



Timor and Australia Agree to Extend Timeframe

August 9, 2017

Aha! Something is afoot!

There have been Compulsory Commission meetings, this time in Singapore during the last week of July.

But the fact that this press [release](#) was only issued now, nearly 2 weeks after their conclusion indicates that they agonized over it.

So what is new?

Two things.

Firstly, there is hope. The Chairman of the Commission is optimistic that an agreement will be reached, even if it is like getting 'blood out of a stone' [not stated but inferred by me!].



Secondly, they are extending the time frame.



This can be done by mutual agreement. They are not giving a new deadline, only saying that: "The Commission expects to conclude its substantive discussions with the Parties by October of this year, after which it will proceed to issue its report."

Up until now the deadline for completing the report was the 19th of September 2017. This was made clear when the [Competence Decision](#) signed on the 19th of September 2016 said:

"The 12-month period in Article 7 of [Annex V](#) of the Convention shall run from the date of this Decision."

Article 7 says:

"The commission shall report within 12 months of its constitution. Its report shall record any agreements reached and, failing agreement, its conclusions on all questions of fact or law relevant to the matter in dispute and such recommendations as the commission may deem appropriate for an amicable settlement.

The report shall be deposited with the Secretary-General of the United Nations and shall immediately be transmitted by him to the parties to the dispute."

So what do we make of this?

Well, I take some heart in this Press Release.

If the process was completely 'stuck' then there would be no need to extend – it would just be a case of the Commissioners accepting that they were unable to broker an amicable resolution and writing up their recommendations for the report.

So no one is throwing their hands up in the air just yet.

However, I get the impression that it is extremely tough to get to that final point where there is full agreement on both sides.

I have had a lawyer explain to me that in big negotiations like this there is a premise that 'Nothing

is agreed until everything is agreed'.

This means there may be many points of agreement with a just a few really tough ones remaining unresolved. These have to be overcome so that 'everything is agreed.'

How do we respond as supporters of East Timor?

Keep up the pressure! Remind your pollies that we are watching closely and we are looking for an agreement.

Point out that it is in Australia's best interests to have this process succeed.

We are rightly getting flack in the international arena about the chasm between our talk and our practice.

Here is now an opportunity for a good story, to demonstrate that we Australians *can* resolve differences under international law.

Come on ... give a little help here! [Here's something](#) you could send. Please print it, add your details, and post it to your MP and state Senators. (Don't forget to add their name at the top where it has "Dear....." in large print.)

What an embarrassment it would be to come to the end of this process, the first time ever the mechanism has been used in the history of UNCLOS, only to find that **Australia's** intransigence and belligerence has caused its failure.

Then it would be the height of hypocrisy to keep tooting the UNCLOS horn and declaring Australia's belief in its power to resolve maritime disputes.

For now there is a glimmer of hope.

Let's do what we can to fan it into a flame.