

Re: The new Treaty that is loosely based on the terms and conditions of a previous 1989 Timor Gap Treaty between Australia and Indonesia for the joint commercial development of oil and gas resources in the Timor Sea. This treaty was always considered illegal by the East Timorese people.

**Australia should:**

- Declare the centrality of the Treaty's 'without prejudice' clause and acknowledge that the Treaty's arrangements are provisional only.
- Declare that the Treaty does not inhibit the extent of East Timor's maritime claims.
- Recognise its international legal obligation to engage with East Timor in "good faith" towards the achievement of permanent maritime boundaries.
- Establish a time frame, not exceeding 5 years, in which boundaries will be settled.
- Confirm that, consistent with Article 11 of the Treaty, Australia will prioritise 'training and employment opportunities for East Timorese nationals and residents.'
- Ensure that Production Sharing contracts include provisions that prioritise East Timorese interests, in particular capacity building measures.
- Immediately reinstate its adherence to the dispute settlement mechanisms of the ICJ and UNCLOS.

**Ratification of the Treaty without these commitments will not provide the best possible outcome for East Timor and is likely to lead to a negative perception of Australia from the East Timorese people.**

The failure to unlock the resources of the Timor Sea for the full benefit of East Timor may have significant consequences for longer-term human development, economic self-reliance and stability in East Timor. Revenues from oil and natural gas currently represent East Timor's greatest hope for meeting the people's basic needs, including economic development, health and education. In contrast, Australia is already well endowed with natural, mineral and petroleum resources and wealth.

As a new nation, the people of East Timor deserve the opportunity to pursue their desire to delimit their sovereign boundaries and secure their physical place in the world. Australia's withdrawal from the dispute settlement mechanisms of the ICJ and UNCLOS seems to be an over-reaction that severely limits East Timor's options in seeking an objective, third party resolution of the maritime boundary dispute.

**An economically viable East Timor is in Australia's interests and that of the region. By ensuring that ratification of the Treaty is accompanied by the measures outlined above, Australia has the opportunity to assist East Timor towards the goal of economic self reliance.**

From:

Vanessa Yardley-Langridge (ASU Delegate)

Mailing Address: 14a SMITHAN ROAD, MUNNO PARA DOWNS, S.A.,  
5115

*I reject all forms and systems of domination and discrimination.*

*Because in our daily lives we struggle against;*

*capitalism, racism, patriarchy, authoritarianism, nationalism, homophobia and anti-semitism.*

RECEIVED  
14 OCT 2002

BY:.....