

AUSTRALIA AND PORTUGALTIMOR GAP

Senator JONES - My question is directed to the Minister for Foreign Affairs and Trade. Has the Minister's attention been drawn to reports that a request has been made by Fretilin to Portugal to take Australia to the International Court of Justice (ICJ) over Timor? What is the Government's reaction to these reports and what will the Government do in relation to the claims by Fretilin?

Senator GARETH EVANS - I have seen some suggestions that Fretilin is trying to encourage Portugal to take Australia to the International Court of Justice over the recent Timor Gap negotiations. The Australian Government has no information to suggest that Portugal would so react and seek to take Australia to the court. In fact, as the Portuguese Foreign Minister said, I understand, in the United Nation General Assembly just a few days ago on 3 October, Portugal no longer has any territorial claims over East Timor and is not involved in any dispute over sovereignty of the Territory. It is therefore difficult to imagine on what conceivable basis Portugal, which has accepted the ICJ's jurisdiction, might accede to any request to try to take Australia to the court.

The Australian Government's view on the recognition of Indonesian sovereignty over East Timor was set out in this Parliament on 22 August 1985 by both the Prime Minister in the House of Representatives and by me representing the Foreign Minister in this place. That statement made it clear that Australia's de jure recognition of Indonesian sovereignty had taken effect in February 1979 when negotiations were opened with Indonesia on the seabed boundary in the Timor Gap. Although Australia recognised Indonesia's sovereignty over East Timor, it did not condone the manner in which the province was incorporated.

Finally, the seabed boundary negotiations can in practice only be conducted with the Indonesian Government. I dealt more fully with the international law dimensions and implications of these negotiations in the adjournment debate on 20 March 1986. I would refer anyone interested to the **Hansard** report of that debate.

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*[This is an extract from the proceedings of the Senate of the Parliament of the Commonwealth of Australia Hansard Senate, 18 October 1988, 1525].

PRESS RELEASE

EMBASSY OF PORTUGAL, CANBERRA

Statement of the Ministry of Foreign Affairs of Portugal, announced in Lisbon, on the 28th of October 1988, protesting against plans by Indonesia and Australia to establish a cooperation zone for the exploration of oil in the waters around East Timor.

"The Portuguese Government learnt from the joint declaration issued at the end of the recent visit to Jakarta by the Minister for Foreign Affairs and Trade of Australia that the Governments of Indonesia and Australia had decided to accept the recommendation reached at the end of the Australian-Indonesian meeting of senior officials, held on the 3rd and 4th September.

This recommendation aims at a future global accord creating a "cooperation zone" in the maritime area between East-Timor and Australia, for the purpose of exploring and extracting oil. This same recommendation was, in due time, object of an official Portuguese protest.

1. Thus it is unfortunately clearly demonstrated that it is the intention of both States to proceed with a project, violating international law, disrespecting resolutions of the General Assembly and Security Council of the United Nations, as well as showing a complete disregard for the legitimate interests of the people of East Timor, a non-autonomous Territory under Portuguese administration.

2. Since the Government of the Republic of Indonesia has no legitimate right to enter into agreements in respect of a territory illegally occupied, for which the process of decolonization is not completed and that is under the responsibility of Portugal as the administrative power, the Portuguese Government declares its intention of appealing to the appropriate international authorities, at the proper time, with the purpose of ensuring the rights of the people of East Timor, which the Portuguese Government has an obligation to consider and protect."

We further wish to inform that this declaration has been sent to the Portuguese Mission at the United Nations, New York, to be circulated as an official document for the United Nations.

31 October, 1988
EMBAIXADA DE PORTUGAL, CANBERRA.