

## Australia's unscrupulous pursuit of East Timor's oil needs to stop

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Australia's [dodgy oil and gas treaty](#) with East Timor is dead. Now it's time to negotiate fair and permanent maritime boundaries with our tiny neighbour.

This week's joint announcement from the governments of Australia and East Timor that the 2006 Certain Maritime Arrangements in the Timor Sea (CMATS) Treaty will soon be terminated is a modest, but important first step towards resolving a long and bitter feud.

Terminating CMATS has the potential to clear away some of the debris that successive Australian governments have generated in their unscrupulous pursuit of Timor's oil and allow the two nations to start afresh on the fundamental problem at the heart of the dispute; where exactly to establish permanent maritime boundaries.

However, the odds are that the Timorese still have a long and bumpy road ahead of them given Australia's track record of stalling and derailing similar negotiations in the past. As was the case during Timor's long struggle for independence, fair-minded voices in the Australian community will be needed to maintain pressure on the Australian government and hold it to account.

CMATS was a "temporary resource-sharing agreement" that centred on the massive Greater Sunrise gas field located a little under 150 kilometres from Timor and 450 kilometres north-west of Darwin. Greater Sunrise might generate up to \$20 billion in government revenue alone.

In circumstance like this, where two countries are less than 400 nautical miles apart, international law overwhelmingly favours establishing maritime boundaries based along the median line – that is, halfway between the two coastlines. This approach would see most if not all of Greater Sunrise fall within East Timor's exclusive economic zone.

But until now international law has been of little consequence. That's because just two months before East Timor's independence in May 2002, the Australian government withdrew its recognition of the maritime boundary jurisdiction of the International Court of Justice. Pre-emptively turning its back on the independent umpire was a sure sign that the Australian government knew its outdated arguments about continental shelves was unlikely to stand up to scrutiny in any international court or independent arbitration process.

This meant that in the subsequent negotiations, the Australian government was able to jostle East Timor into a series of temporary resource sharing arrangements that all sought to short-change the fledgling nation out of billions of dollars.

As if the David and Goliath imbalance in the bargaining positions weren't enough, the Australian government also used an aid project as a cover to bug the Timorese cabinet room. When exposed in 2013 the underhanded move against the impoverished nation incensed the Timorese leadership and infuriated many Australians who believe our espionage capabilities should be dedicated to national security, not chasing economic gain.

The Australian government's tactic of snubbing international law began to crumble last year when East Timor was able to launch a "compulsory conciliation" procedure at the United Nations. It's a mechanism that has never been used before and exists specifically for when one country refuses to recognise the jurisdiction of the independent umpire that would normally settle disputes.

Although Foreign Minister Julie Bishop has been quick to point out that the final outcome of this conciliation is not legally binding, politically a ruling in Timor's favour would be hard for Australia to ignore. At a time when Bishop is seeking a spot on the UN's Human Rights Council, it would be breathtakingly hypocritical to reject the conciliation process – especially given her many pleadings for China to heed independent rulings in regards to its territorial dispute in the South China Sea.

When the proceedings opened last September in The Hague, East Timor's lead negotiator, Xanana Gusmao, opened with reflections on why as a sovereign nation it was important for East Timor to establish permanent maritime boundaries and complete its long journey to independence.

"We have not come to The Hague to ask for favours or special treatment. We have come to seek our rights under international law," he told the commission. Australia's delegation on the other hand, opened by mounting a challenge to the commission's authority to consider the central topic of maritime boundaries.

Fortunately, this undignified attempt to wriggle out of the process was soundly rejected by the UN-constituted commission and the conciliation process now appears to be making some progress.

Although this week's announcement essentially just boils down to a public commitment to return to the negotiating table, in the context of the past 15 years in which successive Australian governments have outright refused to even entertain the idea of establishing permanent boundaries in accordance with current international law, it's a promising sign.

The conciliation process will now continue behind closed doors. Australians who believe that a rules based world order is in our interest and believe in a fair go, need to find their voice. We must let our government know we are watching.

This issue is not about charity, it's about justice. East Timor is simply asking for what it is legally entitled to – no more and no less.

**Tom Clarke is a spokesman for the Timor Sea Justice Campaign.**

*This story was found at: <http://www.smh.com.au/comment/australias-unscrupulous-pursuit-of-east-timors-oil-needs-to-stop-20170110-gtopre.html>*