

5th September, 2002

Timor Sea Treaty
Submission No: ...61.....

The Hon Julie Bishop,
Chair Joint Standing Committee on Treaties,
C/- Parliament House,
Canberra 2600

Dear Ms Bishop,

The Timor Gap Treaty

Australia, including numerous individual citizens and organisations, has provided generous assistance to East Timor since this new nation courageously voted in favour of independence from Indonesia. As a consequence of this vote, much of its infrastructure has been destroyed and its citizens brutalised. It will be many years before the newly-elected government attains economic viability and the people even a modest level of prosperity, so its limited natural assets are of immense value to it.

It alarms me to now learn that the Australian government is acting obstructively over the new Timor Gap Treaty, seemingly to retain the lion's share of the oil and gas resources in the Timor Sea. Already the East Timorese government is viewing Australia's actions as unfriendly and the longer we prevaricate the more negative their perceptions will be.

As I understand it, although East Timor is entitled to 90% of the oil and gas revenues from the area, the current maritime boundaries significantly favour Australia especially with respect to the extensive 'Greater Sunrise' gas field. East Timor has argued for an equidistant maritime boundary while Australia seeks entitlement to the edge of the continental shelf at the Timor Trough. The International Court of Justice (ICJ) favours the equidistant method of delineation of such maritime boundaries and this has been standard international practice for the past twenty years.

This matter could be independently adjudicated through the ICJ and the International Tribunal on the Law of the Sea, but rather than seek an objective resolution, Australia, like a naughty schoolboy has now withdrawn from the dispute settlement procedures, effectively putting a stop to further negotiations. Ratification of the Treaty by East Timor would severely restrict their ability to delimit new maritime boundaries in the future despite a 'without prejudice' clause.

Can our government be so selfish that it is prepared to largely deprive this emerging nation of one of its few opportunities to secure economic self-reliance? Is it not in Australia's best interests, after all that has been achieved, to ensure that East Timor is placed in a position to safeguard its future and provide for its citizens?

Therefore I am appealing to you to ensure that ratification of the Timor Sea Treaty is accompanied by public commitments to acknowledge the Treaty's arrangements to be provisional only; that it does not inhibit the extent of East Timor's maritime claims; it recognises a legal obligation to engage with East Timor 'in good faith' to permanently

the settle maritime boundaries within a reasonable time frame not exceeding 5 years; it ensures that priority is given to training and employment opportunities as well as to East Timorese interests particularly in capacity building measures and finally to reinstate Australia's adherence to the dispute settlement mechanisms of the ICJ and United Nations Convention on the Law of the Sea. Without these assurances, Australia will lose further credibility in the eyes of the East Timorese, the international community and a significant proportion of its own citizens.

Thanking you in anticipation,

Yours sincerely,

Cynthia O'Keefe BSc, MA, DipEd, MASM