing the present gap than with Portugal or independent*

## *Portuguese Timor.*

The official Australian compliance with Indonesian designs continued for decades.

The Australian support for the annexation continued from 1975 to 1999. Gough Whitlam, the Labor Prime Minister in 1975, tacitly endorsed Indonesian claims to sovereignty. The Liberal-Country Coalition Government under Malcolm Fraser (1975-1982) that succeeded the Whitlam Government publicly supported Indonesian claims. Despite the Labor Opposition's earlier condemnation of the annexation, its government under Bob Hawke (1983-1991) maintained the Australian government's support of Indonesia. The next Labor government under Paul Keating (1991-1996) actively sought to strengthen the relationship with Indonesia and pursued closer ties with the Indonesian military. Keating spoke of President Suharto's New Order government as "beneficial" and opposed allowing human rights to get "in the way of the relationship between Australia and Indonesia." The succeeding Coalition government led by John Howard (1996-2007) continued the policies of the previous decades. Howard described Suharto as a "very skilled and sensitive national leader", while his deputy Tim Fischer said that Suharto "was perhaps the world's greatest figure in the latter half of the 20th century."

During the occupation in 1989, Australia and Indonesia agreed on the *Timor Gap Treaty*, bestowing on each other a half share of the resources of the Timor Sea in a limited area.

Fast forward past the occupation's violent death toll of up to 183,000 Timorese persons, and we reach independence in 2002.

The old *Timor Gap Treaty* was re-negotiated in 2002 with the newly-recognised nation of Timor-Leste. The previous Australian agreement with the illegal occupier was thus replaced by the *Timor Sea Treaty*. The split of the resources through this Treaty was 90/10 in Timor's favour. This was claimed as a "generous" Australian initiative despite all the resources being on Timor's side of a half-way line.

Come 2004 and we find Australia forgetful of its 1999 humility, courage and friendship, and descending into old tricks. Spying, for goodness sake. Spying, not on a major world power, but on a small neighbour still reeling after the brutality of 1975-1999. The destruction of the latter part of 1999 saw even the roofing iron and electrical fittings in government buildings shipped back to Indonesia by its piqued government and military.

The spying saga is not over. Bernard Collaery, intimately involved in pursuing the truth of the matter, is soon to release a book. <https://www.theguardian.com/world/2018/mar/07/australian-spy-who-revealed-bugging-of-timor-leste-cabinet-under-effective-house-arrest>

Australia continued its opposition to Timor's efforts to come to an agreement over the border based on international laws. Finally, Timor-Leste took the only option open to it - to call in

the United Nations. Using the formal process of "Compulsory Conciliation" Australia found itself obliged to cooperate. Australia's six objections were overruled. (Lesson: when you're very loud about other nations' obligations to obey the rules, don't try to squirm out of the process yourself.)

Timor-Leste, always an intrepid little group, took the enormous risk of terminating an intervening Treaty which had sought to divide the revenue from Greater Sunrise between Australia and itself. This was the Treaty on *Certain Maritime Arrangements in the Timor Sea* (CMATS). The original Australian position had been 82% to Australia and 18% to Timor, revised in this Treaty to 50/50 each, on condition that the Timorese did not even mention the words "maritime boundaries" until 2056.

The Timorese government realised that the only way to secure the sovereignty provided by a secure border was to terminate this Treaty. That accomplishment of that feat in 2016 was a gamble which paid off. It paved the way for the current deal. International law now decrees that the border in the Timor Sea is at the median line.

This of course is nothing new to other nations. Median line principles in similar circumstances has been a long accepted practice.

There are numerous unresolved issues remaining. The major one will be the way the resources are exploited, and Timor is at odds with both Australia and the oil companies in that regard. However, a huge hurdle has been successfully cleared. Even Australia can at last claim to be operating according to international law, as the Foreign Minister stated in her speech at the signing. This happy progress is thanks to the tenacity and resilience of one of the world's newest nations, Timor-Leste. Timor, you've saved our bacon once again! Australians can claim that their government has done the right thing at last. Thank you, Timor!

What remains for fair-minded Australians to do is to require our government to ratify this new Treaty on Maritime Boundaries as soon as possible. No more dragging the Australian chain! No more trickery dressed up as "national interest".

It is for Timor-Leste and the extractive industry to decide how to exploit their resources. The Australian history in this saga does Australians no credit. It is time for Australia to live up to its proclaimed values of fairness and loyalty to its friends.

Rather than hand-outs, Timor-Leste wants to create industries with all the associated infrastructure - cities, supply chains, roads. Genuine Australian concern would assist in this remarkable effort towards self-sufficiency.

**Please, write to the members of the Joint Standing Committee on Treaties (JSCOT).**

*Possible points to make:*

1. Acknowledge: Australian cooperation in signing the Treaty

2. Request:

- that JSCOT and relevant government departments observe all due processes connected to this Treaty;
- that the Treaty be ratified promptly;
- that JSCOT members advise their political parties not to pressure Timor-Leste concerning the means of exploiting the reserves;
- that JSCOT members encourage their political parties to engage with the government of Timor-Leste in a spirit of neighbourly concern to maximise Timor's prospects of self-sufficiency in the establishment of industries related to Greater Sunrise;
- that all Australian political parties interpret "national interest" to include regional stability and justice for poorer nations.

**Here is the link to the Committee which includes names of the Members and their addresses:**

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Treaties/Committee\\_Membership](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Treaties/Committee_Membership)

### **Other reading:**

Frank Brennan: Edging closer to a just regime in the Timor Sea

<https://www.eurekastreet.com.au/article.aspx?aeid=54729>

Don Rothwell: *Australia and Timor Leste settle maritime boundary after 45 years of bickering*

<http://theconversation.com/australia-and-timor-leste-settle-maritime-boundary-after-45-years-of-bickering-92834>

Kim McGrath: *How Australia crossed the line*

<https://www.lowyinstitute.org/the-interpreter/how-australia-crossed-line-timor-sea>

ABC: *Xanana Gusmão attacks Australia and the UN over maritime boundary talks*

<http://www.abc.net.au/radio/programs/pm/xanana-gusmao-attacks-australia-and-un-over-boundary-talks/9519726>

Share

0 Likes

The End is Nigh! →

