Postscript

The first version of this article was finalised by the end of 2002. Developments in the situation in Timor Sea led to some minor updates, which were already included in the version submitted to the CEPMLP. This attempt made to present an updated version has nevertheless been rendered somewhat fruitless by subsequent events. On 6 March 2003, the Australian Senate voted to endorse the ratification of the Timor Sea Treaty, which had been delayed for months, well beyond the agreed December 31 deadline.

From the perspective of this article, i.e., as far as reflections on maritime delimitation and joint development are concerned, some points have to be made. This ratification, by confirming the legal status of the JPDA, has paved the way for the Bayu-Undan $US1.5 billion Liquefied Natural Gas (LNG) project to go ahead[1]. On another level, Australia's ratification of the Timor Sea Treaty apparently means that a parallel deal was struck on the unitisation of the Greater Sunrise. Although the terms have not been made public, the deal seems to involve a *sui generis* agreement whereby East Timor will be 'compensated' through payments to be made by the Australian Government[2].

Taking into account recent declarations, East Timor appears to remain convinced of the rightfulness of their claims to wider maritime areas, which would be arguably attributed should a delimitation of the maritime boundaries be effected under international law. Notwithstanding what is undoubtedly a step forward, therefore, as the maritime boundary issue has remained unresolved for the time being, a heavy onus is pending on the two parties to make the agreements work. Political will more than probably anything else will determine the future success of these endeavours in the Timor Sea. What this situation underscores, essentially, are two points conveyed in this article. First, the freedom of states to 'mould' solutions in terms of allocation of maritime shelf rights is virtually unlimited, the sole constraint being in some measure maritime delimitation law. Secondly, it seems to be important to remember that references to joint development, if not contextualised within the previous idea, might bear a misleading simplicity. More than the extrapolation of previously used 'models', it is suggested, the key parameter in this field lies in a two-fold ingredient: flexibility and political will. The Timor Sea situation is merely an illustration of this proposition.

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(1) The ratification of the Timor Sea Treaty before March 11 was a prerequisite for the deal between ConocoPhillips and its Japanese counterparts in the LNG contract to move forward. The Treaty seems to have entered into force on 2 of April 2003.

(2) Alexander's Oil & Gas Connections, 11 March 2003, http://www.gasandoil.com/goc/frame_nts_news.htm.