



## SPOKESPERSON V CONSTITUTIONAL GOVERNMENT



## MEDIA RELEASE

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Dili, Timor-Leste

### **Australia changes position on maritime boundaries**

In a sharp diversion from Australian policy, Defence Minister Johnston in a speech called “Managing Strategic Tensions” urged participants to clarify and pursue matters “in accordance with international law including the 1982 United Nations Convention on the Law of the Sea.” He inferred boundary deliberations of the sea should be resolved through international means available for “the collective good of all nations in the region.” Timor-Leste agrees with the Honorable Defence Minister and hopes this signals a new policy alignment; especially regarding Timor-Leste who seeks a permanent maritime boundary with Australia for accelerated regional development.

According to UNCLOS law, the accepted maritime border between two countries is the median line. Article 15 of UNCLOS 1982 states where the coasts of two States are opposite to each other, neither of the two States is entitled to extend its territorial sea beyond the median line every point of which is equidistant. While Prime Minister Abbott in a radio interview broadcast on the 3rd of June declared “**disputes should be settled ... in accordance with international law**” and strongly discouraged any unilateral action by any State in relation to maritime claims, Australia has yet to adhere to international law with its closest neighbor Timor-Leste by refusing to abide by the international laws of UNCLOS or enter negotiations as its stated ‘preferred method of resolution’, the excuse filed for reservations at the ICJ (International Court of Justice) and at ITLOS (International Tribunal for the Law of the Sea) in March 2002 which ensured Timor-Leste had no legal remedy to pursue a boundary. Australia’s exit from international law mechanisms in relation to Timor-Leste came as a global shock as a major departure from the Australian bred concept of ‘fair go’.

In February 1991, Australia was brought to the International Court of Justice by Portugal on the legality of the Timor Gap Treaty signed between Australia and Indonesia devised to exploit billions of dollars of resources from the Timor-Sea. The court could not rule as Indonesia did not participate. However, when Australia accepted Indonesia’s occupation of Timor-Leste, the nation was in violation of the United Nations Security Council Resolution 384, which called “upon all States to respect the territorial integrity of East Timor as well as the inalienable right of its’ People to self-determination.” Ironically, Australia now sits on the United Nations Security Council, a bid highly supported by Timor-Leste.



Ágio Pereira  
+670 77045002  
[agio.pereira@cdm.gov.tl](mailto:agio.pereira@cdm.gov.tl)  
[govtmedia@gmail.com](mailto:govtmedia@gmail.com)  
[www.timor-leste.gov.tl](http://www.timor-leste.gov.tl)

Between 1975 and 1999 Australia and Indonesia entered into several treaties to explore the oil and gas in the Timor-Sea. However, as Suharto's regime ended in 1998 with nearly 12 months of economic and political crisis along with Timor-Leste's independence in 1999 which resulted in the total destruction of the nation; plans were devised, approved and consolidated by Australia unilaterally for resource development in the Timor-Sea. Despite a letter from senior members of the United States Senate and House of Representatives urging Prime Minister Howard to ensure "any revenue from the disputed areas of Timor-Leste's side of the median line but outside the JPDA be held in escrow pending settlement", Australia surged forward with exploration and exploitation including plans by the Australian Government, Conoco Phillips and their JV Partners to invest heavily and solely on Australian soil.

Minister Pereira said "We welcome the new policy by both the Prime Minister of Australia and his Defence Minister. Timor-Leste is a close ally and friend to Australia. We are a strategic bridge between Australia and the region and both our countries leadership understand the important alliance that can and should be built between nations through international laws and norms we prescribe through constructive engagement, substantive dialogue and negotiation." **ENDS**



**Ágio Pereira**

+670 77045002

[agio.pereira@cdm.gov.tl](mailto:agio.pereira@cdm.gov.tl)

[govtlmedia@gmail.com](mailto:govtlmedia@gmail.com)

[www.timor-leste.gov.tl](http://www.timor-leste.gov.tl)