

DLA Piper guides Timor-Leste to historic treaty with Australia

by [Sol Dolor](#) | 09 Mar 2018

The 45-year impasse between Australia and Timor-Leste around a permanent maritime boundary is coming to a close with a historic treaty that [DLA Piper](#) helped broker.

On Wednesday, both governments signed the maritime boundary treaty at the United Nations headquarters in New York after a [two-year compulsory conciliation process](#). The treaty was signed by H.E. Agio Pereira, Timor-Leste's agent and minister in the Office of the Prime Minister for the Delimitation of Borders, and Julie Bishop, Australia's foreign minister. The signing was overseen by United Nations Secretary-General António Guterres and Commission Chair Ambassador Peter Taksøe-Jensen.

[DLA Piper](#) has been advising the Timor-Leste government on the issue for more than four years. The global firm has been acting for the government on a range of matters over the last decade.

DLA Piper said that a small team began working with the Timorese government in 2013 to formulate a revised strategy in relation to the Timor Sea.

"Working with the Timor-Leste Maritime Boundary Office, DLA Piper played a central role in advising on what was a little known compulsory conciliation process – the first time this has been activated under the 1982 United Nations Convention on the Law of the Sea (UNCLOS)," DLA Piper said in a statement.

[Administered by the Permanent Court of Arbitration](#), the process has resulted in an agreed boundary based on the median line between the two countries. It gives Timor-Leste a bigger slice of the resource-rich area, as almost all of the previous joint petroleum-development area and other significant areas have become the country's sovereign territory under the treaty.

"This has been a significant achievement for the government and the people of Timor-Leste. This is a matter that, at its heart, allowed the smaller, younger nation to stand on a level playing field and realise its sovereignty with a larger neighbour," said partner Stephen Webb, who led the DLA Piper team.

"The conciliation process and the resulting treaty primarily delimits a permanent boundary. It also recognises and respects the rights of the many companies with an interest in this part of the Timor Sea..." he said. "A real key to success was the appointment, by both countries, of highly regarded and committed conciliators. They deserve considerable credit for the way they, and the PCA, played such a proactive role."

Supporting Webb on the multi-jurisdictional [DLA Piper](#) team was senior partner Janet Legrand in London and DLA ABBC in Lisbon. She said that advising Timor-Leste has always been a real privilege for the firm. "

"It has been a truly international and collaborative effort, involving lawyers from ten [DLA Piper](#) offices in the Asia Pacific region, Europe and the US," she said. "While this first UNCLOS process focused on a maritime boundary, in light of this success, the model is likely to be considered for use in other areas where protracted State to State differences could benefit from an innovative structured third party assisted process."

Key roles were held by Sydney-based partner Gitanjali Bajaj, and colleagues Liam Prescott, Greta Bridge, Efi Goudakis and others in Australia. Partner Sadhie Abayasekara led in Timor-Leste.

The US team was led by partner Matthew Bernstein, and included professor Harold Koh and former US senator and DLA Piper chairman emeritus George Mitchell. The firm instructed leading international counsel professor Vaughan Lowe and Sir Michael Wood in London, as well as junior counsel Eran Sthoeger in New York.

DLA Piper originally engaged with the Timor-Leste government on a pro bono basis. The global firm has since provided more than ten lawyers on long-term secondments since 2008.