

SUBMISSION NO. 31

The Secretary
Joint Standing Committee on Treaties
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Dear Secretary

Thank you for the opportunity to comment on the proposed Timor Sea Treaty between East Timor and Australia.

As an Australian currently living in East Timor, I wish to bring to the attention of the Committee the fact that the share of oil and gas allotted East Timor in this treaty is far from generous or just, a fact recognised by civil society groups, community leaders and the government of East Timor.

As shown by the joint East Timorese-international think-tank Lao Hamutuk, East Timor will only receive thirty-seven percent of its natural gas entitlements under this treaty, thus losing tens of billions of dollars of future revenue to Australia.

This is because the Timor Sea Treaty continues the petroleum development zone defined in the immoral Timor Gap Treaty signed with Indonesia in 1989, a zone which excludes most of the petroleum resources. These resources (the remaining sixty-three percent) would belong to East Timor if, instead of the zone, it achieved maritime boundaries in accordance with the convention of equity prevailing under current maritime law.

This argument was expounded earlier this year by renowned international experts consulted by a rival oil company, which offered to fund East Timor's maritime boundary claim against Australia in the International Court of Justice (ICJ) in The Hague. The validity of this argument was conceded by Australia, when on the Monday after it was made, the government announced the withdrawal of Australia from the jurisdiction of the ICJ on maritime boundary disputes.

This move was described by East Timor's prime minister as "an unfriendly act". However, the nascent East Timorese government is attempting to avoid conflict with its powerful neighbour. It signed the Timor Sea Treaty on May 20, saying it would attempt to get a fairer share of its resources through negotiation of a maritime boundary with Australia.

Australia on the other hand, has exempted itself from maritime boundary dispute resolution under international law and written into the treaty a lifespan of thirty years if boundaries aren't mutually agreed, in an attempt to pre-empt a fair outcome.

I feel this behaviour is exceptionally shameful for four reasons :

1. East Timor is an impoverished nation, devastated by violence; by UNDP calculations it's the poorest in Asia.
2. Australia is a wealthy nation, with the Timor Sea natural gas only one-fifth of our total natural gas wealth.

3. Petroleum revenue is already being appropriated by Australia (ie. the Laminaria/Corralina field operated by Woodside Petroleum), at a time crucial to East Timor's development and reconstruction. This field is currently producing hundreds of millions of dollars of revenue a year for Australia, in a theft which has left East Timor dependent on foreign aid, and under pressure to take on debt.
4. Australia has betrayed East Timor before by exploiting the Timor Sea petroleum with Indonesia, while the latter was illegally and brutally occupying East Timor, only a few years before the East Timorese would achieve their hard won independence.

As most of you would be aware, Australia enjoys a popularity in East Timor after we sent peacekeepers in to stop the violence in 1999. However, many Timorese also remember that they helped us in World War Two, and then when it came to their invasion by Indonesia, we did deals with the Suharto regime.

How do we compensate for this?

I submit to the Committee, that if we continue to betray East Timor with this extortionate treaty, despite the diplomatic face of the East Timorese government, our sympathy in East Timor will wane. Successive generations of East Timorese leaders will see Australia as exploitative and adversarial. And then we can expect the same kind of strained relationship we have with Indonesia.

Perhaps only in the future, when Australia has to rely on the goodwill of the Timorese like we did in the War, will we discover whether this treaty is "in the national interest". However, before that time I'm writing to say that the treaty is wrong.

Yours Sincerely,

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