

## THE AUSTRALIAN

### East Timor eyes gap in Timor Sea row with Australia

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The Hague's court found there was no legal basis to China's claim of over 90 per cent of the South China Sea.

The East Timor government has accused Australia of hypocrisy for appealing to China to use international law to resolve its disputes with Asian neighbours over the South China Sea while refusing to do so itself in its ongoing tussle over the Timor Sea.

Prime Minister Rui de Araujo told *The Weekend Australian* in an email exchange that Canberra's respective positions on the South China Sea and Timor Sea, where it had a direct interest in potentially tens of billions of dollars in oil and gas revenue, were "inconsistent".

"While Australia has been urging China to use international mechanisms to resolve disputes in the South China Sea, it refuses to respect the law of the sea in its own backyard, the Timor Sea," Mr Araujo said. "If differences in the Timor Sea can't be resolved at the negotiating table using the global architecture, why would anyone believe that more complicated challenges in the South China Sea can be resolved at all?"

On Tuesday the Permanent Court of Arbitration in The Hague delivered a landmark ruling in the dispute between The Philippines and China over territory they both claim in the strategically vital sea, through which 30 per cent of global maritime trade passes. It found there was no legal basis to China's claim over 90 per cent of the South China Sea, including land features and waters within The Philippines' exclusive economic zone.

Beijing has refused to recognise the tribunal's ruling, but the decision sets a precedent for

Vietnam, Malaysia and Brunei which all face their own territorial disputes with China, as well as Indonesia, which is not a South China Sea claimant but has faced recent territorial aggression by Chinese coastguards in its waters.

East Timor was among many countries to welcome the ruling as an “important contribution to the shared goal of a peaceful resolution to disputes in the South China Sea and globally” through international laws and dispute mechanisms within those laws.

In April the Dili government launched compulsory, though non-binding, conciliation with Australia through the UN Convention on the Law of the Sea to try to persuade Canberra to agree on permanent maritime boundaries in the Timor Sea, which it has refused to do for the past 14 years. Dili claims it is the only option left open to it because Australia — like China — refused to recognise the jurisdiction of a tribunal when it withdrew from the UNCLOS compulsory dispute settlement procedures in 2002, two months before East Timor gained independence.

In doing so Canberra blocked East Timor from challenging the 1972 maritime boundaries it inherited from Indonesia — under which Australia claims much of the Timor Sea on the basis its continental shelf juts into those waters — in the Permanent Court of Arbitration, thereby avoiding a similar situation to which Beijing is now confronted.

Under current arrangements, oil and gas revenues from the Timor Sea’s Greater Sunrise gas field are split evenly, while 90 per cent of revenues from the Joint Petroleum Development Area goes to East Timor.

Foreign Minister Julie Bishop said yesterday Australia stood by the existing treaties, which were negotiated in “good faith in a manner fully consistent with international law”.

“Our position has not changed. The existing treaties agreed on a moratorium on negotiating boundaries and arrangements, and have allowed Timor Leste to accumulate a petroleum fund worth around \$16bn, around eight times more than its annual GDP,” she said.

“Australia will take part in any compulsory arbitration as per our legal obligations. In doing so, Australia will argue our case before the commission, including on matters of jurisdiction.”