

Mark Skulley

Australian objections in Timor Sea case thrown out

SEPTEMBER 26, 2016 | MARK SKULLEY | LEAVE A COMMENT

The Permanent Court of Arbitration has thrown out the Turnbull government's argument it did not have jurisdiction to hear a dispute about disputed maritime boundary between Timor-Leste and Australia.

In a decision published on Monday the five-member Commission said it was competent with respect to the compulsory conciliation over the maritime boundary.

"There are no issues of admissibility or comity that preclude the Commission from continuing these proceedings," the decision.

Under the ruling, the 12-month period for the compulsory conciliation will run from the date of the arbitration which was dated September 19.

The conciliation will not be binding on the parties, but the Turnbull government will come under increased international scrutiny during the process, which is conducted under the UN

Convention on the Law of the Sea (UNCLOS).

The Timor-Leste government welcomed the decision, which followed a three-day hearing held in The Hague.

Timor's Minister of State Agio Pereira – who is also their agent in the proceedings – said: "This process is an opportunity to set a good example in our region and we will engage with respect for the commission and its recommendations, ever conscious of the importance of maintaining the best possible relationship with our close neighbour Australia."

Chief Negotiator and former Prime Minister, Xanana Gusmão thanked the Commissioners for their expertise and noted "Just as we fought so hard and suffered so much for our independence, Timor-Leste will not rest until we have our sovereign rights over both land and sea."

Before the decision, Foreign Affairs Minister Julie Bishop and Attorney-General George Brandis said that Australia would abide by the Commission's finding on jurisdiction but noted the final report was not binding.

Link to further information on the proceedings:

<http://www.pcacases.com/web/view/132> (<http://www.pcacases.com/web/view/132>)

Link to today's decision:

<http://www.pcacases.com/web/sendAttach/1921> (<http://www.pcacases.com/web/sendAttach/1921>)