

# Timor-Leste: Australia Is Behaving Like China in Disputed Waters

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JUNE 28, 2016 - 6:52 AM

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There's a major Asian power that refuses to compromise in its far-reaching territorial claims in oil-rich waters, despite appeals from its smaller neighbor to resolve the dispute in an international court.

But it's not China throwing its weight around in this case. According to the tiny nation of Timor-Leste, Australia has steadfastly rejected attempts to negotiate a permanent maritime boundary in the Timor Sea, home to plentiful oil and gas fields.

The Southeast Asian country's prime minister, Rui Maria de Araujo, flew to Washington last week to make his case to Congress and the State Department, asking U.S. officials to use their influence with their allies in Australia.

It's not easy to get American lawmakers and diplomats to pay attention to Timor-Leste's maritime claims. But the prime minister argues the long-running disagreement with Australia carries relevance for increasingly tense disputes in the South China Sea to the north, where Washington has repeatedly accused Beijing of coercive tactics against its neighbors.

"If we could not resolve these issues following the principles of international law, how can you expect one of your big allies to stand up to China and tell them to follow international law?" he told [Foreign Policy](#) in an interview.

Australia, like China, has said it refuses to recognize the jurisdiction of an international court in The Hague that is supposed to resolve disputes under the U.N. Convention on the Law of the Sea.

What's at stake is not just sovereignty or fishing rights in the Timor Sea, but billions of dollars in oil and gas. After East Timor gained independence in 2002, the two countries negotiated deals on sharing oil and gas revenues in three treaties. Those agreements split evenly revenues from the lucrative Greater Sunrise gas field, while granting Timor-Leste 90 percent of the revenues from another field.

One of the treaties includes a clause that calls for a 50-year freeze on negotiating any permanent maritime boundary between the two countries.

As a result, Australia has maintained that the current arrangements have benefited both sides and that the two governments have agreed not to revisit the sea border anytime soon.

Fed up with what it considers Australia's intransigence, Timor-Leste last month turned to the United Nations to conduct a non-binding "conciliation process" with independent experts weighing in on the disagreement. The two countries are then supposed to hold negotiations based on the recommendations of the experts.

Timor-Leste made the move, Araujo said, because “we are left without any choice.” Oil and gas revenues account for more than 95 percent of the tiny country’s income, and it needs to clarify the legal status of the deposits in the Timor Sea to jumpstart production.

But Australia’s view is that the resources in the area are being divvied up in an equitable way, and that the two sides had agreed not to delve into the maritime boundary.

“We stand by the existing treaties, which are fair and consistent with international law,” Australia’s foreign ministry said in April after Timor-Leste announced plans to take the case to the United Nations.

But Timor-Leste maintains that it always wanted to work out a permanent solution to the maritime boundary, and that it is missing out on revenue. Its leaders say the law of the sea favors the idea of equidistance, and that would mean drawing the line halfway between the two countries.

“If we use the principle of equidistance, we think that all these resources would belong to us,” Araujo said. The fields are less than 100 miles from Timor-Leste and almost 300 miles from Australia.

The Timorese have come to distrust the Australians over the issue, especially after the Canberra government was accused of eavesdropping on cabinet officials in Dili during treaty talks in 2004 on sharing gas revenues.

The Timorese prime minister met with several U.S. lawmakers on Thursday and held talks on Friday with Daniel Kritenbrink, the National Security Council’s Asia director, and with senior State Department officials, including Thomas Shannon, undersecretary of state for political affairs, and Daniel Russel, assistant secretary in the Bureau of East Asian and Pacific Affairs. He said he was optimistic his message was well-received.

By resolving the maritime argument between Australia and Timor-Leste based on international law and good-faith negotiations, the prime minister suggested it would strengthen the credibility of the United States and its Asian allies as they seek to counter Beijing’s tough tactics in the South China Sea.

“If we could solve this problem, which is not too complicated, we will have much more moral authority” to address the South China Sea dispute, he said.