

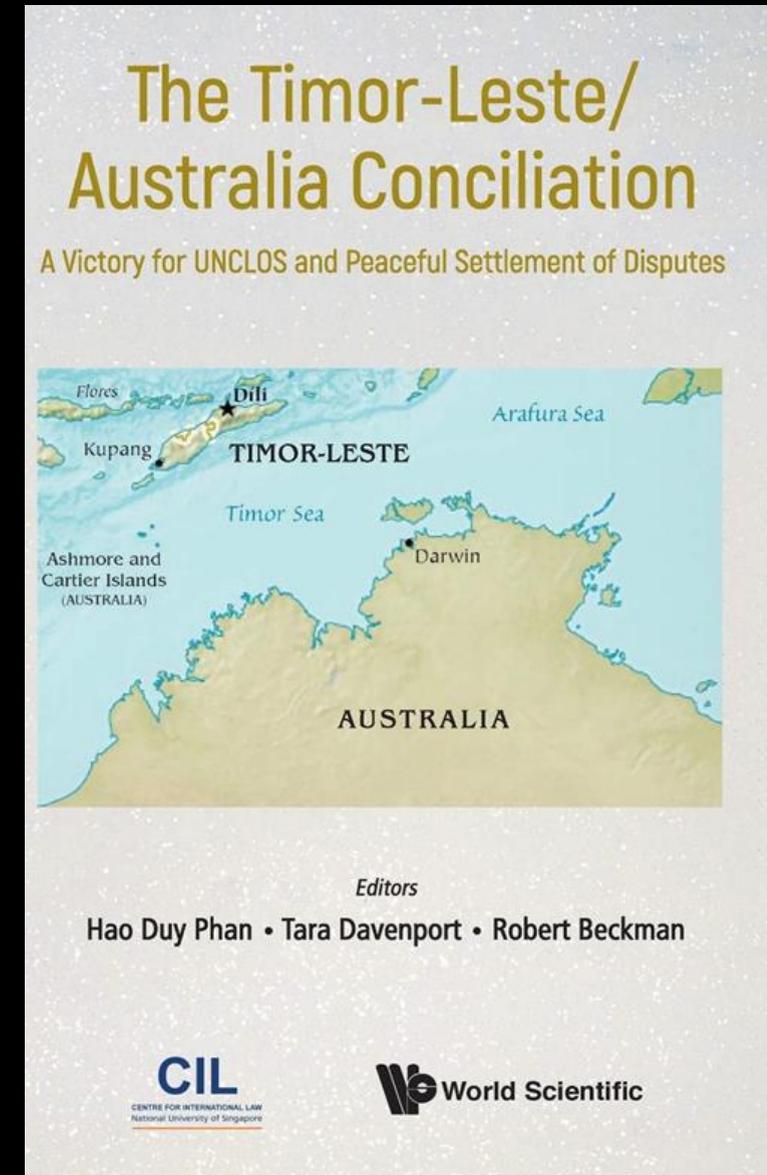


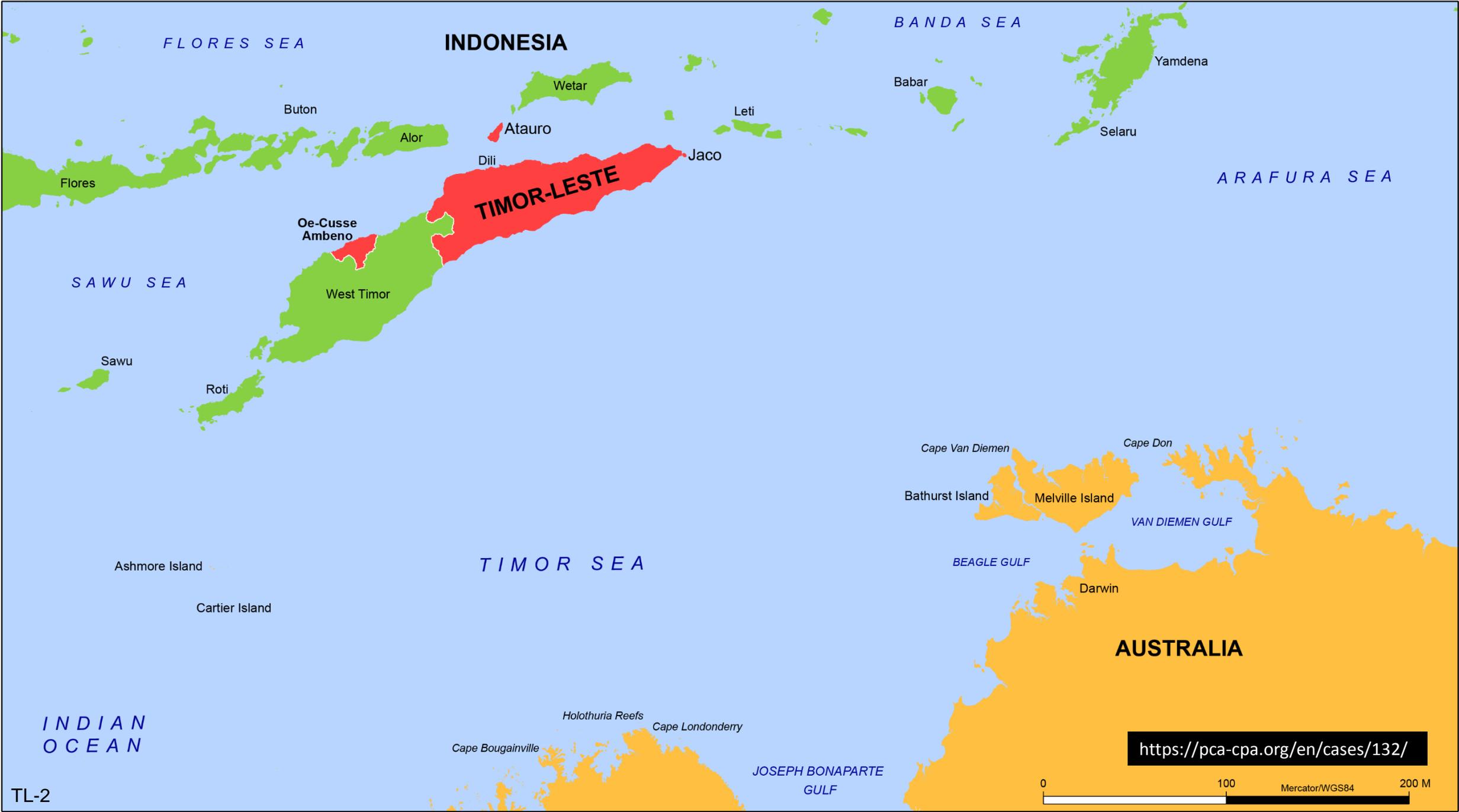
# The Timor-Leste/Australia Conciliation: closing the Timor Gap

Robin Cleverly  
Marbdy Consulting Ltd

## Disclaimer

- Although I have acted as a consultant for Timor-Leste since 2002 these views are all my own.
- All maps are in the public domain – see the PCA website for transcripts of the public statements with presentation graphics.
- Other material from CIL publication.
- Conciliation proceedings confidential.





FLORES SEA

INDONESIA

BANDA SEA

Yamdena

Babar

Selaru

ARAFURA SEA

**TIMOR-LESTE**

SAWU SEA

Oe-Cusse  
Ambeno

West Timor

Sawu

Roti

Cape Van Diemen

Cape Don

Bathurst Island

Melville Island

VAN DIEMEN GULF

TIMOR SEA

BEAGLE GULF

Darwin

AUSTRALIA

INDIAN  
OCEAN

Ashmore Island

Cartier Island

Holothuria Reefs

Cape Londonderry

Cape Bougainville

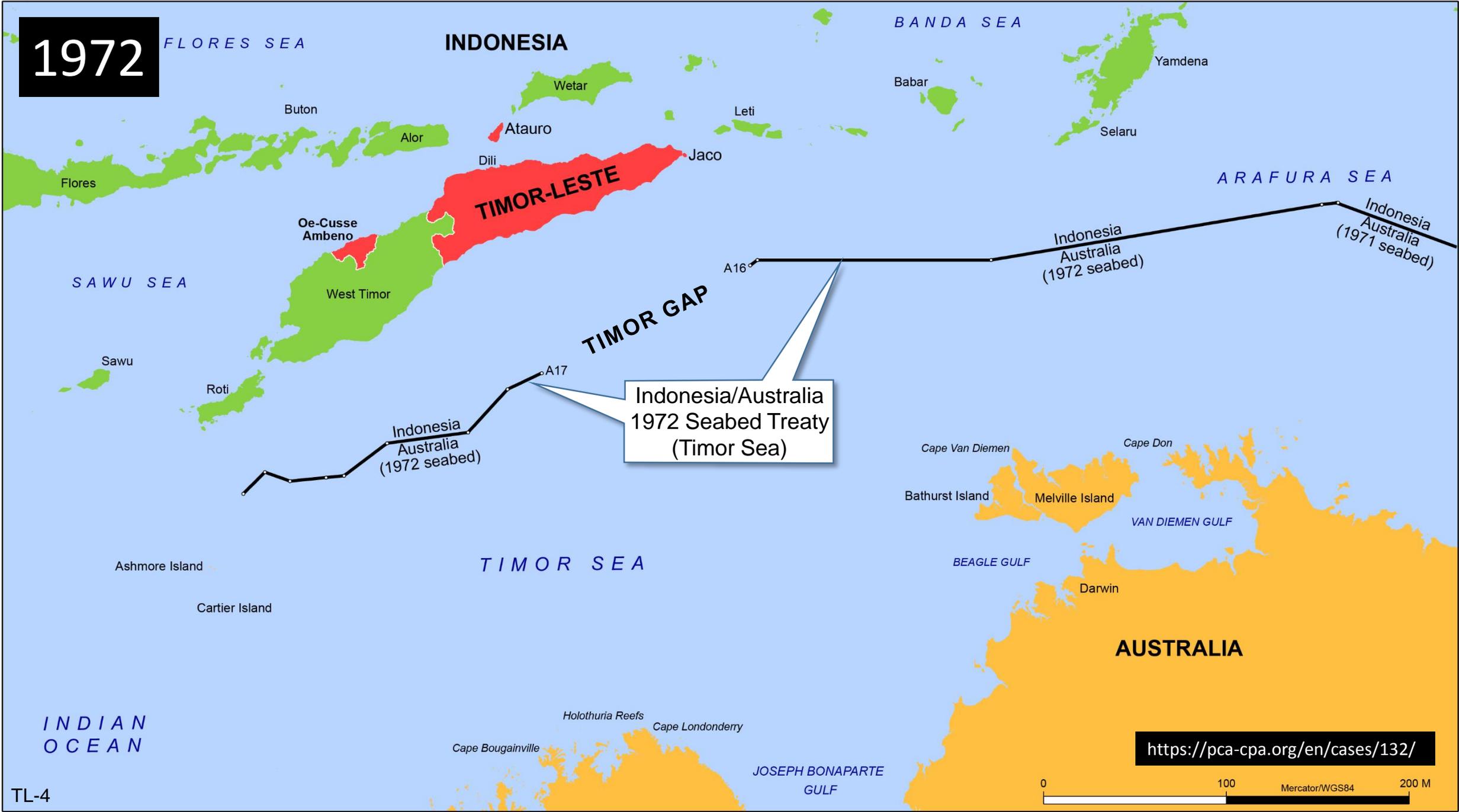
JOSEPH BONAPARTE  
GULF

<https://pca-cpa.org/en/cases/132/>

0 100 200 M  
Mercator/WGS84

TL-2

1972

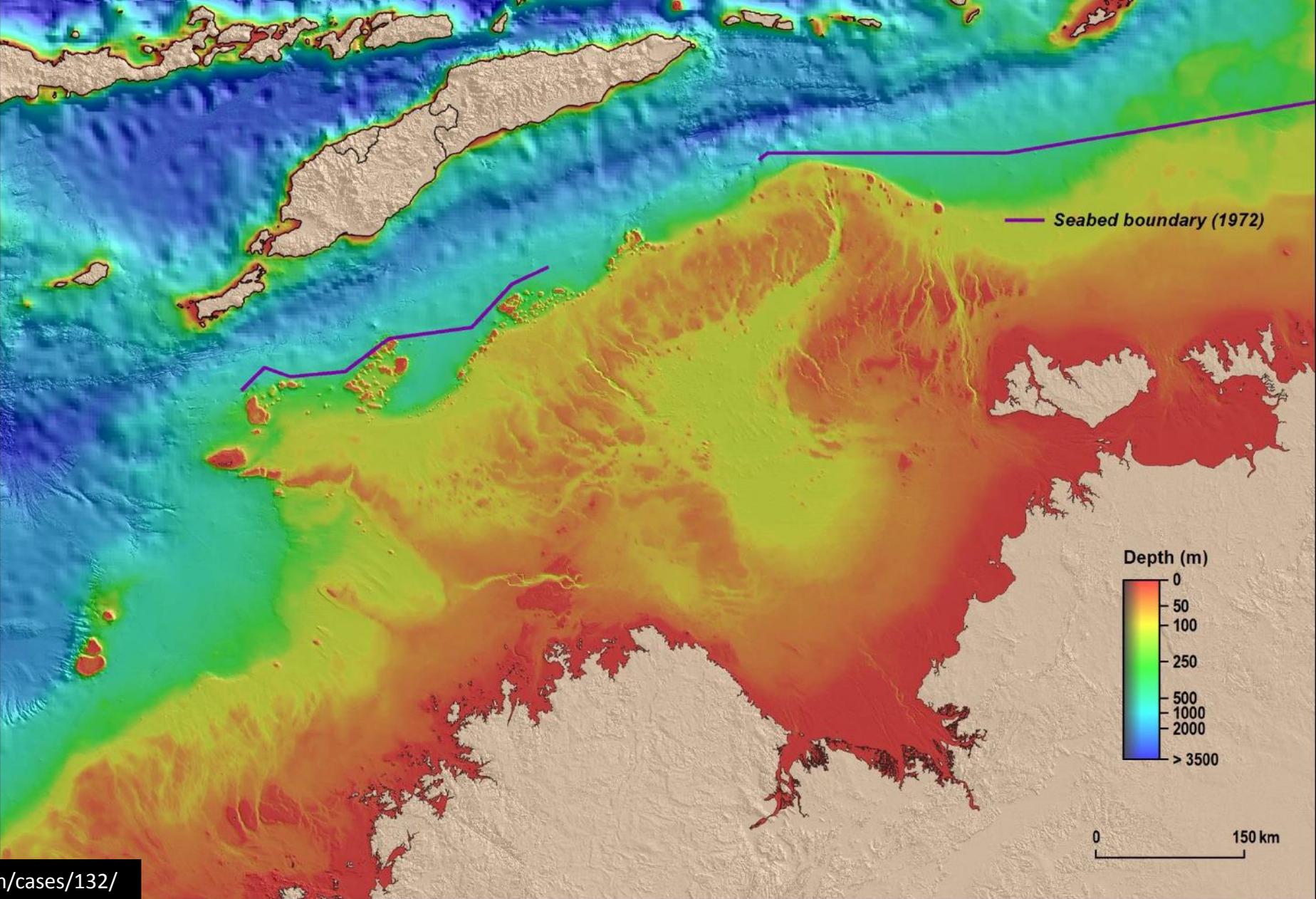


Indonesia/Australia  
1972 Seabed Treaty  
(Timor Sea)

<https://pca-cpa.org/en/cases/132/>



1972



<https://pca-cpa.org/en/cases/132/>

## 5. 1972 Seabed Agreement (Australia-Indonesia)

Australian Opening Statement –  
Conciliation Commission (29 Aug 16)



1974

FLORES SEA

INDONESIA

BANDA SEA

Wetar

Babar

Yamdena

Buton

Leti

Selaru

Atauro

Dili

Jaco

ARAFURA SEA

TIMOR-LESTE

Indonesia  
Australia  
(1972 seabed)

Indonesia  
Australia  
(1971 seabed)

SAWU SEA

Oe-Cusse  
Ambeno

West Timor

A16

Greater Sunrise

Greater Sunrise  
discovery 1974

Sawu

Roti

A17

Indonesia  
Australia  
(1972 seabed)

Cape Van Diemen

Cape Don

Bathurst Island

Melville Island

VAN DIEMEN GULF

Ashmore Island

TIMOR SEA

BEAGLE GULF

Darwin

AUSTRALIA

INDIAN OCEAN

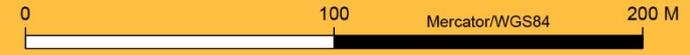
Holothuria Reefs

Cape Londonderry

Cape Bougainville

JOSEPH BONAPARTE GULF

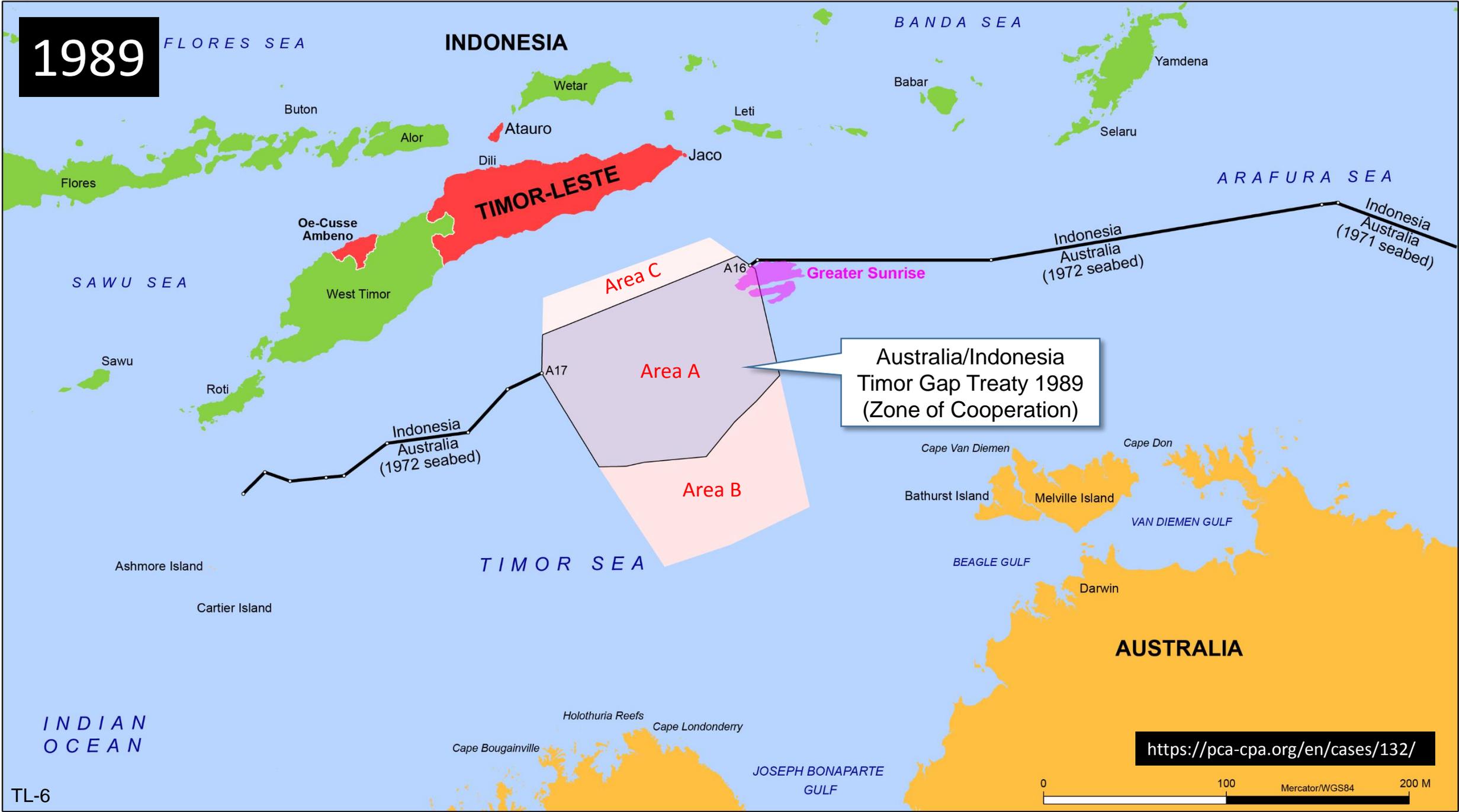
<https://pca-cpa.org/en/cases/132/>



# Portuguese withdrawal, Indonesian occupation



1989



INDONESIA

BANDA SEA

FLORES SEA

TIMOR-LESTE

ARAFURA SEA

SAWU SEA

Indonesia  
Australia  
(1972 seabed)

Indonesia  
Australia  
(1971 seabed)

Australia/Indonesia  
Timor Gap Treaty 1989  
(Zone of Cooperation)

Area C

Area A

Area B

Greater Sunrise

Indonesia  
Australia  
(1972 seabed)

Cape Van Diemen

Cape Don

Bathurst Island

Melville Island

VAN DIEMEN GULF

BEAGLE GULF

Darwin

AUSTRALIA

TIMOR SEA

INDIAN OCEAN

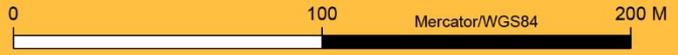
Holothuria Reefs

Cape Londonderry

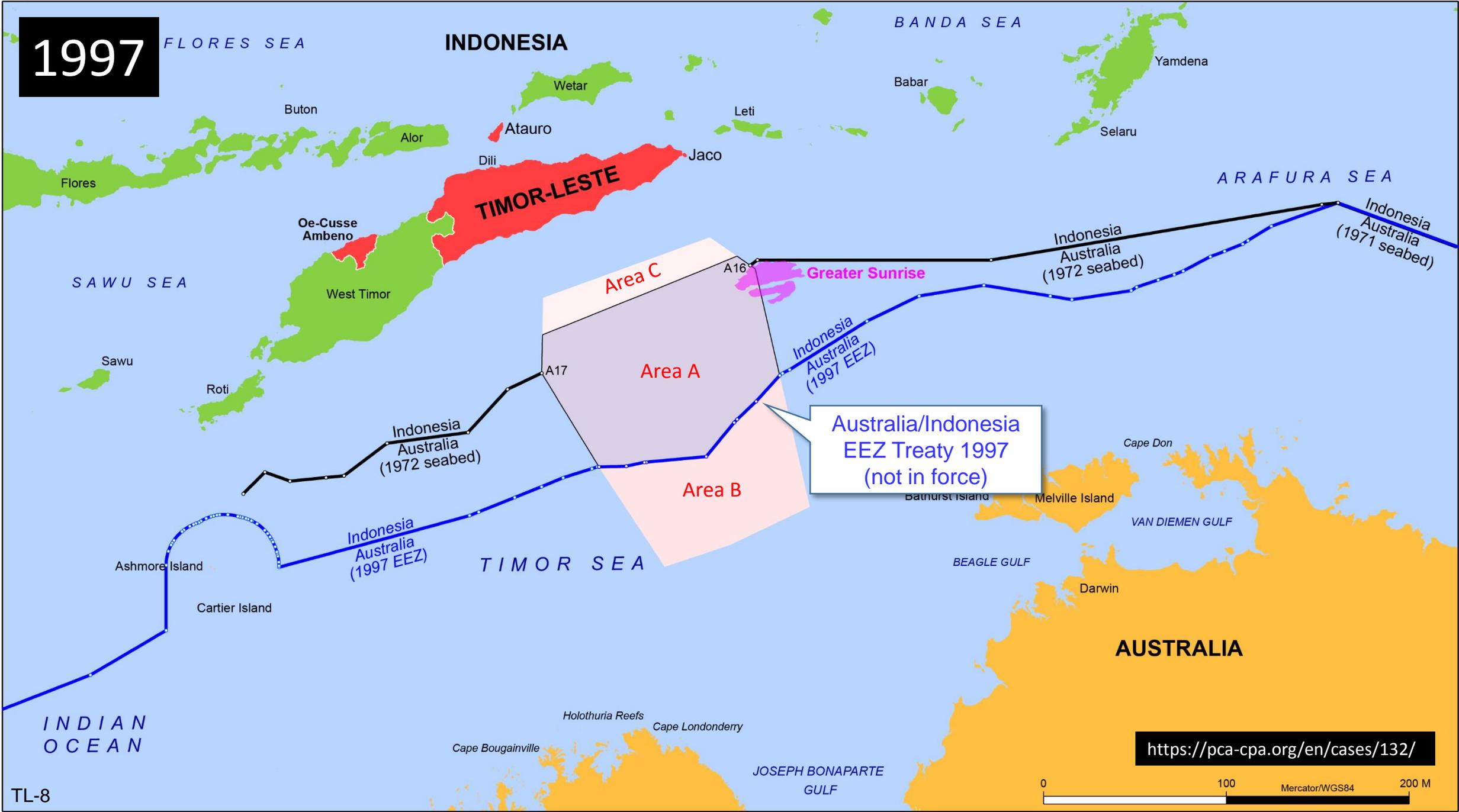
Cape Bougainville

JOSEPH BONAPARTE GULF

<https://pca-cpa.org/en/cases/132/>



1997



Australia/Indonesia  
EEZ Treaty 1997  
(not in force)

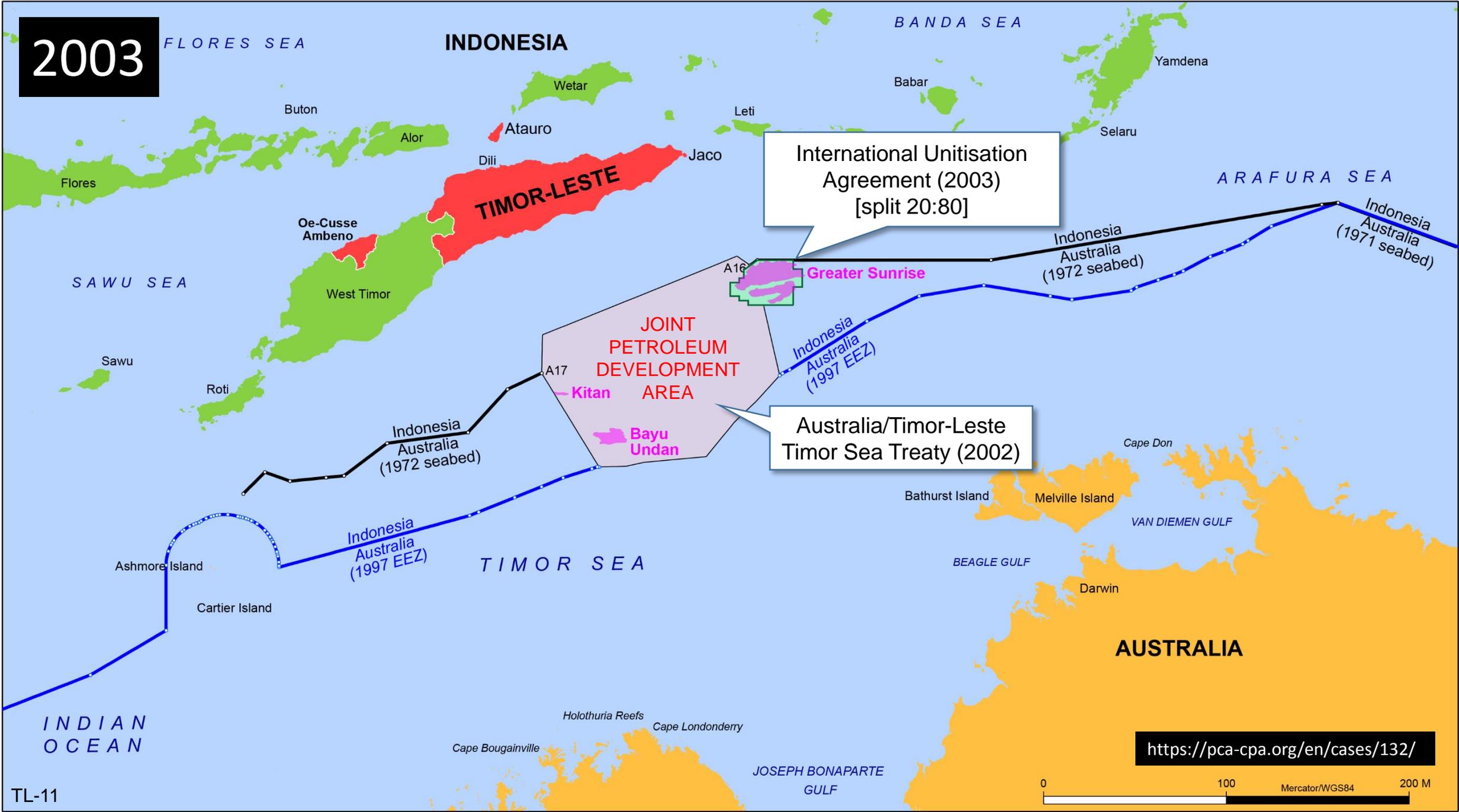
<https://pca-cpa.org/en/cases/132/>

0 100 200 M  
Mercator/WGS84

# Timorese Referendum (1999), Independence (2002)



2003



International Unitisation Agreement (2003) [split 20:80]

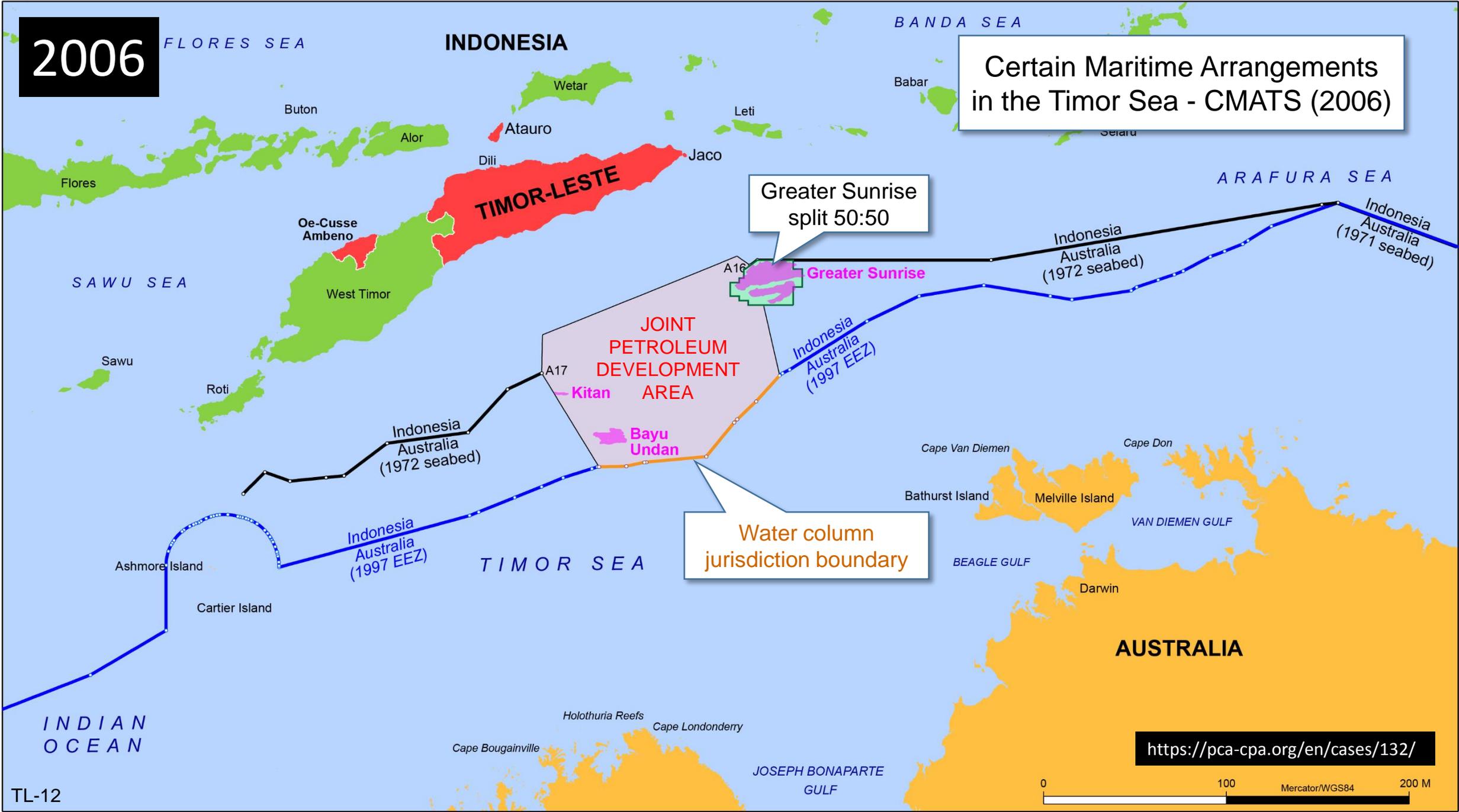
Australia/Timor-Leste Timor Sea Treaty (2002)

<https://pca-cpa.org/en/cases/132/>

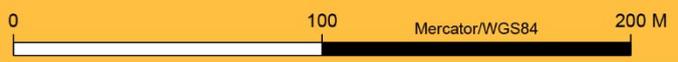


2006

Certain Maritime Arrangements in the Timor Sea - CMATS (2006)



<https://pca-cpa.org/en/cases/132/>





**The Transparency Project**

# Witness K and the 'outrageous' spy scandal that failed to shame Australia

▲ Bernard Collaery helped the Timor-Leste government build a case against Australia at The Hague, alleging the bugging had rendered the treaty void. Photograph: Lukas Coch/AAP

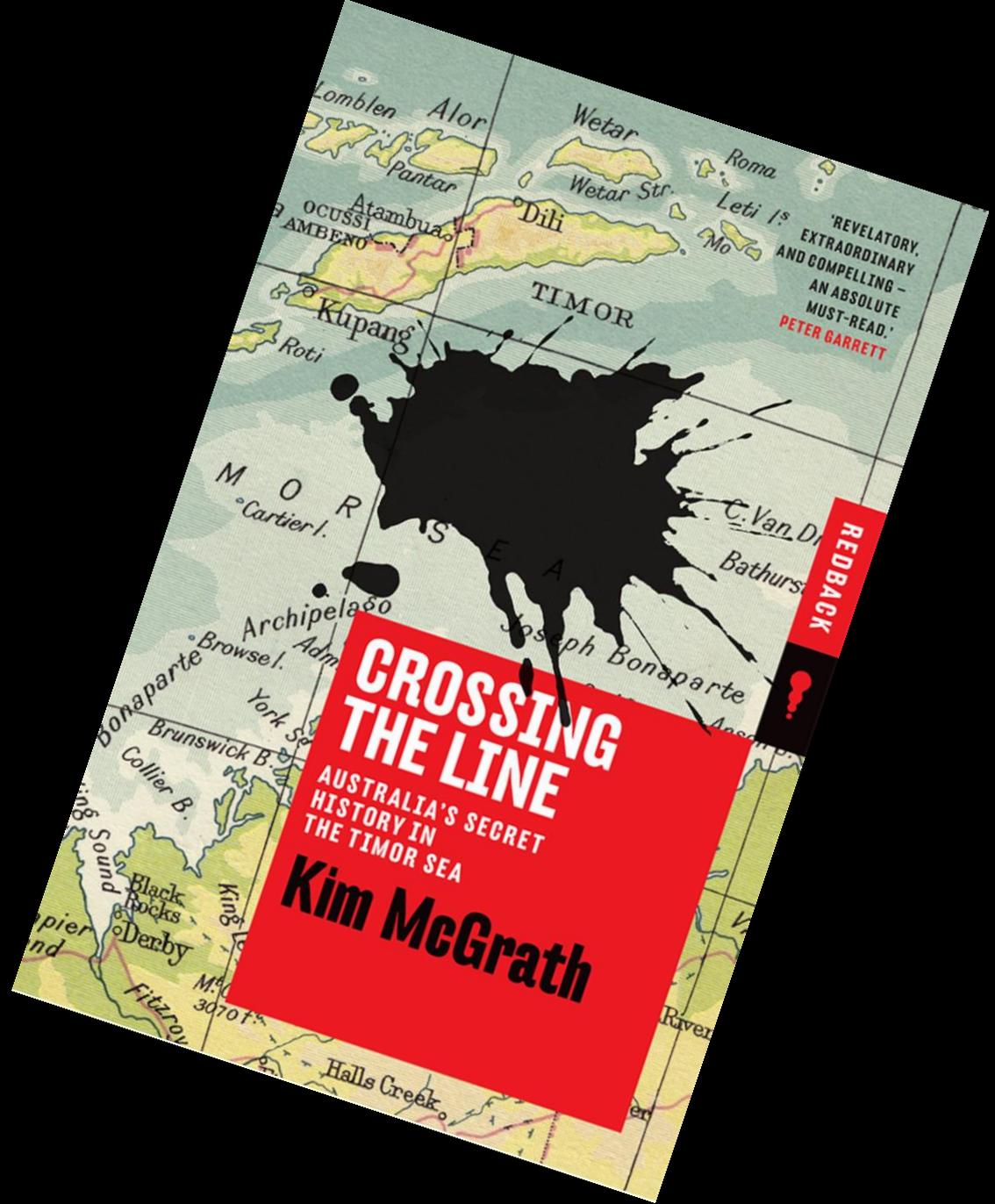
March 2016: 10,000 Timorese outside the Australian Embassy in Dili protesting against the Australian Government's refusal to negotiate maritime boundaries



# SHAKEDOWN

Australia's grab for Timor oil

PAUL CLEARY



## CROSSING THE LINE

AUSTRALIA'S SECRET HISTORY IN THE TIMOR SEA

Kim McGrath

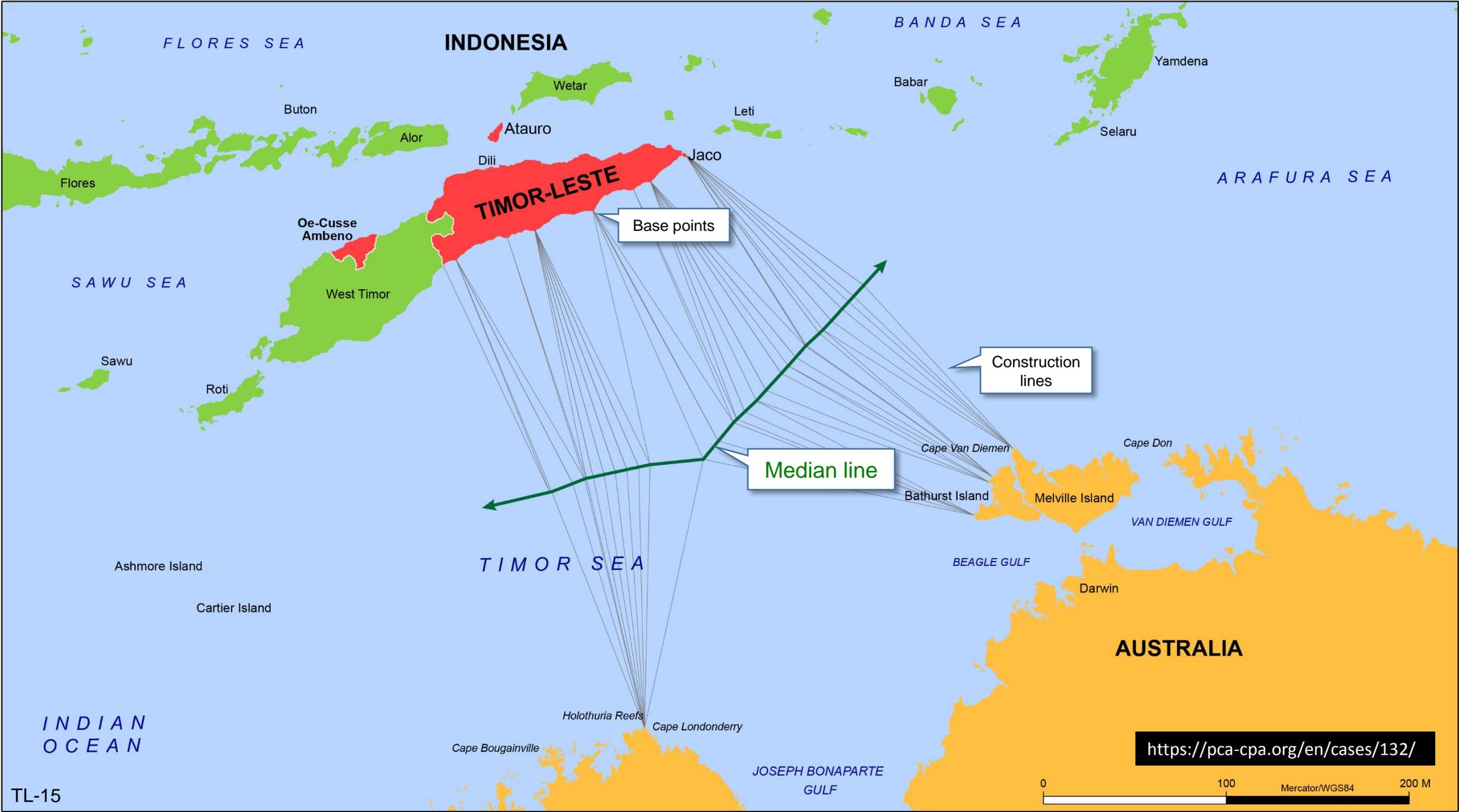
'REVELATORY, EXTRAORDINARY AND COMPELLING - AN ABSOLUTE MUST-READ.'  
PETER GARRETT

REDBACK



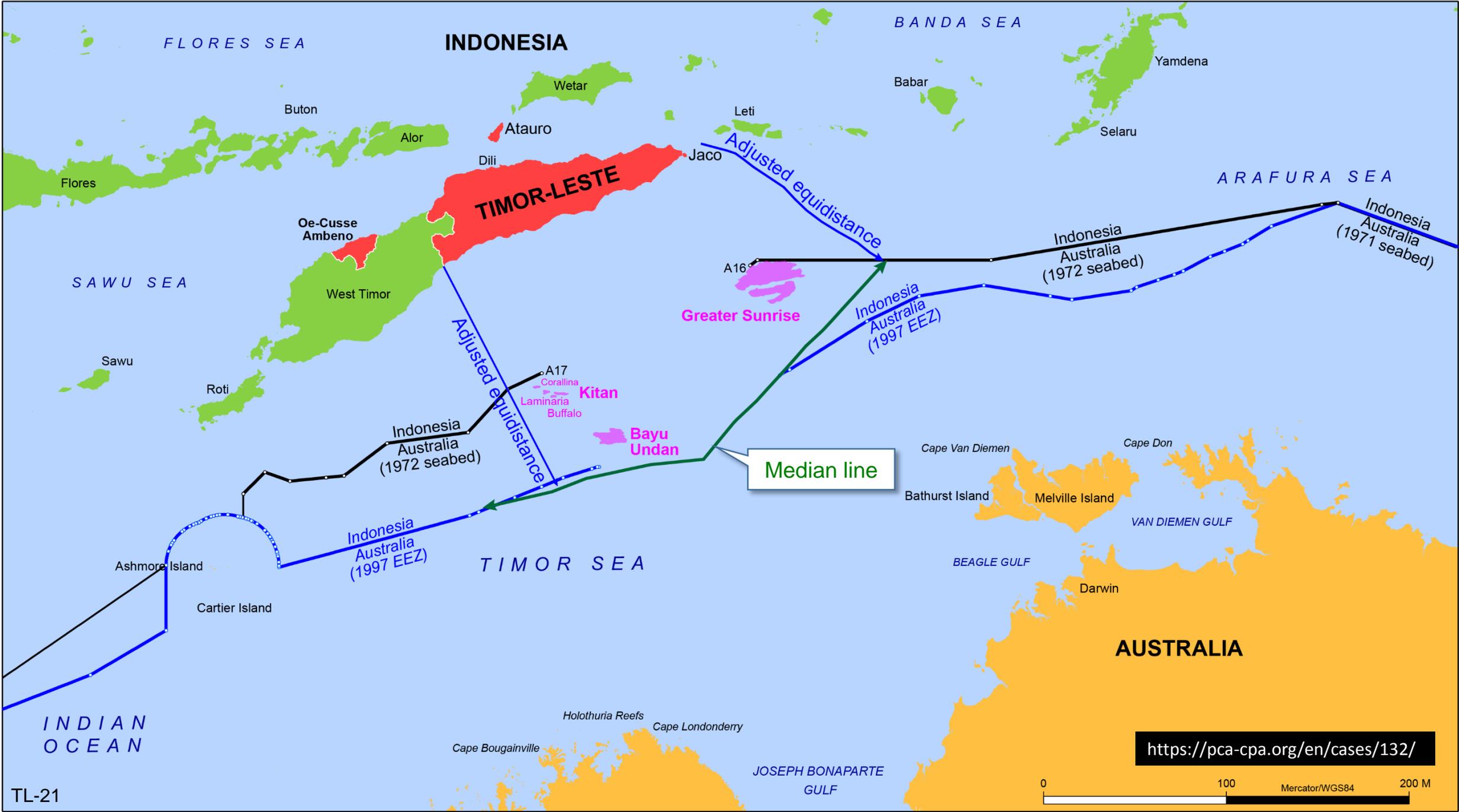
Timor-Leste-Australia  
Conciliation:  
Commission and both  
delegations in the Peace  
Palace, The Hague





<https://pca-cpa.org/en/cases/132/>





FLORES SEA

INDONESIA

BANDA SEA

SAWU SEA

ARAFURA SEA

**TIMOR-LESTE**

Indonesia  
Australia  
(1971 seabed)

Indonesia  
Australia  
(1997 EEZ)

Indonesia  
Australia  
(1972 seabed)

Indonesia  
Australia  
(1997 EEZ)

Median line

TIMOR SEA

VAN DIEMEN GULF

**AUSTRALIA**

INDIAN OCEAN

<https://pca-cpa.org/en/cases/132/>

0 100 200 M  
Mercator/WGS84

TL-21

Flores

Buton

Alor

Dili

Wetar

Atauro

Jaco

Leti

Babar

Yamdena

Selaru

Oe-Cusse  
Ambeno

West Timor

Sawu

Roti

A17

Corallina  
Laminaria  
Buffalo

Kitan

Bayu  
Undan

A16

Greater Sunrise

Cape Van Diemen

Cape Don

Bathurst Island

Melville Island

Ashmore Island

Cartier Island

BEAGLE GULF

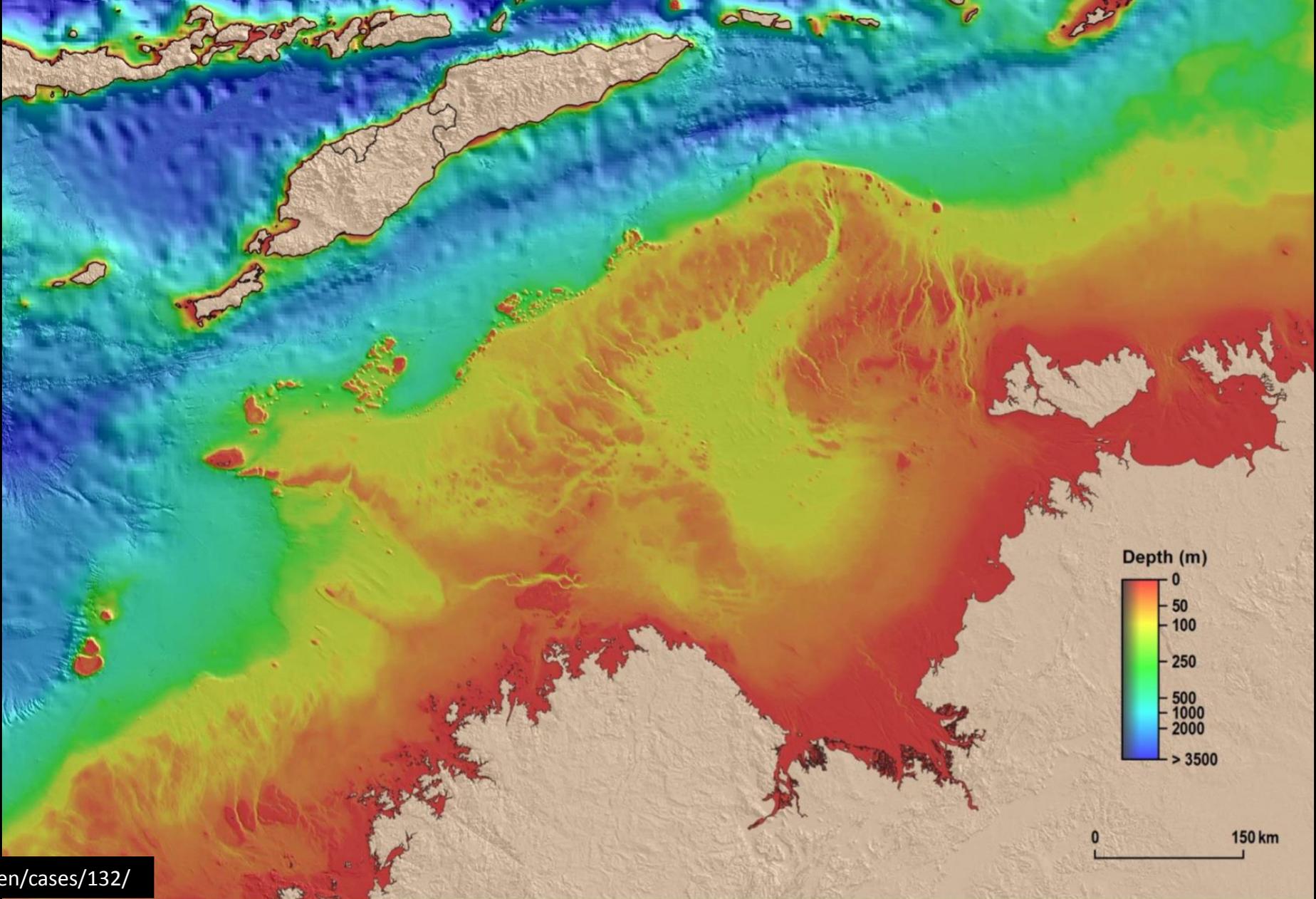
Darwin

Holothuria Reefs

Cape Londonderry

Cape Bougainville

JOSEPH BONAPARTE  
GULF

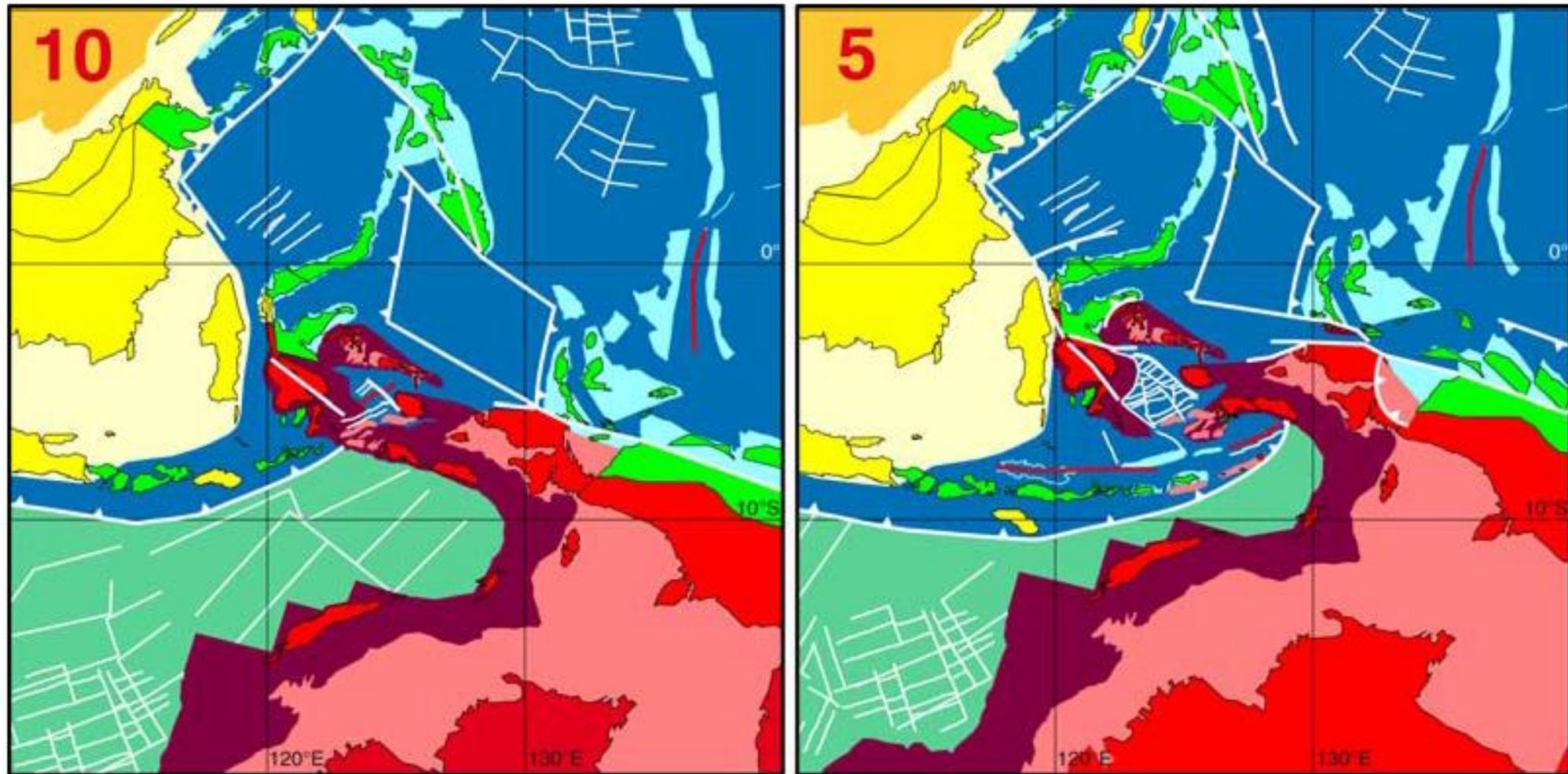


<https://pca-cpa.org/en/cases/132/>

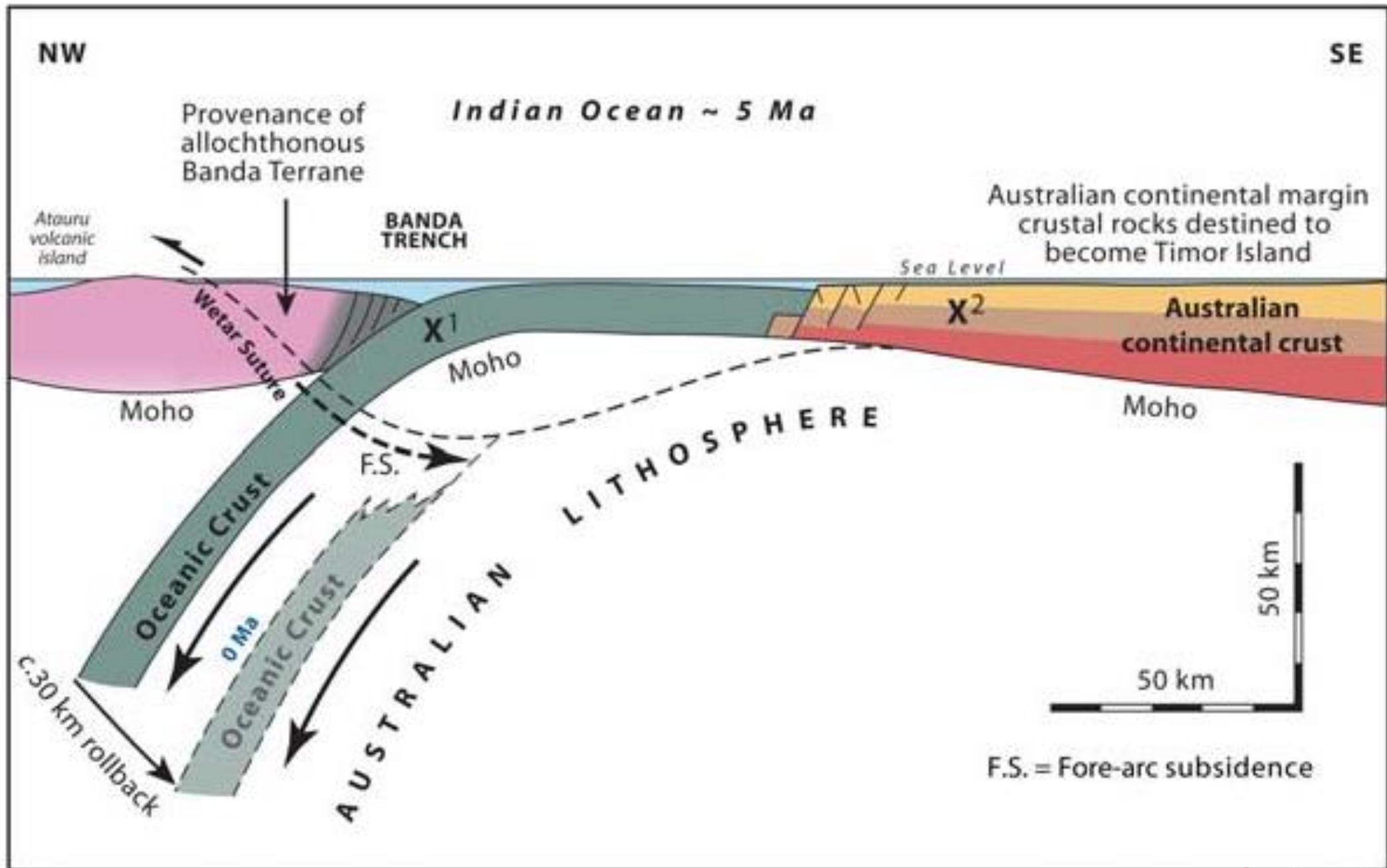
#### 4. Australia's continental shelf

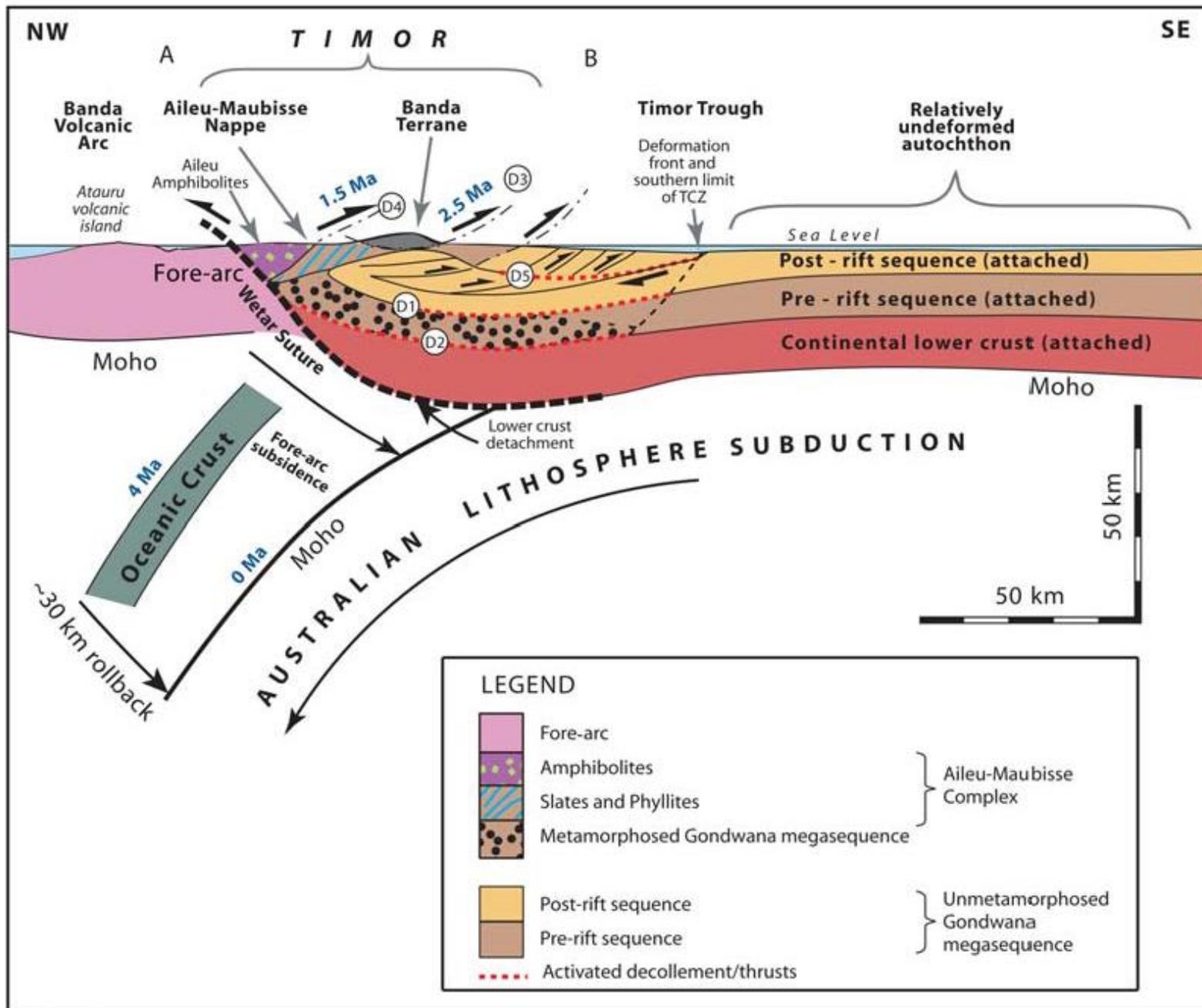
Australian Opening Statement -  
Conciliation Commission (29 Aug 16)

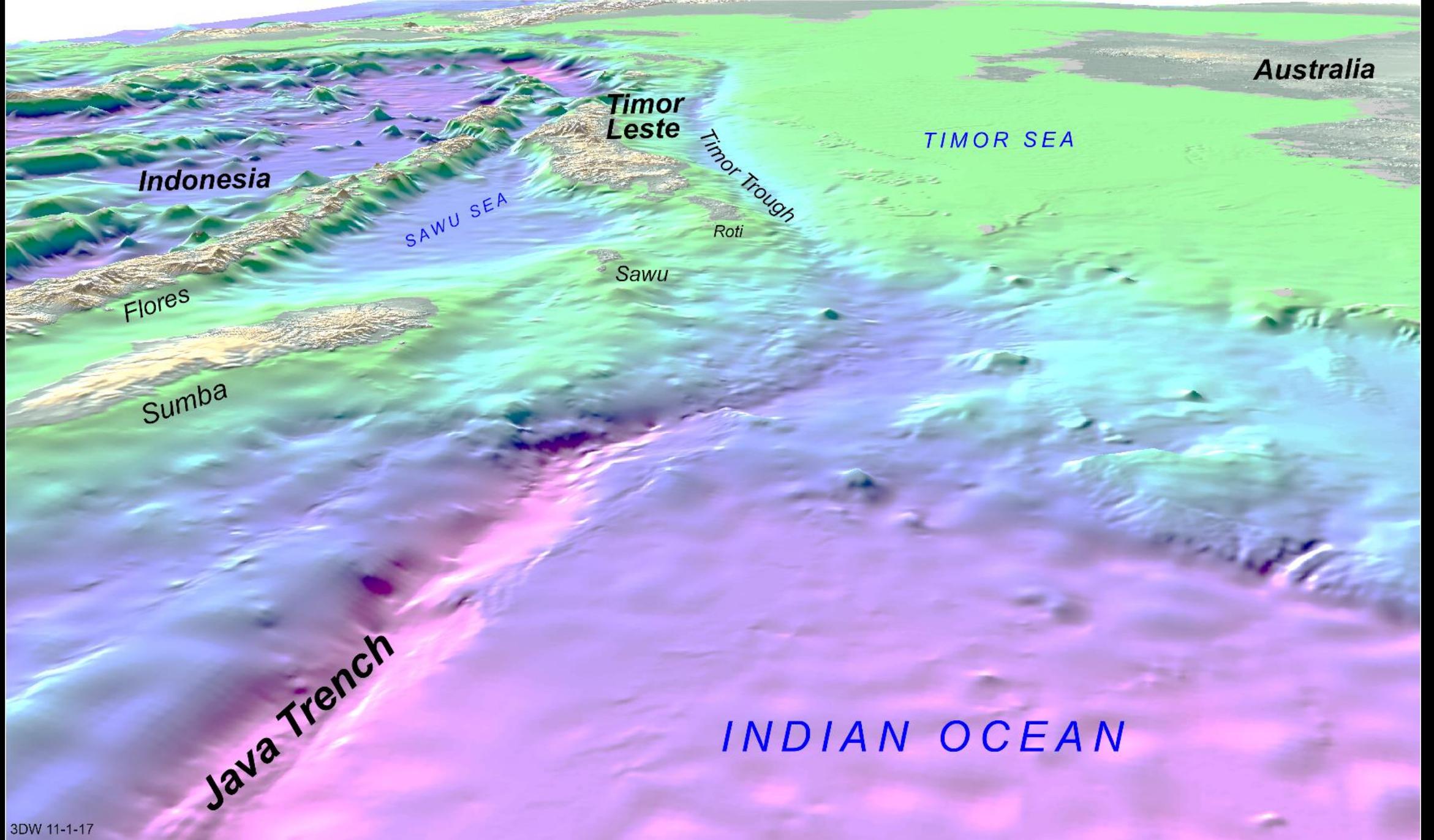




**Fig. 1.** Plate tectonic reconstruction of part of the Indian Ocean, Banda Trench and NW Australian continental shelf and margin at 10 and 5 Ma based on Hall (2002), and Spakman & Hall (2010). Note position of active Banda Trench north of Timor. Tectonic collision of the Australian continental margin with the Banda volcanic fore-arc proposed by Keep & Haigh (2010) between 10.8 and 9.8 Ma is not tenable.







Australia

Timor  
Leste

TIMOR SEA

Indonesia

SAWU SEA

Timor Trough

Roti

Sawu

Flores

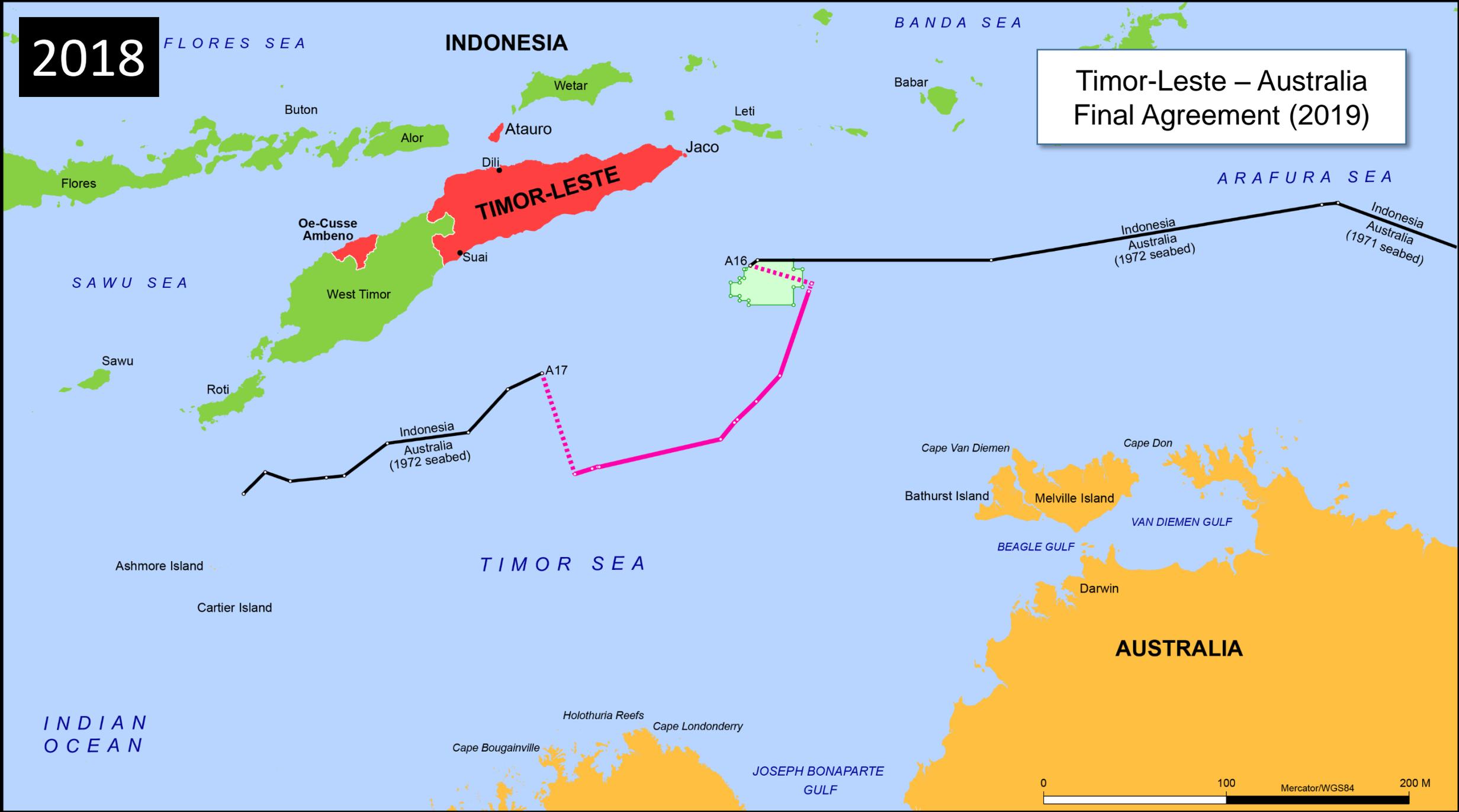
Sumba

Java Trench

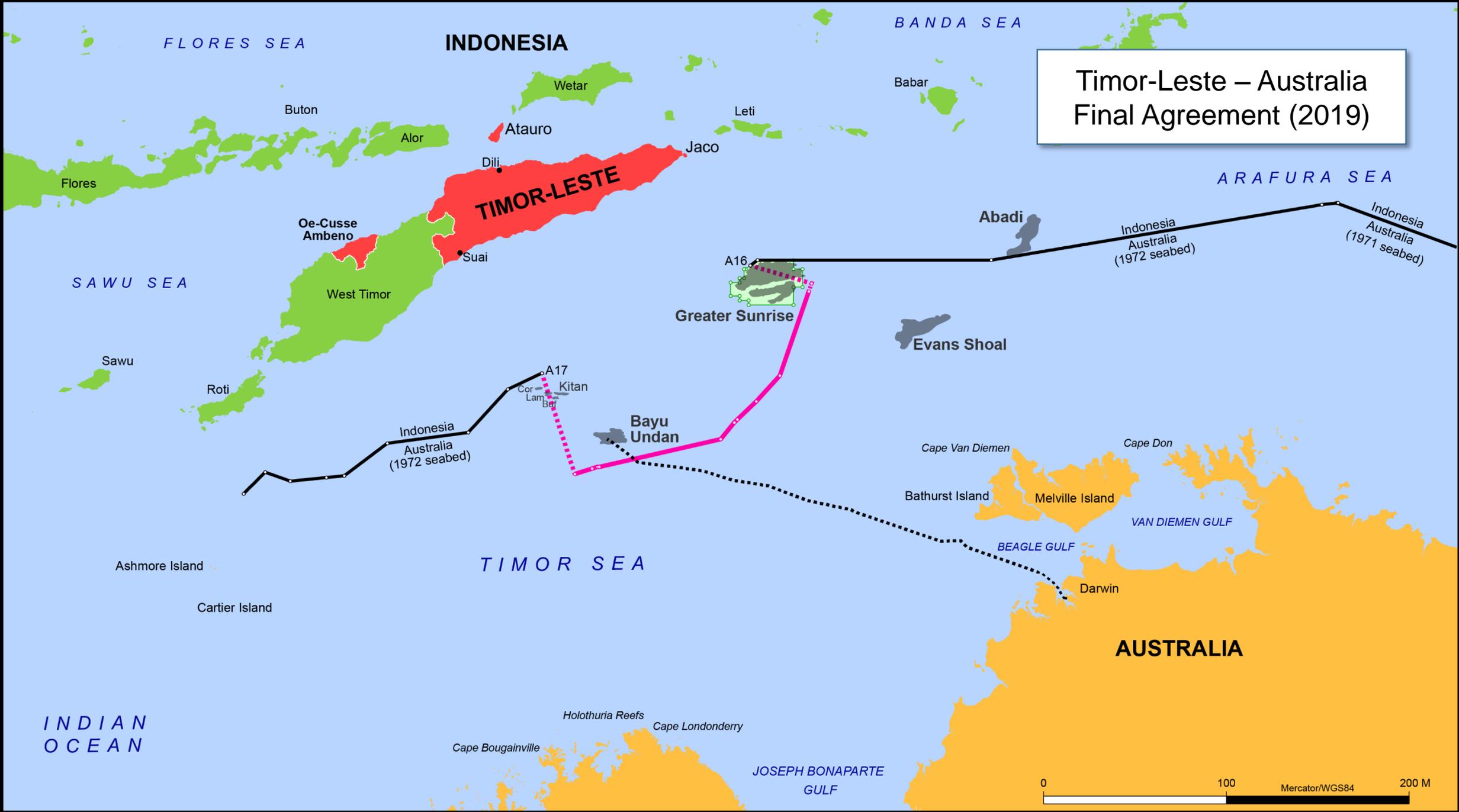
INDIAN OCEAN

2018

Timor-Leste – Australia  
Final Agreement (2019)



# Timor-Leste – Australia Final Agreement (2019)



FLORES SEA

INDONESIA

BANDA SEA

ARAFURA SEA

SAWU SEA

Indonesia  
Australia  
(1972 seabed)

Indonesia  
Australia  
(1971 seabed)

Indonesia  
Australia  
(1972 seabed)

TIMOR SEA

BEAGLE GULF

VAN DIEMEN GULF

INDIAN OCEAN

JOSEPH BONAPARTE GULF

AUSTRALIA

0 100 200 M  
Mercator/WGS84

Timor-Leste-Australia Conciliation:  
Signing ceremony  
UN Headquarters, New York,  
6 March 2019



Ratified on 30 March 2019  
on the 20<sup>th</sup> anniversary of the  
independence referendum



SCOTT MORRISON AND PRIME MINISTER OF TIMOR-LESTE TAUR MATAN RUAKE UPON THE RATIFICATION OF THE MARITIME BOUNDARY TREATY (IMAGE: AAP/LUKAS COCH)

# The Timor-Leste/ Australia Conciliation

A Victory for UNCLOS and Peaceful Settlement of Disputes



*Editors*

Hao Duy Phan • Tara Davenport • Robert Beckman



