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PM Malcolm Turnbull disappoints East Timor on talks on maritime boundary

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Prime Minister Malcolm Turnbull has offered to hold "frank and open" discussions with East Timor about the unresolved maritime boundary between the two countries but stopped short of the fledgling state's request for formal and discrete talks to settle the impasse.

[East Timor's prime minister Rui Araujo wrote to Mr Turnbull on February 1](#) asking that the two leaders meet to discuss a permanent maritime boundary in the Timor Sea, rich in oil and gas.

Dr Araujo told Mr Turnbull that the current arrangement, where the two countries share oil and gas revenue in a joint development area, does not reflect East Timor's entitlements under international law.

As a result, East Timor believes it has lost some \$US5 billion in royalties and tax revenue since independence, enough to fund its entire budget for three years.

East Timor asserts the vast majority of the oil and gas reserves in the Timor Sea - worth about \$40 billion in royalties and tax alone - would lie in its territory if the sea borders in the Timor Sea reflected the norms of the UN Convention of the Law of the Sea (UNCLOS), a contention Australia rejects.

In his response to Dr Araujo, Mr Turnbull highlighted the importance of the relationship and said there was a genuine need for "frank and open" discussions about the border.

However, he said those talks should take place only within the context of the broader bilateral relationship and alongside "other issues".

The government's position falls well short of the [pledge last month by Opposition foreign affairs spokesman Tanya Plibersek](#) that Labor would negotiate a new boundary in "good faith" and submit the dispute to the international adjudication if bilateral talks failed to produce a result.

Further deflating hopes in Dili, Mr Turnbull also said Australia's long-held position was to support the treaty arrangements that underpin the current resource sharing in Timor Sea and were negotiated in "good faith" and "consistent with international law".

East Timor takes a different view in light of the revelations that the Australian Secret Intelligence Service agents - operating undercover as aid workers - inserted listening devices into the wall cavity of East Timor's government office during treaty negotiations in 2004.

East Timor has restarted international arbitration in the Hague to press its claim that the eavesdropping should render the Timor Sea Treaty void on the grounds it wasn't negotiated in good faith, as required under the Vienna Convention.

It is a development that Mr Turnbull is believed to have told Dr Araujo was a "disappointment".

Even so, the voiding of the treaty would not require Australia to negotiate a new arrangement, let alone a permanent maritime boundary.

In 2002, just before East Timor became independent, Australia withdrew from the dispute-settling authority of UNCLOS, meaning East Timor can't go to the UN for a determination on the boundary.

[With Mr Turnbull calling on the various claimants in the South China Sea to settle their disputes according to international law and to ratify UNCLOS](#), Australia's position on East Timor undercuts its wider diplomatic

authority, critics argue.

The Philippines has taken China to a tribunal under UNCLOS over a territorial dispute in the South China Sea and Mr Turnbull has said he was "looking forward" to the outcome.

But China says it won't recognise the tribunal's verdict and its foreign minister Wang Yi noted the inconsistency of Australia's position at a joint press conference with foreign minister Julie Bishop last month.

"We issued a declaration excluding China from being subjected to the compulsory [UNCLOS] settlement measures," Mr Wang said.

"Let me also point out that China is not the only country that has issued such declarations. Altogether there are 30 to 40 countries around the world that have issued similar declarations and Australia is also one of them."

This story was found at: <http://www.smh.com.au/federal-politics/political-news/pm-malcolm-turnbull-disappoints-east-timor-on-talks-on-maritime-boundary-20160301-gn798f.html>