

Submission to the Joint Standing Committee on Treaties

Regarding

The Treaty on Certain Maritime Arrangements in the Timor Sea

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We recommend that the Committee express its strong reservations about the following aspects of the Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS).

1. The fact that Foreign Minister Downer waited more than 12 months before tabling CMATS, although he advised Parliament in February 2006 that it would be brought forward quickly for public consideration.
2. The fact that the Committee was unable to properly consider CMATS because the “national interest” exemption was used, in our view without good reason.
3. The fact under CMATS, government revenues from oil and gas resources in the Greater Sunrise field are shared equally between Australia and East Timor, even though the field is twice nearer to East Timor.
4. The fact that the Australian government has acquired more than one billion dollars over the past six years from another field close to East Timor, Laminaria-Corallina, while East Timor has received no revenue from this field.
5. The fact that CMATS prevents East Timor from determining its own maritime boundary – something to which it is entitled under international law.
6. The fact that when East Timor previously sought to take the boundary issue to the International Court of Justice, Australia withdrew from its jurisdiction, preventing a lawful, impartial settlement. CMATS extends Australia's occupation of East Timor's maritime territory for at least another 50 years.

7. The fact that CMATS prevents the use of courts or other impartial mechanisms for resolving disputes, insisting on direct negotiations between Asia's poorest nation and one of its wealthiest. This may be illegal, and future East Timorese governments may not feel bound by the decisions of a fledgling government that was bullied into surrendering its fundamental rights.
8. The fact that CMATS leaves unresolved the issue of "downstream" revenues from refining, liquefying and processing the oil and gas. Understandably, East Timor would like the gas to be piped to its shore for liquefaction.
9. The fact that Australia has a 2:1 advantage over East Timor in representation on the Sunrise Commission.
10. The fact that Australia's national interest is not served by a treaty keeps East Timor from becoming financially independent and secure.