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## Maritime Boundary, Timor's Politics and Australia's Foreign Policy

**Date:** October 3, 2016 **Author:** Guteriano **0 Comments**

The issue of maritime boundary between Timor-Leste and Australia has dominated international news on both countries' during the last one year. The most recent development is that International Court of Justice has ruled out Australia's claim that Conciliatory process does not have any jurisdictions on this case. Nonetheless, Australia indicates that it will not change its initial position, and refuses to negotiate on the basis of "good faith." But this issue is interesting and become more complicated on various stances. It is the historical legacies that is part of Indonesian occupation, Australian complicity throughout the process, and now involves Timor-Leste's domestic politics leading up to 2017 election, and Australian international credibility.

When the Certain Maritime Arrangement in the Timor Sea (CMATS) was signed back in 2006, not few critics already warned that such arrangement cannot provide legal certainty for any long-term development, unless there is a maritime boundary agreement. What the treaty failed to anticipate was that any changes in government in any of both countries might have impacts on the treaty. After all, the treaty open space for that on conditions that if the development plan is not approved within six years, and the production did not start within ten years after CMATS entry into force. In such situation according to article 12 of the treaty, "either Party may notify the other Party in writing that it wishes to terminate this Treaty, in which case the Treaty shall cease to be in force three calendar months after such notice is given."

Like democracy everywhere, new government comes up with new strategies and new approaches. And this is actually the case with the current Government. Remember that CMATS was signed by a government that led by Marii Alkatiri, and ratified by the Parliament that was dominated by FRETILIN and promulgated by Xanana Gusmao who was President back then. So when Xanana became the Prime Minister, he just played with the time to meet the conditions that the treaty can be invalidated. This also took place at the same time when Timor-Leste's government began to find out that the negotiation was not taking place in 'good faith.' Such claim is based on the fact that Australia bugged Timor-Leste's government during the negotiation.

The most interesting part of this issue given the current political context in Timor-Leste is how maritime boundary is being presented, the discourse surrounds it, and the upcoming election for 2017. During the last one year, Maritime Boundary has been repackaged with the nationalist discourse. This is presented as the new struggle for full sovereignty. This sounds abstract for any societies, but for Timor-Leste, this discourse can appeal to wider population, across political faction, and different spectrum of the society. This is especially important given that the current activism was born out of popular struggle against the biggest military in the region. The same argument was actually used by the civil society organizations back in the early stage of negotiation in 2002. At the same time, this is also a strategy for 2017 election that only certain individuals can lead the country

to achieve full independence, and the history can repeat itself.

Another complicated issue is that this discourse, while maritime boundary is presented as the new fight for full sovereignty, what is rarely discussed is the correlation between the Greater Sunrise and Tasi Mane Project, which is a project that becomes the center of Timor's Strategic Development Plan. Tasi Mane Project, according to SDP will give the 'the skills and experience to manage the petroleum industry.' This is an integral part of petroleum-based development in SDP, which is seen as the source of economic growth and strength. However, based on the existing information, Tasi Mane Project would not be feasible without Greater Sunrise. So, the fight for Maritime Boundary is part of Strategic Development Plan.

Then at the domestic level, the discussion moves to different level. Is Tasi Mane Project something desirable for Timorese? Is it a good way of developing the country in the long-run? If everyone agrees with it, what are the differences in term of vision for the country that each political party has in building up for 2017 election?

While the fight for Maritime Boundary unites all Timorese across political spectrum, the differences occur when it comes to development model. Mari Alkatiri, who is currently the President of Special Economic and Social Zone in Oecusse once said "we cannot ask all Timorese to turn into the sea, when they live on the land." The President of Timor-Leste has recently criticised this project due to unclear investment return. Tasi Mane Project obviously is another point of the discussion. This has to be seen within overall development framework. However, many have raised valid questions about this project, including the President of the Republic, and local Non-Governmental Organization, La'o Hamutuk. Some concerns are economic rationales, and investment return and whether this is a good approach to Timor-Leste or not.

For Australia, is facing dilemmatic position. Australian relations with Timor-Leste goes beyond state's level. It is more about people to people relations. While not many Australians are aware of the historical legacy, but many Timorese remember very well that during Second World War, Timor-Leste was fighting alongside Australian against Japanese in Timor, and thousands of Timorese were killed during that period. During Indonesian military occupation, despite Australian's government complicity, Australian solidary movement was playing critical roles until 1999. And in 1999, Australian Force led UN Peacekeeping Mission. Currently, Australia is the Timor's biggest Development Partner, contributing around one-third of total development partners' spending in Timor. Beyond that, people to people relations are also strong as there are many grassroot activities that involve people in both countries.

However, for Australia, this current issue will have tremendous impacts on its Foreign Policy, and its status on the international arena. At the international arena, Australia has always presented itself to be a democratic country, promoting human rights, freedom of speech, and rule of law. However, its stands on this issue will obviously expose its practice in reality. One of the immediate impacts is Australia's stand on the South China Sea. It will be hypocritical if one side Australia calls for Beijing to respect international principle as the rule of the game; on the other hand, it actually does the same thing to its closest neighbouring country. It already adds to other complicated issues like Refugee Policy, and its treatment on Asylum seekers in Nauru that is recently exposed by international media. There is a say that 'action speaks louder than the words.'

Maritime Boundary seems to unite Timorese across political spectrum. The nationalism discourse is being redeployed in this case. But as we open up the different layers, there are also differences across political spectrum, and that is normal for any democratic societies. For Australia, this is an issue that Canberra has to deal with. It cannot ask China to do what itself cannot do. What Dili has been asking during the last two years is to sit and to negotiate as a partner in a 'good faith.'



## Published by Guteriano

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