

Timor-Leste Universities Movement (MUTL)

Press Conference

“We do not agree with the statement of Julie Bishop, Australian Minister for Foreign Affairs, that “the Compulsory Conciliation Commission does not have jurisdiction to apply a decision on the delimitation of the Maritime Boundary”

On 11 April 2016, Timor-Leste filed a case on the Maritime Boundary dispute with the Court of Arbitration, through the mechanism of Compulsory Conciliation. After filing the case on 25 June, the United Nations accepted Timor-Leste’s proposal and established an independent commission composed of five independent conciliators to hear the arguments from Timor-Leste and Australia. On 29 August 2016, the independent commission began its work hearing the opening arguments from the negotiators of both sides, at the opening session of the commission in The Hague, The Netherlands.

Timor-Leste has filed the case with the Court of Arbitration because Timor-Leste has no means left of asking Australia to sit together and discuss the issue of the delimitation of the maritime boundary. On 22 March 2002, Australia withdrew itself from the compulsory process to resolve maritime boundary disputes, under the international jurisdiction of UNCLOS.

The CMATS treaty that was signed by the governments of Australia and Timor-Leste on 12 January 2006 was an agreement to split 50:50 the revenue from the Greater Sunrise field, and resolved to not address the issue of the delimitation of the maritime boundary for the next fifty years. This treaty expired on 24 February 2013, when it was six years old.

The reason the CMATS treaty expired was that based on Article 12.2, a) “if there has been no agreement on a development plan for Greater Sunrise within six years, the CMATS treaty will annul itself”.

Timor-Leste’s other reason for letting the CMATS treaty expire or become inactive was because during the negotiation period for the CMATS treaty in 2004, the Australian government spied on the negotiations, using spying devices which they installed in the government offices in Timor-Leste, so that they could be privy to the strategy and confidential conversations of the Timor-Leste government.

Timor-Leste also does not agree with the Continental Shelf Agreement which was signed on 9 October 1972 by Indonesia and Australia, an agreement which determined the maritime boundary based upon the Continental Platform, which is closer to Timor-Leste. Timor-Leste takes the position that this agreement is not fair, and proposes the boundary of the median line between Timor-Leste and Australia.

Timor-Leste also does not agree with Australia’s proposal that Timor-Leste fishermen be allowed to fish right up to the median line; Timor-Leste also wants an agreement on a median line that includes the resources on the seabed.

Timor-Leste also does not agree with a lateral boundary, because distance along the perpendicular line of the east coast is closer to the island of Jaco, and the distance of the perpendicular line on the west coast is not based on the middle line of the Mota Masing.

After Timor-Leste put forward its arguments to the Compulsory Conciliation Commission, on the same day the Australian Minister for Foreign Affairs, Julie Bishop, issued a statement to the Australian media that:

“The Commission does not have jurisdiction to hear arguments on delimitation of maritime boundaries”.

We the University Movement of Timor-Leste (MUTL) do not agree with this statement, because compulsory conciliation is a process that is provided for under the UNCLOS Law of 1982, and which is explicitly stated in Articles 286 to 296.

Today, 26 September 2016, we have heard that the Compulsory Conciliation Commission will be stating their position as a response to Julie Bishop’s statement.

We, the University Movement of Timor-Leste, ask the Commission to continue the process of compulsory conciliation, so that the international community can learn about the unfair actions of the Australian government on this issue, their actions in taking our resources in the Timor Sea, and their refusal to agree on a maritime boundary based on the median line.

This is our position and we believe that later today, Monday morning Netherlands time, the Compulsory Conciliation Commission will confirm that they will continue to consider the issue of the maritime boundary.

Dili, 26 September 2016.

The undersigned:

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