

**13 January 2017, Friday ✦ 12.30pm – 1.30pm**  
**Federal Bartholomew Conference Room, Federal Building, NUS (Bukit Timah Campus)**

# **David and Goliath Struggle in the Timor Sea**

## **Janelle Saffin**

*former Member of the Australian House of Representatives*

**Chairperson: Professor Andrew Harding**

### **ABSTRACT**

Many know of the South China Sea disputes, but few know of the David and Goliath battle between Australia and Timor-Leste in the Timor Sea. Like most legal issues there are complexities, but at its core the issue is simple. Timor-Leste seeks to delimit its maritime boundaries with Australia securing its Exclusive Economic Zone (EEZ), completing its long journey to sovereignty. Who does not want clarity with their borders? Australia refuses to negotiate, obfuscating and battling to cling to its contorted and antiquated continental shelf position, not one formally claimed. With no agreement Timor-Leste could not invoke third party assistance, as Australia withdrew from all judicial umpires on the eve of Timor-Leste's independence in 2002, for the specific purpose of delimiting maritime boundaries. Timorese Leaders Nobel Peace Laureate Dr. José Ramos-Horta correctly said, Australia had the right to do so, and Dr. Mari Alkatiri correctly said that Australia's actions were unfriendly. Temporary arrangements were put in place, the first on Timor-Leste's first day of independence, which created a Joint Petroleum Development Area (JPDA) that brought in revenue. Timor-Leste believed, perhaps naively, that Australia would negotiate in the future. That never came to pass. Australia says these temporary arrangements were done freely. Hardly free when one state is over 100 years old and one not a day old, with a Prime Minister staring down the barrel of a national budget of \$USD 64 million, destroyed infrastructure, scant human resources, some skeletal institutions, no government experience and a traumatized population. This seminar will trace the carve up of the Timor Sea starting with Australia's stated 1953 continental shelf position, to their unilateral granting of exploration licenses in 1962, 1963, the continued carve up of the Timor Sea with Indonesia, culminating in the 1989 Timor Gap Treaty based on Indonesia's illegal occupation of Timor-Leste, to the more recent developments including the UNCLOS Compulsory Conciliation and specifically Australia's six ground challenge to its competence, that failed on all six grounds, and address the oft asked question, "Why doesn't Australia agree to negotiate maritime boundaries with Timor-Leste when it has done so with the other five neighbors with whom it shares maritime sea?"

### **ABOUT THE SPEAKER**



Janelle has a law practice in her home town in country NSW Australia. With legal and education qualifications she combines this work with community engagement projects. Janelle's connection with Timor-Leste spans over three decades, including advocacy for their independence struggle and since 1999 support and advocacy for state building and development. The advocacy continues supporting their struggle to mark their maritime boundaries, the last step in securing their sovereignty. She received the special Australian Government Prime Minister's East Timor award for voluntary services to East Timor, and was awarded the Order of Timor-Leste for her advocacy for the people of Timor-Leste. In her term in the NSW Legislative Council (1995-2003), she seized the opportunity to advance the cause of the East Timorese, gaining strong support across the political spectrum; also establishing and becoming Chief Adviser to the East Timor NSW Government Taskforce. This cross party support continued in the Federal Parliament when Janelle served as the Federal Member for Page (2007-2013). She worked with the late Paddy Kenneally, a formidable advocate, former Commando of Sparrow Force stationed in Timor-Leste during WW11, and Australian Veterans. Janelle was founding Secretary of the ALOLA Foundation, established by the former First Lady Kirsty Sword Gusmão. As Senior Adviser to H.E. Nobel Peace Laureate José Ramos-Horta (Foreign Minister, Defence Minister, Prime Minister and President), she worked across all sectors of government and civil society, and in 2006, was liaison with the International Stabilisation Force (ISF). In addition to her Timor-Leste work, Janelle has extensive experience and engagement in Burma (Myanmar) across all levels of society, and in particular constitutional, legal and political history. Her most recent work was to provide a professional development programme to Rakhine State and Union Parliament MPs, Shan State, Regional, and Union MPs and Union Parliament MPs.

### **REGISTRATION**

There is no registration fee for this seminar but seats are limited.

Light lunch will be provided on a first-come-first-serve basis.

Closing Date: **11 January 2017, Wednesday**

For enquiries, please contact Maha at [cals@nus.edu.sg](mailto:cals@nus.edu.sg)

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