

Letter to The Saturday Paper, Melbourne, published on Feb. 6, 2016

In response to Mr. Gusmão's recent letter, East-Timor has indeed the right to define her maritime boundaries, although whereas outside the JPDA her boundaries with Indonesia still remain to be defined, her boundary with Australia formally exists since 2003 when the Timor Sea Treaty entered into force.

It so happens that the lateral and southern boundaries of the JPDA are already at or beyond the exact lines of equidistance between East-Timor and her neighbours.

Beyond the lateral boundaries of the JPDA lies the Indonesian Exclusive Economic Zone, in parts of which Indonesia has particular seabed arrangements with Australia. These arrangements can hardly be any of East-Timor's concerns.

The sole point possibly open for legal debate could be Australia's 10% share of petroleum revenue in the JPDA, but interestingly that issue is not addressed by Mr. Gusmão.

Mr. Gusmão invokes Australian spying activities to affirm that CMATS is unfair to East-Timor. As uncommendable as spying on one's neighbour may be, common sense suggests that the actual motives were probably far removed from trying to obtain an unfair but hard to comprehend commercial advantage in the negotiation. Mr. Gusmão seems to imply that some secret obtained by the spies relieved Australia's negotiators from the obligation to otherwise renounce all of Sunrise. East-Timor owns less than 20% of the field geometrically but was granted 50% of its revenue. What was the bona fide secret that, had it not been revealed to Australia, would have compelled her to give up all of Sunrise? On whose side is a possible display of bad faith?

There is little doubt that Australia believes the Timorese people is equal in the community of nations, to the extent that she even elected to share equally a resource of which she owns 80% geometrically.

International law states only that maritime boundaries should be equitable. The existing boundaries are equidistant. How far from equidistance does Mr. Gusmão think equity should be?

Would Mr. Gusmão mind drawing equitable boundaries on the map below?

