

SUBMISSION NO. 32

From: Diane Farsetta [diane@etan.org]  
Sent: Tuesday 30 July 2002  
Subject: ETAN/U.S. comments on Timor Sea issues

East Timor Action Network/United States  
10 Years for Self-Determination and Justice

Committee Secretary  
Joint Standing Committee on Treaties  
Department of House of Representatives  
Parliament House  
CANBERRA ACT 2600  
AUSTRALIA

via Fax: +61/2-6277-2219 and Email: jsct@aph.gov.au

July 29, 2002

RE: Inquiry into the Timor Sea Treaty (May 2002) and the Exchange of Notes  
between East Timor and Australia (Timor Sea) (May 2002)

Dear Secretary,

We thank you and the Committee for providing this opportunity to comment on your review of these two important agreements. Especially given the devastation East Timor suffered in 1999, these agreements are vital to the new country's near- and long-term future. Many throughout the world are watching closely how Australia conducts itself on this matter.

The East Timor Action Network/U.S. has long supported East Timor's self-determination. With that goal achieved, we remain concerned that other nations treat East Timor as a sovereign equal and do not take advantage of its relatively small size or current economic problems.

Although these issues are for the governments of Australia and the Democratic Republic of East Timor to negotiate, we are sure the Committee is aware that people throughout the world have a keen interest in the outcome. Many people's opinion of Australia will be shaped by its conduct in this matter.

In this submission, therefore, we urge the Committee to press the Australian Government:

- 1) To base their position in any negotiations on the sea boundaries between East Timor and Australia on current international law, without consideration of the illegitimate 1989 Timor Gap Treaty between Australia and Indonesia. Agreement on sea boundaries should precede any further agreements on revenue sharing.
- 2) To acknowledge that all formulas to share revenue from the oil and natural gas fields located between East Timor and Australia will be based on these final boundaries.
- 3) To accept international arbitration as a way to resolve these issues. The government of Australia should rejoin the maritime boundary dispute settlement mechanisms of the International Court of Justice (ICJ) and the U.N. Convention on the Law of the Sea (UNCLOS). If the Australian government truly believes in the legal legitimacy of its positions, it should not fear these neutral fora.
- 4) To act expeditiously, so that the East Timorese can plan their economic development based on an accurate assessment of future revenue, and so that the people of East Timor have full access to all resources and derived revenues from the Timor Sea -especially from the Greater Sunrise field - which are rightfully theirs under international law and which are greatly needed for the future of their nation.

Yours sincerely,

John M. Miller, Media/ Outreach Coordinator  
on behalf of the East Timor Action Network./U.S.