



**COMMONWEALTH OF AUSTRALIA**

# **JOINT STANDING COMMITTEE ON TREATIES**

**Reference: Australia-Indonesia maritime delimitation treaty**

**CANBERRA**

**Monday, 20 October 1997**

**OFFICIAL HANSARD REPORT**

**CANBERRA**

## JOINT STANDING COMMITTEE ON TREATIES

### Members:

Mr Taylor (Chairman)

Mr McClelland (Deputy Chairman)

Senator Abetz	Mr Adams
Senator Bourne	Mr Bartlett
Senator Coonan	Mr Laurie Ferguson
Senator Cooney	Mr Hardgrave
Senator Murphy	Ms Jeanes
Senator Neal	Mr Tony Smith
Senator O'Chee	Mr Truss

For inquiry into and report on:

Australia-Indonesia maritime delimitation treaty.

**WITNESSES**

**DWYER, Mr Kieran Anthony, National Board Member, East Timor Relief  
Association, PO Box 23, Fairfield, New South Wales 2165 ..... 190**

JOINT STANDING COMMITTEE ON TREATIES

*Australia-Indonesia Maritime Delimitation Treaty*

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Present

Mr Taylor (Chairman)

Senator Coonan

Mr Adams

Senator Murphy

Mr Laurie Ferguson

Senator O'Chee

Mr Hardgrave

Ms Jeanes

Mr Tony Smith

The committee met at 10.05 a.m.

Mr Taylor took the chair.

**DWYER, Mr Kieran Anthony, National Board Member, East Timor Relief Association, PO Box 23, Fairfield, New South Wales 2165**

**CHAIRMAN**—Welcome. The committee received your written submission No. 8 on 26 September. Before I invite you to make an opening statement, are there any editorial changes to that written submission?

**Mr Dwyer**—Not to the submission, except that there is an appendix referred to in it which did not come with it. It has arrived by hand today and is being copied.

**CHAIRMAN**—Thank you. Would you like to make an opening statement?

**Mr Dwyer**—The East Timor Relief Association is an Australian-East Timorese non-government organisation with the broad aims of relief and development work inside East Timor, and educational and advocacy work internationally. I will call it ETRA just for simplicity. To put the bottom line on the submission that ETRA makes today, we very clearly state that we do not believe this treaty should be ratified in its current form. All provisions relating to the water column and fisheries rights in the so-called Timor Gap should be removed from the treaty before it is ratified. That is the bottom line of the ETRA submission.

In summary of our arguments inside the submission, there are two bases for our arguments. One is international law. East Timor is a United Nations scheduled non-self governing territory and has been since 1960, due for decolonisation. That is, the people of East Timor await and work for the exercise of their legally guaranteed right to self-determination. Therefore, Indonesia has no right to sign international treaties on behalf of the people of East Timor.

We submit that this treaty defies repeated United Nations condemnations of Indonesia's invasion and ongoing military occupation of East Timor, General Assembly resolutions, Security Council resolutions and human rights commission resolutions, the latest of which was in 1997. ETRA submits also that in the 1989 Timor Gap treaty Australia avoided the ICJ ruling on the substantive issues in this dispute by arguing that its treaty partner, Indonesia, did not recognise the court's jurisdiction. In entering this treaty, Australia would be wilfully setting out to avoid the very international legal framework that it purports to operate within.

The second basis of our argument is Australia's national interest, as outlined through the national interest analysis. Basically, as the submission states, we would argue that Australia's national interest is way too narrowly conceived in this document and that it is based upon dangerously worn-out thinking. We would say that it particularly ignores the current international developments with regard to East Timor and internal Indonesian political developments as well. We argue that the consequence of this could be to marginalise Australia within the region and that it puts Australia in a position of actively destabilising the region.

At the very least, we would argue that it is in Australia's national interest to take a wait and see approach on these international initiatives and on the internal developments with Indonesia and, therefore, to withdraw the provisions relating to the Timor Gap from this treaty and not actively participate in that destabilisation. That is the broad summary about the bases of our arguments.

**CHAIRMAN**—Thank you very much. I should have said before inviting you to make a statement, so you are aware what this committee has been doing, that today's hearing is the fifth to be held on this treaty. Other hearings have been conducted in Canberra, Perth and Darwin and most recently on Christmas Island. A final hearing has been scheduled for next week on 28 October, where final evidence will be taken from departmental witnesses. Evidence was presented to the committee in Darwin by your colleague Rob Wesley-Smith, representing Australians for a Free East Timor.

**Mr Dwyer**—That is a separate organisation. We are not technically colleagues.

**CHAIRMAN**—It is a separate organisation, but he is a colleague. It is important that all organisations interested in this treaty have a chance to place their position on the public record, and that is why we are very pleased to have you here this morning.

I would like to make one opening comment before I invite my committee colleagues to question. We do not endorse the way it was done but, nevertheless, like it or not, the view of governments on both sides of the political fence—the bipartisan view, if that is the right phrase, at the government level and the previous government level—is that East Timor is now part of Indonesia but that that should not stop us, as individuals, as parliamentarians indeed, at the ministerial and government level, criticising Indonesia for human rights infringements. You will not agree with that, but that is the case.

You have made a lot of the ICJ judgment and question marks. All I would say to you on that one, before I ask some of my colleagues to question you, is that the ICJ judgment in many ways leaves more questions unanswered than it answers. I think you are putting yourself on fairly shaky ground by wanting to refer to that judgment as a substantive argument for your particular view.

With East Timor as part of Indonesia, of course all Australians should want East Timorese to be Indonesian citizens or to be citizens in their own right. The record has not been altogether a rosy one—and the most recent example of that is the Dili massacre. Self-determination is up to them.

The point you have made is that we should not ratify this treaty. This treaty has been negotiated over many years. It is not something that has suddenly emerged. I think it would be very difficult at this late stage to even countenance some sort of variation to something that has been agreed between officials, at very senior ministerial level. Some of my colleagues may disagree with me, but it seems to me that it would be very difficult at

this point in time.

What we have found in the evidence so far is that the issue is not so much the ratification. With due respect, your attitude—and that of Mr Wesley-Smith—is predictable. You do not want this thing ratified. The evidence so far has shown strong support for ratification but has suggested that we should have some machinery in place—both between the Commonwealth and the states and territories and between the federal government and the government of Indonesia—to make quite sure that the implementation phase of this treaty is optimised on both sides.

That seems to be the argument coming through. There was a lot of criticism in Darwin about the fishery resource and the mineral resource. There was even stronger criticism on Christmas Island about some of this. It is all on the public record. Nevertheless, nobody—except Mr Wesley-Smith and, this morning, you—has been suggesting that we should not ratify.

**Mr LAURIE FERGUSON**—I would put a slightly different nuance to it. I think, for practical purposes, we do have to go along with ratification. But, certainly, as you would be aware, despite the leadership of both parties in government, each of them is identified by a number of people who see self-determination as the main accent in what has got to happen in East Timor. They are not necessarily prescriptive about how or what that future will be.

I am interested in the consultation which has taken place—and I think this is a question for Foreign Affairs as well. In regards to their departmental consultation with groups in the broad East Timor policy area, as you understand it, who was consulted in Darwin by the department?

**Mr Dwyer**—In terms of consultation, I understand that Rob Wesley-Smith made a submission. The national interest analysis document stated that East Timor groups in Darwin were consulted in the early stages. That is all I know. I know nothing else about who those groups were, when they were consulted, whether they were East Timorese people or whether they were non-East Timorese people. I am here from the East Timor Relief Association. We have a national board which has a constant membership of five East Timorese people and two non-East Timorese people. I happen to be here today as a non-East Timorese person but I am representing what is essentially an Australian-East Timorese organisation.

**Mr LAURIE FERGUSON**—You have just said that you do not know who was consulted. Does that mean that, if you do have a Northern Territory branch, they were not consulted by the department?

**Mr Dwyer**—We do have a Northern Territory branch and, as I understand it, they were not consulted. As I also understand it, none of the recognised East Timorese

leaders—inside East Timor, throughout the world or inside Australia—have been consulted on this. To ETRA that is a very significant lack in consultation. If this has been negotiated over years and years, as the Chairman says, and yet not once has the Australian parliament attempted to consult the recognised leaders of East Timor, I cannot see how that is effective negotiation and effective consultation.

**Mr HARDGRAVE**—I was going to ask about any information you have on consultation taking place within East Timor. It is a bit hard, you must concede, for the Australian parliament, government or its representatives to consult East Timor if it is part of another nation, albeit under suspect circumstances.

**Mr Dwyer**—It is only part of another nation within the eyes of the Australian parliament. It is not part of another nation within the eyes of the United Nations. This treaty purports to set itself up within a legal framework underneath United Nations charters. The United Nations does not recognise that East Timor is part of another nation. There is a gap there. In that context, the Timor Gap is that the logic does not fit.

**Mr HARDGRAVE**—There would be no scope for Indonesia itself to consult with East Timor?

**Mr Dwyer**—It would not be an effective consultation, because it would be done under duress. United Nations bodies and human rights bodies throughout the world acknowledge that East Timorese people do not have a free voice inside East Timor. They cannot negotiate freely with Indonesians. You cannot negotiate with someone who has a gun at your head: that is metaphorical and literal inside East Timor.

**Mr HARDGRAVE**—Are you saying that over the last few years Australian diplomats, bureaucrats and even, for that matter, ministers and so forth should have insisted upon consultation by the Indonesians with East Timor—or perhaps gone directly themselves?

**Mr Dwyer**—Jose Ramos Horta is a fairly approachable person. He is recognised within the East Timorese political structures as being the personal representative of Xanana Gusmao who is the recognised leader of the National Council of Mauberee Resistance—that is the CNRM. He may not be an elected person but he is an effective leader. He might have been consulted to see what his views were. You may not regard it as being a totally democratic consultation with all the people of East Timor, but he is a recognised leader. There are other recognised leaders you could also have approached, and that has not been done.

**CHAIRMAN**—Do you know that did not happen?

**Mr Dwyer**—My understanding is that it did not happen. Certainly, the documentation of the committee—which says that East Timorese groups in Darwin were



consulted—would suggest to me that none of those other leaders have been consulted. They are not in Darwin.

**Mr HARDGRAVE**—This is a unique position for me, but I will defend the bureaucracy to some extent. Do you think perhaps the viewpoint would be that the whole thing would fall down a big hole if we went straight to the East Timorese? This is about more than just traditional fishing rights or whatever for the East Timorese. There was a bigger fish to fry, to use the metaphor, and we had to consult directly with the Indonesians.

**Mr Dwyer**—We probably could have found some decent oil to fry it in as well. To start with, it is a problem to say that this is merely about traditional fishing rights. We are talking about future fishing rights as well. We are talking about degradation of the environment and overexploitation of the natural resources over which the East Timorese people have no control at the moment but which could well be the source of claims for compensation in the future. When the United Nations, through Kofi Annan's leadership and through Nelson Mandela's involvement, is more active than it has been for quite a while on this issue, seeking a long-term, peaceful and just solution to East Timor, it is not in Australia's national interest to set itself up in this position—getting in and destabilising the situation and actively putting that stuff on the sideline.

**Mr HARDGRAVE**—So we failed on consultation both within the Australian territorial context and with East Timor?

**Mr Dwyer**—That would be ETRA's submission.

**Mr LAURIE FERGUSON**—Given the unique situation that essentially all public opinion polls in this country show Labor and Liberal out of kilter with the electorate's view and the fact that the UN does not recognise it, we are one-out virtually on that and this would not normally be a proposition anyone would put forward. Putting Horta to the side—he is in Australia—should Australian diplomats, departments, perhaps in this unique circumstance be a bit more active in ensuring a degree of consultation within Timor?

**Mr Dwyer**—It is a difficult question, but I would probably return to what I was saying before, and that is that inside East Timor, as things stand at the moment, East Timorese people do not and cannot have a free voice. The only East Timorese people that the Australian parliament would be able to speak to inside East Timor freely today would be people that Indonesia has put in places of power.

**Mr LAURIE FERGUSON**—Putting it more bluntly again—we know all that—in this peculiar circumstance of Australia being rather isolated internationally on this matter, should Australia, in regard to treaties with Indonesia involving Timor, at least put on the record with the Indonesian government a belief that there should be more consultation locally? Is that putting it correctly?

**Mr Dwyer**—I would say that is not adequate. It would be better if the Australian parliament put a caveat on it saying that it recognises that the East Timorese people have not had the opportunity to exercise their right of self-determination and that Australia supports the East Timorese people having a United Nations backed and frameworked exercise of the right of self-determination if we enter this treaty. However, what we would say—and I would say that the ETRA submission is not radical—is not to bag the whole treaty but to simply excise a few lines from this treaty for future discussion.

**CHAIRMAN**—Wait a minute. A few lines? You said just a moment ago that you do not want to ratify it. That is more than a few lines.

**Mr Dwyer**—I was summarising the ETRA submission. We are saying that this treaty should not be ratified in its current form. Take out the Timor Gap provisions and ratify the rest of the treaty. It is not such a radical submission, we would say. You do not have to say this is for evermore. Take them out for now and allow the international developments to proceed. We would argue that in the next two to three years there is every chance—if people like the Australian government does not get in the way and this would be actively getting in the way—that the United Nations will proceed to some kind of proper act of self-determination and peaceful resolution for a long-term peace in East Timor.

**CHAIRMAN**—Wait a minute. You are dealing with a hypothetical situation.

**Mr Dwyer**—It is very real right now.

**CHAIRMAN**—It is a hypothetical situation, with all due respect. If things changed, there might have to be further negotiation. But I go back to my first point that, like it or not, we are faced with a bilateral relationship which is of critical importance to this country. The sustenance of that bilateral agreement is absolutely critical to both countries. Surely all that this does is attempt, over a very long period of time, to come to some sort of agreement where there is a bit of give and take. Perhaps, as I indicated in my opening comments, what we really need to do is to make sure that the post-ratification machinery picks up all the concerns and optimises the situation.

**Mr Dwyer**—ETRA's submission would be that the post-ratification machinery, however that is implemented, cannot cover up a fatally flawed treaty if it means that Indonesia is able to make treaties for the people of East Timor. That is a fatal structural flaw in the treaty and no amount of cosmetic implementation can smooth that over. That would be ETRA's submission.

**CHAIRMAN**—But you reiterate that you agree with Rob Wesley-Smith that this treaty should not be ratified? That is what you said in your opening statement.

**Mr Dwyer**—No. My opening statement was a summary of what is in the body of

this submission.

**CHAIRMAN**—I am sorry, if I can just interrupt you, you said in your opening comments that this should not be ratified. Do you want to change that?

**Mr Dwyer**—This treaty, as it stands, should not be ratified. That is what I want to change it to. And that is what I said. I do not believe that is changing it to anything.

**Mr ADAMS**—You were saying that the national analysis was too narrow. In which way do you believe that it is too narrow, that it does not give any consideration to East Timor?

**Mr Dwyer**—ETRA believes, as it says in its submission, that it is looking at a very short-term notion of what Australia's national self-interest is in this situation. In terms of regional stability, in terms of Australia's ability to play a constructive role in regional stability, we need to be in touch with Indonesia in a way that is more than simply the current Indonesian government's position on East Timor.

There are documents in appendix 1 which outline situations. One of the leading Islamic leaders in Indonesia has made statements indicating that his community would support more self-determination for East Timorese people. There are documents there suggesting that business leaders in the region support autonomy or self-determination for people of East Timor. There is a large article in Saturday's paper—and you will notice the mainstream media in Australia is coming out more and more—saying that politics inside Indonesia is much, much more than the Suharto government. Australia needs to be mindful of that as it looks to the future; and by locking ourselves into this sort of notion of what our national interest is, that is what I mean by dangerous, outmoded thinking.

**Mr TONY SMITH**—On the consultation aspect, your group is not a little hidden away group; it is a group that is reasonably prominent?

**Mr Dwyer**—Yes. The letterhead will show you the sponsors. You do not have the letterhead there but there was a covering letter which will show the sponsors that ETRA has. They are prominent citizens. We are an incorporated association. We have a membership, and so forth. It is very public.

**Mr TONY SMITH**—You have public meetings and that sort of thing?

**Mr Dwyer**—Yes.

**Mr TONY SMITH**—Have you ever in the past had negotiations with the Department of Foreign Affairs and Trade about anything, as a group?

**Mr Dwyer**—To my knowledge—and I have only been involved with the

organisation for a couple of years—not directly, not publicly.

**Mr TONY SMITH**—Any correspondence?

**Mr Dwyer**—Again, I cannot say, to my knowledge; not that I was directly involved with.

**Mr TONY SMITH**—Right. But you could check that for us, could you, so that we could establish once and for all that the Department of Foreign Affairs and Trade knew you existed as a group?

**Mr Dwyer**—Yes. I would be extremely surprised if they did not know that, but I can check that for you. I do not believe there has been any correspondence on this matter.

**Mr TONY SMITH**—But generally about East Timor type issues?

**Mr Dwyer**—I would be extremely surprised if the department was not aware of us, but I can check that.

**Mr TONY SMITH**—You talked about negotiations, recognised leaders of the people of East Timor, and so forth. What are you suggesting there—who, where and when? You mentioned Jose Ramos Horta.

**Mr Dwyer**—I do not think it is for me to outline exactly how that ought to be gone about. I would have thought that there is enough diplomatic skill within the Australian government and its officers to actually establish a process where it could find those people. The East Timor Relief Association does not represent all East Timorese people either. I do not think it is for us to name those people. But they are out there, they are relatively prominent and they could be consulted.

**Mr TONY SMITH**—The obvious comment, I suppose, is that before two countries bargain away another country's territory, they ought to consult with the people who are living there.

**Mr Dwyer**—Precisely.

**Mr TONY SMITH**—Is your point really this: this treaty will be used by the Indonesians to further the ongoing process of legitimisation of their invasion and occupation of East Timor? Is that what you are saying?

**Mr Dwyer**—Yes; that is certainly a very strong point. What is coming up from some of the questions that I can see, on our submission that consultations were not adequate, is: who could we have consulted? That is precisely the point. It is not open to consult in East Timor at present. That is the problem. By pursuing a treaty like this, we

are further legitimising that situation and just putting the situation in more concrete when really, internationally, the situation is far more fluid than that.

**Mr TONY SMITH**—What I want to know is whether you have any evidence to suggest, from the Indonesian side of things—that is the spin I am asking, and that is the way you have responded—that that is what they have a practice of doing, that they will refer to a treaty and say, ‘Well, the treaty has settled that.’

**Mr Dwyer**—From personal knowledge in such direct instances I cannot answer. But I can answer that, yes, at all levels, Indonesia looks for international support to legitimise its situation in East Timor. Further, I would say, my understanding of the ICJ case—and I do not want to overly rely upon that—was that Australia actually made the point in its arguments in that case that, because other countries had not pointed out that there was an unjust situation in East Timor, that was the reason for pursuing the matter further down the track. By Australia continually supporting the situation in the Indonesian occupation and trying to legitimise that, we are effectively marketing the situation internationally. I do not have direct recollection or notion of Indonesia using that instance by instance, but it is clear to anyone who has been following this situation that that is what happens.

**Mr TONY SMITH**—So are you saying that it is possible that Indonesia could parade this treaty as indicating Australia being unwitting accomplices to the legitimisation of the invasion of East Timor?

**Mr Dwyer**—I do not think there is anything unwitting about it. It may not be a great big parade item, but it will be another step along the way; it will be another banner in the parade. But it will not be the biggest banner. It is obviously just the clean up from the 1989 Timor Gap treaty. This is just the other side of that and it is not going to receive as much publication as that one because it is not about oil and it is not about such huge amounts and obvious amounts of money. But it is clearly the second phase of that.

**Mr TONY SMITH**—The only evidence we have heard about negotiation has been from the Department of Foreign Affairs and Trade—that is, that there was consultations in Darwin. I think Rob Wesley-Smith said something about that. That was fairly recently, that was in the latter stages not in the gestation stage of the treaty. Are you not aware of that?

**Senator MURPHY**—It was after it was written.

**Mr TONY SMITH**—Exactly.

**Mr Dwyer**—Yes, that is not really consultation, that is simply running it by someone at the end of the process. So far I have only heard when we ratify the treaty. That is not a process of consultation in putting a treaty together.

**Senator O'CHEE**—Mr Dwyer, I missed one of your comments. I am hoping that you might be able to elaborate on it. You said that by signing the treaty Australia marginalised itself in the region. Is that correct?

**Mr Dwyer**—Yes.

**Senator O'CHEE**—How so?

**Mr Dwyer**—I thought I had extrapolated on that earlier. It comes down again to the issue of, whilst within the region things are changing, in terms of the United Nations activity it is heightened at the moment in trying to seek a peaceful solution within East Timor. Australia supports a process that began 22 years ago and locks itself into that kind of thinking when things are changing.

**Senator O'CHEE**—The governments of ASEAN are quite happy to sign all sorts of treaties with Indonesia, including the BIMPEAGA arrangements. Why does our signing this appear any different from, say, entering into the BIMPEAGA arrangements?

**Mr Dwyer**—I would need further information about those arrangements.

**CHAIRMAN**—In the submission, you suggest that by being a party to the treaty Australia is opening itself up to compensation claims in the future from East Timor. Would you like to elaborate on that?

**Mr Dwyer**—Only briefly, and not with a great amount of detail. This document was prepared in haste because the notification in the *Australian* newspaper was seen on 29 August with the only Canberra hearing advertised for 2 September. That was one working day's notice of the hearing and the first the East Timor Relief Association knew about these hearings. So this document was prepared in haste. It does make the point that there are complex legal and political ramifications to this. What we have stated within the document is that there is scope and potential for these matters to involve compensation claims. I do not have the detail on that. I cannot lay out to the committee how that might happen. As I say, the document was prepared in haste because the notification was one working day.

**Senator O'CHEE**—I cannot think of one case where a power that had de facto control over a territory and then entered into a treaty with another country created a compensation claim against that other country in the event of a subsequent secession. I think back through all those European treaties. I think of all the treaties that were signed in the region before these countries had independence. We have not been opened up to compensation claims by Singaporeans or Malaysians for our activities over there when we signed treaties with Great Britain and it administered those territories.

**Mr Dwyer**—Firstly, I think that the language is wrong—de facto control and

secession. We are not talking about a secessionist movement; we are talking about a United Nations situation which has stated from the start that the invasion and the military occupation are illegal. It is not a matter of seceding—

**Senator O'CHEE**—It is de facto control. You cannot deny the fact that they have de facto control, whether you like it or not. Whether you think they should have de jure control, you cannot deny the fact that they have de facto control.

**Mr Dwyer**—Is that a question?

**CHAIRMAN**—That is fact. That is the point that the Minister for Foreign Affairs made in 1978 and again on 15 December.

**Mr Dwyer**—The ETRA submission relies on the past, but it looks to the future. That sort of thinking again locks us into what was happening in 1978 in East Timor, and what was happening in 1981 in East Timor when thousands upon thousands of people were being killed. What we are saying now is that there is a real possibility of a long-term, just and peaceful solution in East Timor. That cannot be achieved unless the East Timorese people are involved in that. That cannot be achieved by the Indonesian government and the Australian government or by the Indonesian government and other governments in the world. The East Timorese people must be involved in that, and there is a very real possibility of that happening now and in the next several years. So the East Timor Relief Association's submission, yes, relies on the past—that is very important—but we are not stuck in that. What we are saying is that the current international situation is fluid and looking positive for East Timor and the East Timorese people. That may not be a matter of an independent East Timor. What we are talking about is a right to exercise self-determination. We are not stuck on those other things. What we are stuck on is involving the East Timorese people in their own future.

**CHAIRMAN**—Okay. Let me come to the final question, unless anybody has got anything else, on the NIA and consultation. The NIA talked about states and territories, Western Australia being covered by the Solicitor-General covering the territories, and consultations with various groups. Invitations to the consultations were based on the known and likely interest in the treaty on the part of industry groups, academics, environmental NGOs, Aboriginal groups, and state and territory government agencies. Then it talked about APPEA and DPIE, and Northern Territory petroleum and fishing. Are you saying that what the NIA is saying in terms of consultation is untrue because it did not consult with groups like yours? Is that what you are saying?

**Mr Dwyer**—I am saying that there must have been ways for the Australian parliament to make attempts to consult with people that represent the people of East Timor.

**CHAIRMAN**—This committee has done that. Under the tabling mechanisms, as

soon as the treaty was tabled under the 15 sitting day rule—albeit as you have criticised and I think that is an understandable criticism—we made the appropriate advertisements in the national press. Are you saying that that was the first occasion on which you were aware of this particular treaty and the negotiations?

**Mr Dwyer**—It is the first occasion that I was personally aware of it and, to my knowledge, that the East Timor Relief Association was aware of it. But I reiterate that, if the Australian government and the Australian parliament considers that the only way to consult with the East Timorese people is through the Indonesian government, it is not an adequate consultation.

**CHAIRMAN**—Let me put it another way. Would you like to take it on notice—and we need a reply quickly, if you would not mind—for ETRA to confirm or otherwise that it was consulted appropriately early in the negotiations, prior to the preparation of the NIA, and to what extent? Could you do that for us?

**Mr Dwyer**—Certainly.

**Mr LAURIE FERGUSON**—There appears to have been a few more statements today as opposed to questions. The rhetorical question from Senator O’Chee leads me to say that, just because a number of ASEAN countries for self-protection are not interested in what occurs within other countries in the organisation, that does not in any way mean that the non-Islamic states are consistently supportive of due recognition of the occupation. As I say, internationally, a number of these countries have voted in various fora in a very hostile manner to Indonesia over this matter. I think that question is a bit separate from the issue.

**CHAIRMAN**—Thank you very much for attending.

Resolved (on motion by Mr Laurie Ferguson):

That the committee authorises publication of evidence given before it this day.

**Committee adjourned at 10.41 a.m.**