

TIMOR SEA JUSTICE CAMPAIGN

A FAIR GO FOR EAST TIMOR



Timor Sea Justice Campaign News

International Court of Justice to deliver orders regarding Australia's ASIO raids on Timor's lawyers

Sunday, March 02, 2014

Media Release - Media Release - Media Release

Embargoed until: Monday 3 March 2014

Tonight in the Hague, the International Court of Justice will deliver its orders in a case that East Timor brought against Australia following the dramatic ASIO raids on the offices of Timor's lawyers preparing for a significant legal proceeding about an oil and gas treaty.

Spokesperson for the Timor Sea Justice Campaign, Tom Clarke, said it was a lose-lose situation for Australia.

"On one hand, a win for East Timor will be vindication of the outrage over what is seen as Australia's bullying behaviour and on the other hand, if Australia wins it will only highlight Australia's refusal to accept the same independent umpire's decision on the much more important issue of the positioning of permanent maritime boundaries," said Mr Clarke.

Just months before East Timor became independent in 2002, Australia withdrew its recognition of the maritime boundary jurisdiction of the International Court of Justice.

With no legal avenue to challenge Australia's stubborn refusal to establish permanent maritime boundaries, Mr Clarke said East Timor has been jostled into a series of temporary resource sharing deals that short-changes the tiny nations out of billions of dollars.

"As interesting as it is, this particular matter is a bit of a sideshow to the main attraction, that is, Timor's challenge to the CMATS treaty covering the Greater Sunrise gas field anticipated to generate \$40 billion in government revenues," said Mr Clarke.

Tonight's decision centres around whether Australia needs to hand back the files ASIO seized and whether the court accepts as adequate, the undertakings from the Attorney-General, George Brandis, that no one will read the seized files which would give Australia an advantage in Timor's challenge to the CMATS treaty that he is also responsible for overseeing.

Mr Clarke said it was disappointing that Australia takes such a selective approach to which parts of international law to abide by.

"Australia was willing to send an elite legal team to defend itself in what is essentially a squabble about whether these documents seized by ASIO are in sealed envelopes or not. However, when it comes to the problem at the core of this entire episode – the absence of permanent maritime boundaries between Australia and East Timor – Australia will not even consider showing up in a court," said Mr Clarke.

If permanent maritime boundaries were established in accordance with current international law, East Timor's probable exclusive economic zone would likely encompass all of the Greater Sunrise field as well as all of the joint development area that Timor currently shares with Australia.

"If the Australian Government wants to put this issue to bed, it should enter into fresh negotiations in good faith to establish permanent maritime boundaries half way between the two coastlines. That's a simple and fair solution and it is also what international law prescribes in such situations," said Mr Clarke.

For further information or comments, contact:
TSJC Spokesperson, Tom Clarke, on 0422 545 763.

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Aust wants #Timor to go to Arbitration Tribunal - but contests its jurisdiction! See p40 para 9 icj-cij.org/docket/files/1... #ICJ #TimorsOil


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