



MUNESCO

Forum: EB1

Issue: The issue of cultural and territorial dispute in East Timor.

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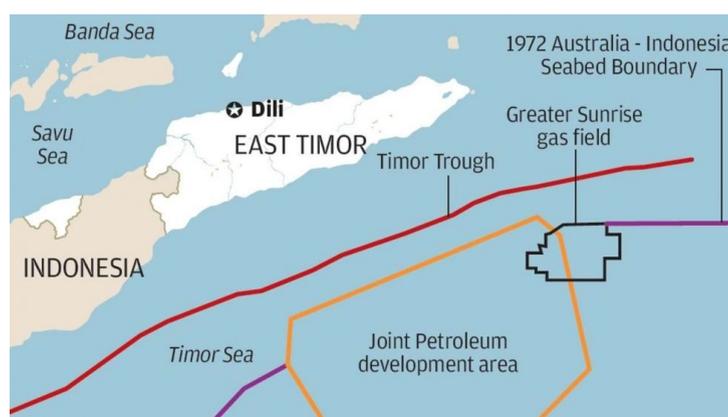
Position: Co-chair

Introduction

East Timor, located in Southeast Asia, has suffered through decades of colonization and war. After almost 300 years under the Portuguese rule, East Timor was taken over by Indonesia. The nation finally became independent in 2002, after suffering from decades of colonialism; but the struggles didn't end there. With a major capital of petroleum within the country's territory, the nation has had many countries, including Australia and Indonesia, reaching for its resources, meanwhile several rebellions and protests within the country has taken place.

East Timor is currently facing an issue regarding territorial dispute and maritime borders; similar problems as many of the pacific countries are actively facing, including the Ashmore and Cartier Islands division between Australia and Indonesia, "Pedra Branca" and "Point 20" between Singapore and Malaysia, the North Borneo dispute between Malaysia and Philippines, and many more. The area debated upon contains a large percentage of East Timor's oil resources, which is very concerning for the people of East Timor since the economy relies on the petroleum industry. Although treaties have been signed and decisions have been previously reached regarding the borders of the country, a final decision regarding the maritime border between Australia and East Timor has not been reached yet.

Problems regarding cultural dispute has also arised since the Montara oil spill. Although Indonesia and Australia were responsible for the destructive oil spill; due to its geographical location, East Timor was impacted as well. East Timor seeks compensation for the cultural and environmental damage caused by this crisis.



Definition of Key Terms

Colonialism: The control or exploitation of countries by other countries is called Colonialism.

Cultural dispute: Cultural dispute is a disagreement/conflict regarding the cultural stance of countries.

GDP: GDP, which stands for Gross Domestic Product, is the value of all goods/services made in a specific country.

Maritime borders: Maritime borders are the territory of borders usually on the sea (or lakes, rivers, any water surface areas) regarding geopolitical criteria.

Principle of equidistance: A legal concept used by the UN in matters regarding maritime border, stating that the border between two countries should physically be the same distance from the land of both countries.

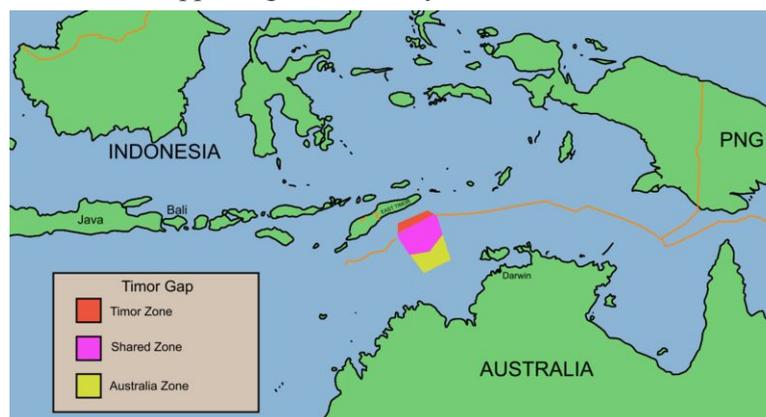
Principle of prolongation: A legal concept used by the UN in matters regarding maritime borders, when the geological oceanography of a specific region unites the territory of a nation to another piece of land.

Revenue: The specific income of an organization/country is called revenue.

Territorial dispute: Territorial dispute is the conflict between two or more controlling powers/countries over land or borders.

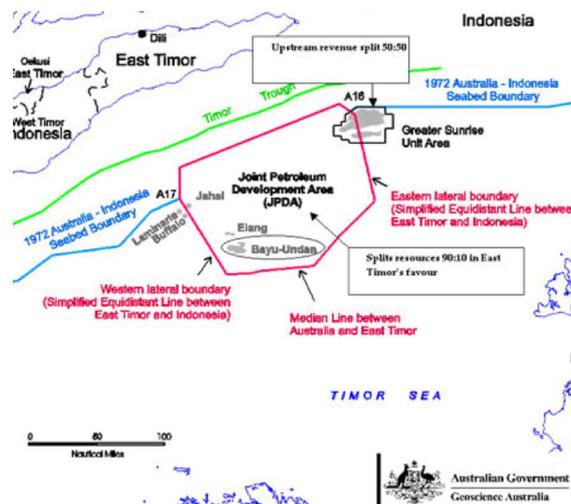
Background Information

The conflict of territorial dispute between East Timor, and a neighboring country, Australia, has been ongoing for a while now. Through use of previous agreements and UN resolutions, most of the territory division had been decided on, except a maritime border. Since the maritime border contains a majority of East Timor's oil resources, it is vital for the nation's economic independence and future safety. These resources were the main reason Indonesia invaded East Timor in 1975 and exploited their resources. Ever since East Timor became independent in 2002, the oil reserves have been making up 80% of GDP, supporting its economy.



During the Indonesian rule (1975-1999), Australia and Indonesia had negotiated regarding the division of resources, but disagreed on the sea border between East Timor and Australia. In 1989, Indonesia and Australia signed the “Timor Gap Treaty” which had a clause regarding the maritime border. The area was to be used as a “joint development zone”, which meant a border wasn’t to be established. The broad terms in the treaty may be the reason the Australia supported the independence of East Timor and aided the rebellion against the fight with anti-independence groups in the country. When Indonesia and East Timor separated, Australia started negotiations with East Timor. In 2002, the “Timor Sea Treaty” was signed between the two nations. The Timor Sea Treaty and the Timor Gap Treaty were relatively similar; the area was to be divided into three sections. Different from the Timor Gap Treaty, the new agreement stated that the revenue of the joint area was to be divided; 90% going to the government of East Timor, and 10% going to the Australian government. This is subject to change as the government of East Timor has made a statement saying that they are open to negotiations.

The border debated upon is located between Timor’s south coast and the northwestern coast of Australia. The area is approximately 400 nautical miles. Both Australia and East Timor is interested in the Greater Sunrise gas field. The gas field is estimated to have a worth of \$40 billion, making it the most valuable field in the Timor sea. According to the United Nations Convention on the Law of the Sea (UNCLOS), East Timor would have been able to claim the area if Australia had not withdrawn from jurisdictions from all international courts regarding the maritime border, three months before East Timor’s independence. The only way the area can be divided, is an agreement between Australia and East Timor.



Australia claims that the Timor Through should divide the borders, leaving the joint area under Australian territory and drawing the border closer to East Timor, because of the “principle of prolongation”. East Timor argues that the border should be draw in the middle of the Timor sea, according to the “principle of equidistance”, leaving the area under East Timor territory.

During 2006, both East Timor and Australia signed the Certain Treaty on Maritime Arrangements in the Timor Sea (CMATS), giving both countries equal revenue from the shared area. In 2013, the Australia spying scandal takes place. It is revealed that Australia sent more than 200 spies to the government of East Timor to gather information regarding the border. East Timor takes this case to the ICJ, and argues that the CMATS are invalid because of Australia’s Secret Intelligence

Service, therefor violating the treaty of Viana. A final decision hasn't been made regarding the situation of the border.

If East Timor loses the area, the country will be losing its main economic assets and the jobs of a large portion of the population. East Timor will be forced to find an alternative resource of profit, or to lose its economic independence by taking loans from other countries. With the nation's ongoing problems with internal affairs and fragile state of peace, East Timor can not afford to lose the area.

Timeline of Major Events

1702	East Timor was colonized by Portugal and called "Portuguese Timor".
1975	East Timor was invaded by Indonesia.
1981	Armed Forces of National Liberation of East Timor was formed as a resistance to Indonesia and led by Xanana Gusmao.
1992	Indonesian troops captured Xanana Gusmao.
1998	The President of Indonesia, President Suharto, resigned. Bacharuddin Jusuf Habibie was declared as the new president.
1999	East Timor was allowed to have a referendum. A majority of the voters, 78% voted for independence.
1999	Anti-independence groups were aided by the Indonesian military. They killed over 1000 people in East Timor.
1999	Australia intervened and ended the violence between anti-independence groups and the major population of East Timor.
1999	Xanana Gusmao was freed from jail.
1999	Troops of Indonesia left East Timor.
2000	East Timor and Australia signed an agreement regarding future income from gas and oil fields in the Timor sea.
2002	East Timor gained independence.
2002	The people of East Timor elected Xanana Gusmao as their first president.
2002	East Timor became a UN member state.
2006	Former soldiers across the nation started protesting against discriminatory working conditions.
2006	Peacekeepers from New Zealand and Australia arrived in East Timor to help the government restore order against the protests.
2006	Prime Minister Alkatiri resigned, leaving his place to Jose Ramos-Horta, because of the violent protests.
2007	The public elected Jose Ramos-Horta as president.

2007	Xanana Gusmao was chosen as prime minister, which resulted in the public protesting.
2008	An assassination attempt on Jose Ramos-Horta and Xanana Gusmao failed. The rebel leader, Alfredo Reinado, was killed.
2009	The Montara oil spill takes place.
2010	The rebels responsible for the assassination attempts were convicted.
2010	The rebels were pardoned by Jose Ramos-Horta.
2012	Taur Matan Ruak was elected president.
2012	Australia ended the stabilization mission, which had been going on for 6 years. UN peacekeepers were also withdrawn.
2013	East Timor opened a case against the Australian Secret Intelligence service , in the ICJ, for sending spies into the government of East Timor
2014	The ICJ ordered for the Australian Secret Intelligence service to restore all documents and to withdraw from East Timor.
2017	Francisco Guterres is elected as the new president.

Major Countries and Organizations Involved

Australia

Australia has been arguing that the border should be set in the Timor Through for many years now. The scandal between the Australian Secret Intelligence was a major setback for Australia's argument. The issue not being resolved has been damaging the economy of the country.

Australian Secret Intelligence

The Australian Secret Intelligence has faced a recent scandal in 2013 as a result of their investigation regarding East Timor being exposed. The ICJ has ordered all stolen documents to be given back to East Timor, and the CMATS agreement was argued to be invalid.

East Timor

East Timor has been arguing that the border should be established in the middle of East Timor and Australia, leaving the Sunset gas field under East Timor territory. The economy of East Timor relies largely on the oil fields in the Timor sea. With the issue being left unresolved or the territory being shared for the past 15 years, the public has been tense. There have been numerous protests against the border being shared. The Sunset fields are important for East Timor because East Timor's current resources are running out.

Indonesia

Indonesia previously controlled East Timor after the it was released from Portuguese rule. The country is geographically close to the area debated upon and also is facing issues of territorial dispute with Australia, much like East Timor.

Previous Attempts to Solve the Issue

The Timor Gap Treaty

While East Timor was still under Indonesian occupation in 1989, Indonesia and Australia signed a treaty dividing the border into three segments; the Indonesian part, the Australian part, and the shared part. The Timor gap, containing most of the oil wells, was left in the shared part. This treaty was declared as invalid when East Timor became independent and Indonesia left the area.

The Timor Gap Treaty

After East Timor became independent in 2002, the Timor Gap Treaty became invalid, which resulted in East Timor and Australia re-negotiating. With both sides wanting the Sunrise oil and gas field, neither sides were satisfied with the treaty.

Certain Treaty on Maritime Arrangements in the Timor Sea (CMATS)

The re-negotiations after the Timor Gap Treaty resulted in the two countries signing the CMATS treaty in 2006. The Sunrise field was to be divided equally between the two counties. East Timor argues that this agreement is invalid since the Australian Secret Intelligence was conducting a private investigation on East Timor.

Possible Solutions

The only way to solve this issue, as previously stated, is for East Timor and Australia to reach an agreement. There are three possible options to resolve this issue;

1. Division of the border from the Timor rough;
This leaves the area debated upon in the Australian territory and drawing the border closer to East Timor. This can be backed up with the principle of prolongation, a principle created by the UN. Australia argues for this solution, claiming that the territory reaches Australia's land. This solution most likely damages East Timor's economy and population as a whole.
2. Division of the border from the middle of the Timor sea;
This option gives the area to East Timor. The principle of equidistance, a principle introduced by the UN, supports this solution.
3. The establishment of a shared area;
This option has been tried repeatedly before, in agreements including the Timor Gap Treaty, the Timor Sea Treaty, and the CMATS treaty. Australia and East Timor are less likely to accept this option because this option leaves both sides unhappy with the total revenue earned.

Useful Links For Further Research

1. https://dfat.gov.au/about-us/publications/Documents/MLW_VolumeTwo_CaseStudy_9.pdf
2. <https://www.bbc.com/news/world-australia-43296488>
3. <https://www.bbc.com/news/world-asia-pacific-14952883>
4. <http://theconversation.com/what-you-need-to-know-about-timor-leste-and-australias-sea-border-fight-67377>
5. <http://www.internationalaffairs.org.au/australianoutlook/the-timor-sea-disputes-resolved-or-ongoing/>
6. <https://energy.economictimes.indiatimes.com/news/oil-and-gas/east-timor-clears-rules-for-sunrise-gas-project-takeover-after-parliament-backing/67571835>
7. <https://www.britannica.com/place/East-Timor>
8. <https://www.worldatlas.com/webimage/countrys/asia/easttimor/etimortimeln.htm>
9. <http://www.timorleste.tl/east-timor/about/economy/>

Bibliography

1. “Asia/.” World Atlas, Worldatlas, 7 Apr. 2017, www.worldatlas.com/webimage/countrys/asia/easttimor/etimortimeln.htm.
2. “Australia and East Timor Sign Historic Maritime Border Deal.” BBC News, BBC, 7 Mar. 2018, www.bbc.com/news/world-australia-43296488.
3. Britannica, The Editors of Encyclopædia. “East Timor.” Encyclopædia Britannica, Encyclopædia Britannica, Inc., 22 Jan. 2019, www.britannica.com/place/East-Timor.
4. “East Timor Profile - Timeline.” BBC News, BBC, 26 Feb. 2018, www.bbc.com/news/world-asia-pacific-14952883.
5. Strating, Rebecca. “What You Need to Know about Timor-Leste and Australia's Sea Border Fight.” The Conversation, The Conversation, 19 Sept. 2018, theconversation.com/what-you-need-to-know-about-timor-leste-and-australias-sea-border-fight-67377.
6. “The Timor Sea Disputes: Resolved or Ongoing? - AIIA.” Australian Institute of International Affairs, www.internationalaffairs.org.au/australianoutlook/the-timor-sea-disputes-resolved-or-ongoing/.
7. “Timor-Leste Economy.” Timor-Leste | East Timor Official Travel & Tourism Guide, www.timorleste.tl/east-timor/about/economy/.
8. www.ETEnergyworld.com. “East Timor Clears Rules for Sunrise Gas Project Takeover after Parliament Backing - ET EnergyWorld.” ETEnergyworld.com, 17 Jan. 2019, energy.economictimes.indiatimes.com/news/oil-and-gas/east-timor-clears-rules-for-sunrise-gas-project-takeover-after-parliament-backing/67571835.