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Sally McGushin  
17 Cutten St  
Queenstown  
Tasmania 7467  
Australia  
26.8.02

Not A.M.

BY:.....

The Hon Julie Bishop MP  
Parliament House  
Canberra 2600

Dear Julie Bishop,

I am writing to you in your role as Chair of the Joint Standing Committee on Treaties as I am anxious that in ratifying the Timor Sea Treaty, Australia should work towards a fair and equitable arrangement that recognises East Timor's development needs.

In particular, Australia should declare the centrality of the Treaty's "without prejudice" clause and acknowledge that the Treaty's arrangements are provisional only. Australia has a legal obligation to engage with East Timor in "good faith" towards the achievement of permanent maritime boundaries. The settling of the boundaries should be achieved within a reasonable time frame of say five years.

Meanwhile Australia needs to confirm that it will prioritise "training and employment opportunities for East Timorese nationals and residents". Australia needs to ensure that Production Sharing contracts include provisions that prioritise East Timorese interests, in particular capacity building measures.

In addition Australia should also immediately reinstate its adherence to the dispute settlement mechanisms of the ICJ and UNCLOS.

Without these commitments, the ratification of the Treaty will not provide the best possible outcome for East Timor and is likely to lead to a negative perception of Australia from the East Timorese people.

The failure to unlock the resources of the Timor Sea for the full benefit of East Timor may have significant consequences for longer-term human development, economic self-reliance and stability in East Timor. Australia is already well endowed with natural mineral and petroleum resources and wealth.

Australia's withdrawal from the dispute settlement mechanisms of the ICJ and UNCLOS seems to be an over-reaction that severely limits East Timor's options in seeking an objective, third party resolution of the maritime boundary dispute.

It is in Australia's interests to support an economically viable East Timor. We have the opportunity to promote East Timor's economic self reliance through the Treaty. Please ensure that we do not lose this opportunity.

Sincerely,



Sally McGushin