

Generous? Not.

There is a great deal of comment on the alleged spying on the Timor Sea negotiations by Australia in 2004, the consequent arbitration over the CMATS Treaty in The Hague, and the raid by ASIO on an Australian lawyer and a witness in the case.

There are two aspects woven like invisible threads throughout associated reports, articles and letters which are of major concern. One is an idea that Australia has been enormously generous to Timor Leste, implying that the Timorese are ungrateful, and the other is the general lack of allusion to the actual places in the Timor Sea where all the billions in question reside.

Much of the celebration of Australia's assistance since 1999 ignores the fact that it came reluctantly and late. The only western nation to recognise Indonesian sovereignty over East Timor, we steadfastly refused to assist the Timorese or to condemn their invader for 24 years, cut off radio contact with the resistance, argued doggedly in the UN for East Timor to be taken off the agenda, all the while working quietly towards the 1989 halving of the Timor Gap resources with the occupying Indonesians.

The Timorese endured waves of invasions, but they also sided with Australia in 1941/42 and lost at least 40,000 civilians for their pains. This extraordinary wartime relationship is rarely mentioned, despite avid Australian embrace of heroic military exploits and even minutiae.

Australia was highly uncooperative with East Timor until the late 1990s, and the change of Government practice then was largely a result of public pressure, the Asian financial collapse, the fall of President Suharto and the canniness and courage of the Timorese. Our troops, and others, were a welcome presence in Timor, but they were not responsible for the security of the referendum in 1999, as has been claimed. ("Watchdog accused of failing to act in case of East Timor bugging", December 5). They arrived two weeks later.

Alongside a vague idea in the minds of many that we saved Timor, there exists the notion that we just want a fair share of Timor Sea resources seeing that we have been so generous.

Omission is such a handy device, as it saves one from having to explain inconvenient facts, or to witness one's argument exploding. The most omitted, and yet the most salient fact is this: all the disputed areas in the Timor Sea lie on Timor's side of a half-way line. There is nothing, not one drop of water or oil on our side of the median line being claimed by anyone. No one is threatening Australian waters, resources or sovereignty. This is not high science, or geography, or politics. All it takes is a careful look at one of the numerous maps available to see that Australia is safely in possession and control of its waters opposite the Timorese coast as far as half-way.

There have been claims that this dispute is “a crucial matter of sovereignty”. Here indeed is the crux of the whole affair. Australia claims that it has the right to exploit Greater Sunrise, that it was generous with Bayu-Undan, that it owns the tax revenue from Laminaria-Corallina and that it has the right to continue to explore in disputed fields. Timor Leste objects, claiming its rights in the same areas. Solution? Establish the maritime boundary. Do it as a matter of urgency, then both nations will have the security of knowing who owns which areas, and can plan accordingly.

The trouble is though, that Australia knows that an internationally accepted decision on the maritime boundary will be based on median-line principles, the modern, internationally accepted convention by which all such disputes are resolved.

Once the boundary is settled it will be seen that Australia’s claims of generosity in “giving” Timor a 90% share of Bayu-Undan are false, as it lies 100% on Timor’s side of the median. Both Laminaria and Greater Sunrise too will be found to be on Timor’s side, and if there’s any discussion about the influence of the side boundaries on these fields, it may well be found that Indonesia has a strong claim to some of the revenue.

It’s high time commentators balanced statements concerning the percentages of benefits from this or that field going to Australia and Timor with the accompanying information that 100% of everything discussed lies on Timor’s side of half-way.

When the boundary is legally recognised it will be more obvious whether we should claim past generosity or accuse another nation of ingratitude.

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