

SUBMISSION NO. 24

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Subject: Submission on Timor Sea Treaty - from Progressive Labour Party

PROGRESSIVE LABOUR PARTY

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The Secretary

Joint Standing Committee on Treaties

Parliament House

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AUSTRALIA

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Dear Secretary

Re. Inquiry into the Timor Sea Treaty (May 2002) and the Exchange of Notes between East Timor and Australia (Timor Sea) (May 2002)

Thank you for the opportunity to comment on your Committee's review of these two important agreements.

The decision by the Australian Government to withdraw from the jurisdiction of the International Court brings shame on all Australians. Part of a pattern of rejecting the role of international courts, this is yet another assertion that individual countries should be able to pick and choose those parts of international law they wish to comply with.

By deciding to go down the path of bilateral negotiations, the Australian government has chosen instead to enter into a process of delay. It is not difficult to conclude that the motive for this is to delay the time at which East Timor will take control of resources and wealth that are rightfully hers. In the meantime, Australia can continue to profit from control of the oil and gas resources of the disputed area. Such blatantly self-interested manipulation of international procedures places Australia among the worst of international citizens - those nations which only comply with international law when it suits them.

Australia has contributed significantly to the recovery and reconstruction of the Democratic Republic of East Timor in the aftermath of the violence and destruction that preceded independence. Both government and non-governmental organisations have participated in rebuilding infrastructure and civil society in East Timor. However, if East Timor is ever to stand on its own feet as an independent nation, it must have a sound economic base. The oil and gas resources of the Timor Sea are critical to the development of that economic stability.

In this context, Australia should be willing to offer East Timor control of more than half of the disputed area. Although, under the UN Convention on the Law of the Sea, the boundary between Australia and East Timor would normally be drawn midway between the two countries, a generous approach by Australia in relation to the Timor Sea would both contribute to the genuine redevelopment of a new nation, and in the long term reduce East Timor's reliance on Australian aid.

The Australian government's current policy could effectively delay any resolution on the territorial issue until the accessible resources in the Timor Sea are completely drained, making the inevitable outcome a pyrrhic victory for the East Timorese, who will gain control of empty gas and oil fields, the wealth of which has already been harvested by Australia.

This approach is a contemporary form of colonial exploitation. Australia's participation in it brings the honour of the whole nation into disrepute. The Progressive Labour Party therefore submits that the Committee should press the Australian Government:

1. to resolve the outstanding seabed boundary disputes AND the related resource sharing dispute between Australian and East Timor;
2. to do this according to international law, and with the assistance of international arbitration, if agreement cannot easily be reached;
3. to offer resource sharing terms which guarantee East Timor the benefit of resource extraction from 80% of the seabed between Australia and East Timor;
4. to do this in a timely manner, so that the people of East Timor are not wrongly deprived of resources in particular from the rich oil and gas fields of Greater Sunrise, to the northeast of the Joint Petroleum Development Area, but also the oil and gas fields to the southwest.

Yours sincerely,

Linda Gale

Acting President

Progressive Labour Party