

Foreign Affairs, Defence and Trade Committee
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Dear Committee

Sovereignty of First Nations Peoples in Australia means that the Responsibilities as Custodians for People and Country that have not been ceded by Aboriginal Torres Strait Islander Peoples apply to those contexts in which the Sovereignty of Neighbours is discussed by the Australian Government.

This Submission traverses various issues raised in most of the Submissions (currently 1-10 as at 20201.20) on the Inquiry WebSite.

1. This Submission Agrees with the La'o Hamutuk (Walking Together) Submission that Australia should voluntarily return the US\$5 billion that it has taken from Timor-Leste's maritime territory since 2002."

1.1 Requested Recommendation: This Submission requests that this Inquiry into Australia's declarations made under certain international laws Recommends that Australia should voluntarily return the US\$5 billion that it has taken from Timor-Leste's maritime

territory since 2002, in accordance with the action sought by La'o Hamutuk (Walking Together) in this Inquiry's Submission 1.

2. This Submission notes the comments in Submission 2 that “the Australian government could have agreed to a maritime border with Timor-Leste and refrained from making those declarations [made in March 2002] but it had a higher priority: to please certain energy companies by compelling the impoverished, newly-independent Timor-Leste to sign an International Unitization Agreement as a condition for ratifying the Timor Sea Treaty”, and seeks this Inquiry's investigation and Public Reporting to name those “energy companies” referred to in these comments from Submission 2.

This Submission notes the comments in Submission 10 from Department of Foreign Affairs and Trade, DFAT

Article 298 of United Nations Convention of the Law of the Sea (UNCLOS) permits a State, “when signing, ratifying or acceding to this Convention or at any time thereafter... [to] declare in writing that it does not accept procedures provided for...” dispute settlement with respect to “disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles...” States agreed to this limitation on compulsory dispute resolution procedures to reinforce a core principle at international law that States must consent to enter dispute settlement.

2.1 Requested Recommendation: This Submission requests that this Inquiry in its Public Report name those energy companies referred to in that Submission 2 from Professor Clinton Fernandes, and investigates how, and how much, the connexion between those energy companies and the Australian Government, and its national security related agencies, influenced the making of the March 2002 Declarations under Articles 287 and 298 of the United Nations Convention of the Law Of the Sea, UNCLOS, and Article 36 of the

Statute of the International Court of Justice, and investigates and Publicly reports on the related consequences for the Sunrise-Troubadour and associated extractive operations covered by the maritime boundary dispute underlying Submissions to this Inquiry.

This Submissioner seeks to add to this Submission.