

Editorial, *Sydney Morning Herald*.

8 March 2018

Some frontier justice for Timor-Leste

When Timor-Leste became independent in 1999, Australia wanted its new government simply to keep to the terms of the treaty it had inherited from Indonesia. The Timorese, quite reasonably, demurred, but Australia did its best to bully it aside.

Though the dispute's origin as a negotiation between Australia and a colonial power over the rights to mineral resources on the seabed perhaps explains Australia's initial aggression, subsequent developments including the birth of the new, and poor, independent Timor-Leste, removed any justification for it.

Though it did make concessions, Australia has been trying, in effect, to wrest away as much as it can of Timor-Leste's only serious source of national income. For a wealthy country that aspires to be a leader in a relatively poor region, this has not been a good look. Although the agreement ends the boundary dispute and resolves the Timor gap anomaly in Australia's seabed border, it does not settle everything.

One remaining question is the exact division of revenue from resources won from the sea floor in the zone. The agreement stipulates that if a pipeline is built from the Greater Sunrise fields to Timor-Leste for processing, the revenues will be divided 70:30 in Timor-Leste's favour. If the pipeline comes to Australia, where a plant already exists, the ratio would change to 80:20 for Timor-Leste. The difference reflects the gains to be expected from a processing plant for the country hosting it. When the issue comes up for decision, Australia should be more sympathetic to Timor-Leste's interests than it has shown itself in the past.

Another reason to welcome the treaty is that it reaffirms the existing international rules for settling disputes about seabed border and boundary claims. The conciliation under the UN Convention on the Law of the Sea that produced the treaty is a first. For Australia's position on China's disputed territorial claims, this reassertion of the rule of law has been an essential step.