



## **SUBMISSION TO SELECT COMMITTEE**

**Submission to the inquiry on  
Australia's declarations made under certain international laws.**

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**Submitted by  
Josephite Justice Office**

**Contact  
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The Sisters of St Joseph is a religious congregation founded by Mary MacKillop. This submission comes from the Josephite Justice desk. We are grateful to the Senate for this opportunity to comment on this matter of high importance.

The circumstances of Australia's declarations made in 2002 concerning the jurisdiction of the ICJ or ITLOS are a source of disturbance for a growing number of Australians. We share this distress.

Further information about these circumstances and about subsequent events impel us to call on the Senate to review the declarations and then to call on the parliament to reverse the declarations.

The declarations removed Australia from the oversight of the two UN bodies which concern themselves with maritime boundary matters. It is now common knowledge that Australia used its withdrawal to engage in acts which severely disadvantaged Timor-Leste, in attempts to bring to Australian interests significant financial gain instead.

The Timorese long-held preference for an internationally recognised border was unable to be pursued due to Australia's highly advantageous position in not being under scrutiny as negotiations progressed. Furthermore, Australia sought to gain even greater benefits by spying on the Timorese during those negotiations.

There are more untoward consequences of the decision to withdraw from the ICJ and ITLOS conventions.

The intrigue surrounding the spying has opened Australia to international questioning and distaste, leaving our good name difficult to be seen as trustworthy. Complicating this aspect is Australia's willingness to call on other nations, such as China, to observe international standards and norms. In addition, politicians connected to the spying were in league with Australian companies which would have benefitted to agreements favourable to Australia. Ethical opposition to this reality is now causing a drawn-out and secretive court case as the government pursues the spy "Witness K" and his lawyer, Bernard Collaery.

This most unattractive scenario follows years of exploitation of Timor Sea resources which are now recognised as belonging to the Timorese people. A number of groups in Australia and overseas have been calling for some time for financial recompense to be made to Timor-Leste for the tax revenue which Australia gained from areas which are, in fact, Timorese.

Along with many Australians we are proud of the claimed ethos of fairness and support of the battler and the underdog. We are more and more saddened as the facts of these historical episodes become clearer. It is one thing to be unfair when dealing with those on a par socially and financially. It is quite another to treat a weaker entity unfairly, as is apparent that Australia has done. We join with people of goodwill who are appalled at Australia's conduct in the withdrawal from the UN

instruments, and in the manipulation of negotiations involving the resources of the Timor Sea, especially from 2002 onwards.

**Therefore:**

1. We support call for the reversal of Australia's withdrawal from the ICJ and ITLOS.
2. We recommend that Australia returns to international jurisdiction in all matters concerning maritime boundaries
3. We add our voice to calls for full investigation into the withdrawal from the UN instruments and into all related matters including, but not limited to the financial gains Australia has made from 2002
4. We call strongly for the discontinuance of the prosecution of "Witness K" and Bernard Collaery.

Jan Barnett rsj