



**Maritime
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**“Timor-Leste’s Story: Securing
its Sovereignty over Land and Sea”**

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OPENING REMARKS BY HIS EXCELLENCY THE PRIME MINISTER OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE, DR RUI MARIA DE ARAÚJO

Good Morning everyone.

Thank you for joining us to listen and offer your ideas, experience and wisdom, as we share Timor-Leste's story to secure sovereignty over our land and now our sea.

Many of you know of our independence struggle, and importantly, many of you were with us during those long and difficult years.

We Timorese are a strong and resilient people, and we fought against great odds and at great cost to secure our sovereignty.

We built our nation from the ashes of war and are committed to our development guided by our Government Program and our Strategic Development Plan.

While transitioning to self-governance for the first time in over 500 years, we established a semi-presidential democracy, set up systems of civil administration and started building the foundations of a State.

Importantly we are an open society with a free media, a robust civil society and the rule of law.

We also have one of the highest representations of women in Parliament in the world.

While we still have a long way to go in developing our nation, we are proud of our achievements in peace-building and State-building.

However, our struggle for sovereignty is not over. The final frontier is Timor-Leste's maritime territory.

Timor-Leste is yet to draw permanent maritime boundaries with its two great neighbours, Australia and Indonesia.

Timor-Leste is pleased to announce that we have commenced talks with Indonesia on maritime boundaries, a historic first step towards achieving permanent maritime boundaries. As our two States share the objective of reaching final agreement on boundaries in accordance with international law, we expect to make good progress.

We ask the same of Australia: let us sit together and finally draw the line.

The Government of Timor-Leste has determined it a national priority to set our boundaries. This national priority is shared by all. We will not achieve our full sovereignty until our rights over both land and sea are recognised.

As a coastal nation, our surrounding seas and oceans are central to the Timorese culture and way of life and are a critical source of livelihood for our people.

As a small nation, Timor-Leste is aware of its vulnerabilities. It is an unequal world. Small States have always been at risk of being swallowed by bigger interests and agendas.

That is why Timor-Leste is such a strong supporter of the United Nations and international law. The multilateral system and international law guides fair behaviour and can provide States with options for dispute resolution.

After vast reserves of oil and gas were found in the 1950s and 60s in the Timor Sea, Indonesia and Australia began negotiations on seabed boundaries. The then Portuguese colony of Timor-Leste was not included.

Australia was the first and only nation in the world to give recognition to the Indonesian military occupation of Timor-Leste, following the military invasion of 1975.

The United Nations, on the other hand, did not recognise the occupation.

This is but a small part of the history which led to an agreement between Australia and Indonesia on seabed rights, prior to Timorese independence. That agreement, known as the Timor Gap Treaty, gave Australia rights to explore and exploit the resources in a vast area of the Timor Sea, right up to the Timor Trough, a mere 40 nautical miles from Timor-Leste's coast.

The Timor Gap Treaty was no longer recognised after the Timorese voted overwhelmingly for independence. But the form of it became the basis for new treaty negotiations between Australia and the United Nations-led transitional administration, (UNTAET) which administered our country from 1999 to 2002.

The traces of this past remain in the current interim treaty regime between Australia and Timor-Leste. This regime sets up temporary resource-sharing arrangements that are, however, without prejudice to the final delimitation of maritime boundaries between our countries.

It is now time to permanently settle our maritime boundaries and give recognition and force to Timor-Leste rights under international law.

It is our experience that international law serves well in protecting the rights and interests of small States.

When Timor-Leste went to the International Court of Justice to challenge Australia's seizure of our confidential documents, we stood side by side as equals – and the ICJ decided in our favour.

Timor-Leste has also brought a legal challenge to the current Timor Sea treaty regime on the basis that Australia allegedly spied on Timor-Leste's negotiating team leading up to the 2006 agreement.

Timor-Leste now looks to international law to determine our maritime boundaries with our large and powerful neighbours. All States which have joined the United Nations Convention on the Law of the Sea, including Timor-Leste, Australia and Indonesia, are bound by its rules and principles.

The Convention provides dispute resolution mechanisms to assist States with coming to agreement on maritime boundaries. However, in March 2002, just before Timor-Leste became an independent nation, Australia chose to withdraw from the jurisdiction of the International Court of Justice and dispute resolution bodies under the Convention, on the matter of boundaries delimitation.

Timor-Leste therefore cannot ask an international court to decide where an equitable boundary would lie under international law, if we are unable to reach bilateral agreement with Australia.

We remain hopeful that the new Prime Minister of Australia will be prepared to join us at the negotiating table and close Australia's last remaining gap in its maritime boundary.

We ask for nothing more than our maritime rights under international law.

Thank you for your attention.

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SPEECH BY HIS EXCELLENCY, MINISTER FOR PLANNING AND STRATEGIC DEVELOPMENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE, XANANA GUSMÃO [TRANSCRIPT]

Thank you everybody and good morning.

I hope that you can understand our problems. I feel very happy because it is the first time that I have come to the International Peace Institute.

Sometimes when we talk about peace, we look at Africa and war. We think that the time to talk about peace is when there is war in countries. But I believe peace is not only the absence of war, peace is also peace of mind.

We are going to talk about the mind and mindset. My colleague, Dr. José Ramos Horta, is very optimistic about Australia. I am not. This is democracy.

We have different opinions because, as a former prime minister of the United Kingdom said, there are no permanent allies, no permanent friends but only permanent interest.

This is the problem. This is the mindset. This is the mindset of powerful nations when they deal with small countries like ours.

Yes, we recognise and do not deny the participation of the Australian soldiers after the 1999 referendum. But it was not to save us, it was to help us to put an end to the violence committed by the pro-Indonesian militias. It was not to save us.

We saved Australia during the Second World War. We were a Portuguese colony and Portugal's policy was neutrality to avoid the invasion of Japan.

Japan bombed Darwin before coming to Timor-Leste but there was a war in our country to save Australia.

Our people died and many of our people also helped the Australian guerrillas. That was why in 1999, we could say that Australia paid their debt.

I have to correct this perception, because in Australia, at the political level, the message is always that Australia helped Timor-Leste, Australia saved Timor-Leste.

We say no because without our fight, the activists, the good defenders of our rights like, Professor Noam Chomsky and others here today Australia never would have entered in 1999 with its troops.

Why? Because in 1989, the Foreign Minister of Australia and Foreign Minister of Indonesia signed an agreement to exploit our resources, drinking champagne and forgetting that we were fighting there. A small guerrilla army against Indonesian battalions.

That is why we cannot agree with the political statements of, "We saved you. We are helping you."
No, sorry.

While we were dying and in the Second World War about 70,000 Timorese died to defend Australia.

During our 24 year occupation, about 200,000 people died. When we were suffering, Australia and Indonesia signed an agreement to share our resources - you take 50, I take 50. And I believe Gareth Evans said to Ali Alatas, expedite the war, kill them and we get the benefits.

In 1999 Ian Martin was leading the UN Mission to prepare our referendum, after that I have to say that we were fighting for our independence but we never, never, never prepared ourselves to be independent in terms of our human resources, in terms of capabilities, and Australia took advantage of our lack of knowledge.

Some say naivety; I don't say that. I would prefer ignorance than naivety.

They took advantage of our lack of knowledge, of our lack of preparation, and we inherited a treaty signed with Indonesia that could not be avoided.

Instead of coming every six months to the world begging for money to help us build our country, it was an opportunity to get money. And we agreed, we agreed to continue that agreement.

After that, I believe that many of you have heard about seized documents and spying.

Yes, sometimes we hear about economic intelligence, financial intelligence, but we do not accept that using military intelligence to take advantage of economic negotiations is acceptable. That was why we filed the case.

We are talking about maritime boundaries because we are talking about the resources in the Timor Sea. I don't use the word forced, but I would say that Timor was not inclined to sign an agreement whereby we could not talk about maritime boundaries for 50 years and beyond that if the exploration of resources was still ongoing.

So only after there is nothing left, then we have maritime boundaries.

I repeat the former Prime Minister of the UK, interests are permanent.

Allies and friends, we feel year by year, we try to build our capacity to understand, to understand things, to understand the process, to correct this. I would say this is our virtue.

After two or three years, we looked back and realised that we had made a mistake and that we need to correct it.

We started to understand that we were being used by a big neighbour. A neighbour that I would repeat was the only Western country to recognise the annexation de jure.

The annexation that was not a peaceful annexation; it was a bloody annexation just for the resources. It is immoral for us, we should say.

That is why we are not coming here to ask for your understanding. If there were only tuna, crabs or crocodiles in our sea - but taking into consideration that there is something (petroleum), then we will not allow a big, rich, developed country to take that from us.

We got independence with the help of many of you, but we have not yet achieved our full sovereignty.

The world can be very peaceful, can be very democratic, but without the economic progress, economic development, it is the same, it is only creating the risk of violence and conflict.

In a very diplomatic and positive way, we hope Australia is going to come to sit together with us, but I don't believe that will happen. I am sceptical of this because I was sceptical during 24 years.

And we said, if we need to die to get independence, we will die, and we did. Now, I don't say we need to die, but if we have to fight, we have to fight for our full sovereignty.

The only way is the delimitation of the maritime borders. I say that because, as the Prime Minister already mentioned, the border between us and Australia is only 5% of the border of Australia.

And Australia has already signed maritime borders with all its neighbours except for us. Two months before becoming independent, Australia withdrew only for maritime border settlement.

It means something, it means something. At least it means bad faith. At least it means not a sentiment of compassion. It means something very different than compassion.

We are here. We are talking about this. I remember I went to the Democratic Republic of Congo. They are richer than us. They have problems. Richer than us with problems.

I went to the Central African Republic - also richer than us. There are problems there. I talked to the belligerent factions and they said that the root cause is there diamonds, their resources.

I believe that all of you know more than me about the problems in the world. If there are some conflicts or difference, the cause is always something more than the simple delimitation of a line or a border.

That is why we are here. We are here, as the Prime Minister said in his speech, because we hope that you can offer us your ideas.

Sometimes maybe because it is emotional, we don't have a calm way of thinking, and we hope that your participation here, ladies and gentlemen, can help us to think together. For us, that is important.

Sometimes we talk about sustainabilities; sometimes we talk about the future.

We do not play a big role in the international community.

We are not ambitious to become a country to make major decisions.

But we are helping, we are helping another 19 countries: fragile, in conflict, or post-conflict.

And in many of these countries, there are resources.

And the resources are also the cause of internal conflicts or conflict with others.

We will not avoid these countries.

We are against war and against whoever commits war or promotes war.

But in this conflict of interest, we will fight for our rights.

Thank you very much.

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SPEECH BY HIS EXCELLENCY, DR. JOSÉ RAMOS-HORTA
[TRANSCRIPT]

Thank you again Warren for welcoming us here in this office. You heard Prime Minister Rui Araújo's introduction speech. You will hear from a more authoritative person than me, Maun Boot, older brother Xanana Gusmão, who will better clarify to you our views on this issue.

I would like to just say that we as a government announced recently that we had an Indonesian delegation in Timor-Leste to begin preparation for maritime boundary negotiations with Timor-Leste.

I was Foreign Minister when we began talks with Indonesia for land border demarcation. In a very short period of time, we reached agreement on about 98% and the actual physical work of border demarcation began. The two remaining per cent will probably be closed very soon. That's why both Indonesia and Timor-Leste are now ready to start negotiations on maritime boundaries. Of course the more complicated has been and will be with Australia.

We share the Timor Sea between Timor-Leste and Australia. We have 368 miles, I think, which means there's overlap preventing each side claiming 200 miles. Being the case that it is established in international law, you draw a median line. It is as simple as that.

Simple if there had been no oil and gas in the area that one side had already been exploiting years before Timor-Leste succeeded to independence. But what Timor-Leste claims is very, very simple, very basic and is nothing out of this world.

We should agree on a maritime boundary by following the international practice of median line delimitation.

Australia as you know is a friend of Timor-Leste. Australia contributed enormously, particularly in 1999 to securing an international consensus, along with the United Nations, to address the conflict at the time in 1999. And Australia paid a heavy political price in its relationship with Indonesia for leading the UN mission at the time. And Australia has been very, very generous since then in assisting the government of Timor-Leste in development assistance.

And we have a great ongoing relationship – people to people, government to government. There is a new Prime Minister in Australia. The one that we had dealt with in the past two years was ousted in a bloodless situation, unlike in some of our countries where coups are much more serious, with more serious implications; in Australia, they do it more peacefully.

This has created a whole new political arrangement in Australia. Sometimes, when you are in a deadlock or a tense situation, a change of government can be for the better. There might be new thinking on the part of Australia that it would make absolute sense to really draw the median line and establish maritime boundaries and review existing arrangements that would really be more fair and just for the people of Timor-Leste.

In the current international situation, we deal with incredible tensions and violence in the world, and one thing that always comes to my mind is that if governments and leaders deal with the situations with a sense of sentiment, of compassion, of wisdom, many of these problems would not have occurred.

So, I would hope that Australia being the self-assured country that it is, that it would sit down with our side and amicably agree on what is fair and what will mutually advantage both Timor-Leste and Australia.

In the long run, Australia as a developed country also depends on active international partnerships and active international trade in order to have a stable, prosperous Timor-Leste and a stable, prosperous region. I believe that in Australia common sense and wisdom will prevail and the maritime boundary talks will be expeditious.

I am an eternal optimist, sometimes naive or too often naive, but I think we will be able to reach an agreement, because I know Australia well. I travelled all over Australia, crossed the desert by bus, hitch hiking way back in the early 70s trying to flee the conscript army in Timor-Leste. I was then sent back to Timor after three months. Well, I actually went back after three months because I didn't want to be arrested in Australia, so I went back. So I know the country well and the people - extraordinary people.

That's why I am very optimistic that with the power of compassion on the part of the Australian public, and wisdom on our side as well, we will be able to reach an agreement.

So those are my comments, not technical but influenced by my previous training for priesthood; that's why I talk this way.

Thank you.

Maritime Boundary Office

Council for the Final Delimitation of Maritime Boundaries
Government of the Democratic Republic of Timor-Leste
info@gfm.tl
+670 7742 5544



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