



SPOKESPERSON V CONSTITUTIONAL GOVERNMENT



MEDIA RELEASE

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Words and Actions

“It is an absolutely clear-cut case of a larger country bullying a smaller country, and this should have no place in our world ... you cannot have international order if might is right. You cannot have a safe and secure world if powerful countries are able to take what they want.”

“Our world and our region need peace and understanding based on international law and mutual respect. We think that territorial claims should be resolved peacefully and in accordance with international law.”

Australian Prime Minister Tony Abbott made these statements when speaking on the escalating situation in Ukraine, in a speech he gave in China in April and a media interview in June stating his position on tensions in the South China Sea.

As Australia increasingly steps out on the global stage as an outspoken middle power on international issues, the themes of their emerging international leadership are robust and recurring: mutual respect, international law and fairness for smaller countries.

Timor-Leste, as a close friend and neighbour, previously applauded Australia’s call for adherence to international law and UNCLOS, (the International Convention that governs the law of the sea), and further applauds their call for fairness and mutual respect for smaller countries.

Timor-Leste too is seeking to settle, peacefully, with mutual respect and based on international law, its maritime boundary with Australia. We are Australia’s only neighbour that has no settled maritime boundary, only a set of provisional arrangements that under international law are without prejudice to maritime boundary claims.

Australia and Timor-Leste both acceded to UNCLOS, the international law standard, which states that provisional arrangements are “not to jeopardize or hamper the reaching of the final agreement” on boundary delimitation. [Articles 74(3) and 83 (3)].

A maturing Timor-Leste asserts that it is now time to settle this issue and provide long-term economic certainty for all stakeholders in the Timor Sea.



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Australia ratified UNCLOS in 1994, and Timor-Leste in 2013, with both then accepting the legal settlement resolution mechanisms for disputes concerning sea boundary delimitations.

However in March 2002, Australia declared that it would no longer accept the UNCLOS dispute settlement procedures on maritime boundaries regarding the International Court of Justice (ICJ) and the International Tribunal on the Law of the Sea (ITLOS). Timor-Leste as a good international citizen, of course accepts a States' right to take such action. Timor-Leste however as a close friend and neighbour remains disappointed with Australia's reservations that removes an independent and respected umpire if the parties cannot resolve the maritime boundaries themselves. That is the case between Timor-Leste and Australia.

This action of the past no longer resonates with the emerging Australia we see in 2014. It is hoped that Australia would consider removing its reservations to the UNCLOS dispute settlement mechanisms that would give expression to Australia's current emphatic statements concerning mutual respect, international law and fairness for smaller countries. **ENDS**