



The Torres Strait Treaty

Presented by Simon Moore
Torres Strait Treaty Liaison Officer





Celebes
Sea

Gulf of
Tomini

Molucca
Sea

Indonesia

Banda Sea

East Timor

Timor Sea

Darwin

Northern
Territory

Australia

Western
Australia

South
Australia

Arafura Sea

Papua New
Guinea

Bismarck
Sea

Solomon
Sea

Solomon
Islands

Nauru

Vanuatu

New
Caledonia

Coral Sea

Brisbane





WHAT IS 'THE TREATY'

- The 'Torres Strait Treaty' is the short name for the *Treaty Between Australia and the Independent State of Papua New Guinea Concerning Sovereignty and Maritime Boundaries in the area between the Two Countries, Including the Area Known as Torres Strait, and Related Matters*.
- The Torres Strait Treaty is an international agreement between Australia and PNG
 - following PNG's independence in 1975, it was necessary to address outstanding questions of sovereignty and jurisdiction over the Torres Strait
 - it was signed in December 1978 and entered into force in February 1985.
- The Torres Strait Treaty:
 - clarifies sovereignty over the islands in the Torres Strait and establishes maritime boundaries, and seabed and fisheries jurisdiction lines
 - enables freedom of navigation and overflight in the Torres Strait
 - provides a framework for the management of the common border area.





A UNIQUE AGREEMENT

- The Torres Strait Treaty was the first Treaty to recognise the importance of protecting the traditional way of life and livelihood of the traditional inhabitants of an area *across* an international border
 - the Torres Strait Treaty does this for traditional inhabitants of the Torres Strait and those in the area of coastal PNG adjacent to the Torres Strait.
- Traditional inhabitants play a major role in the ongoing development of Treaty provisions, and the day-to-day management of traditional visits and marine resources under the Treaty.



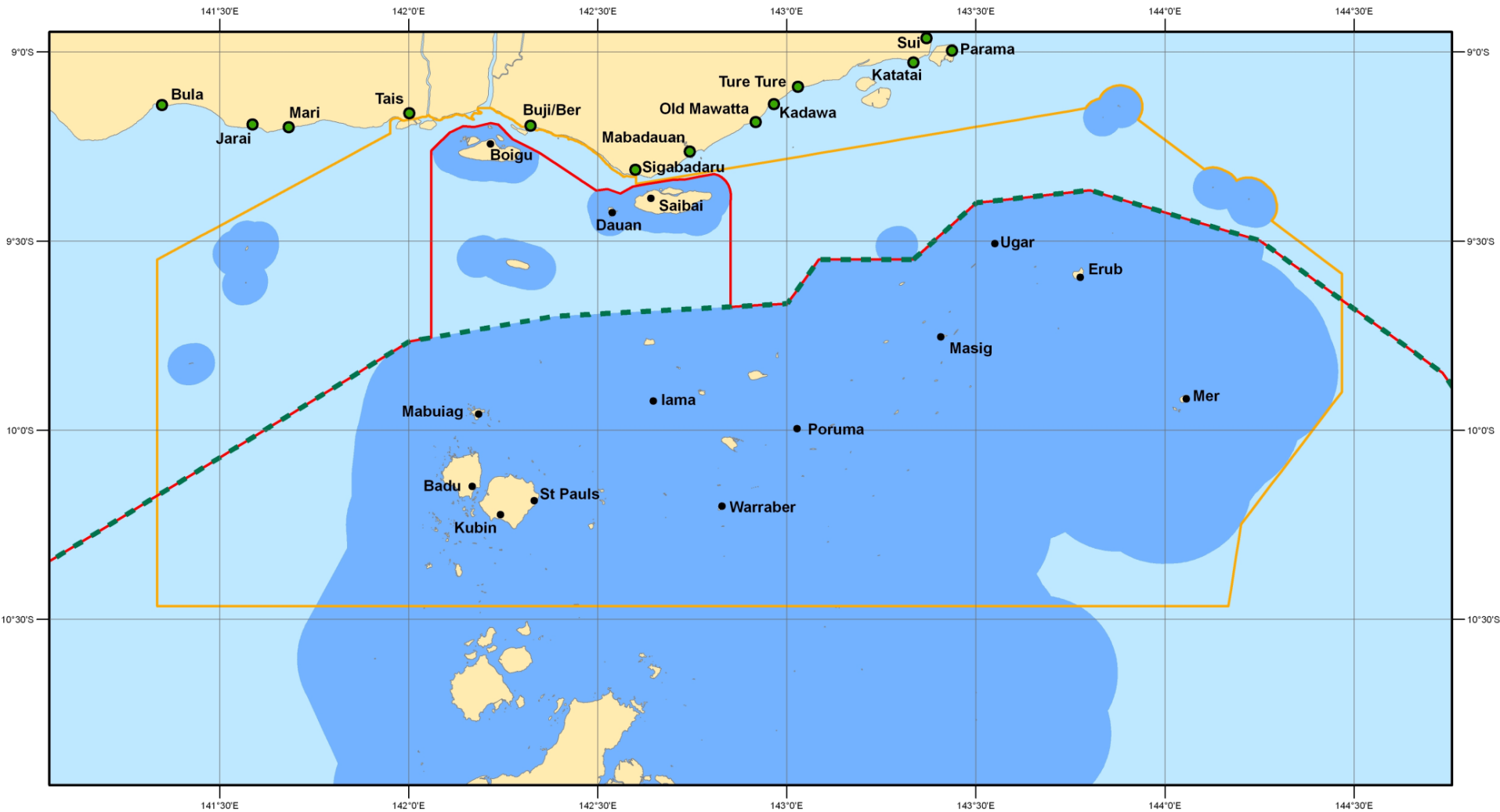


FREE MOVEMENT

- The Treaty allows free movement (without passports or visas) between Australia and PNG for traditional activities in the Protected Zone and nearby areas.
 - Torres Strait Islanders are allowed to travel north into PNG as far as the 9 degrees South latitude line just north of Daru. They are also allowed to visit certain other villages including Parama Island and Sui
 - traditional inhabitants from the nominated 13 PNG coastal villages are allowed to travel south into Australia as far as the 10 degrees 30 minutes South latitude line near 'Number One Reef'.
- Traditional activities under the Treaty include activities on land (such as gardening, food collection and hunting), activities on water (such as fishing for food), ceremonies or social gatherings (such as marriages) and traditional trade.
- Business dealings and employment for money are not allowed as traditional activities under the Treaty. Travel for health treatment is also not permitted under the Treaty.



Australian Maritime Zones in the Torres Strait



— Protected Zone

- - - Seabed Jurisdiction Line

— Fisheries Jurisdiction Line

• Masig Australian Treaty Community

● Bula

PNG Treaty Village



Australian Territorial Sea

Diagram produced by Geoscience Australia for the
Department of Foreign Affairs and Trade

This diagram is indicative only and is not to be used for navigation
GeoCat 71855



This diagram is not a legal document.
For precise boundaries please refer to the
*Treaty between Australia and the Independent
State of Papua New Guinea concerning Sovereignty and Maritime
Boundaries in the area between the two Countries, including the
area known as Torres Strait, and Related Matters*
Australian Treaty Series 1985 No. 4





THE TREATY AND THE ENVIRONMENT

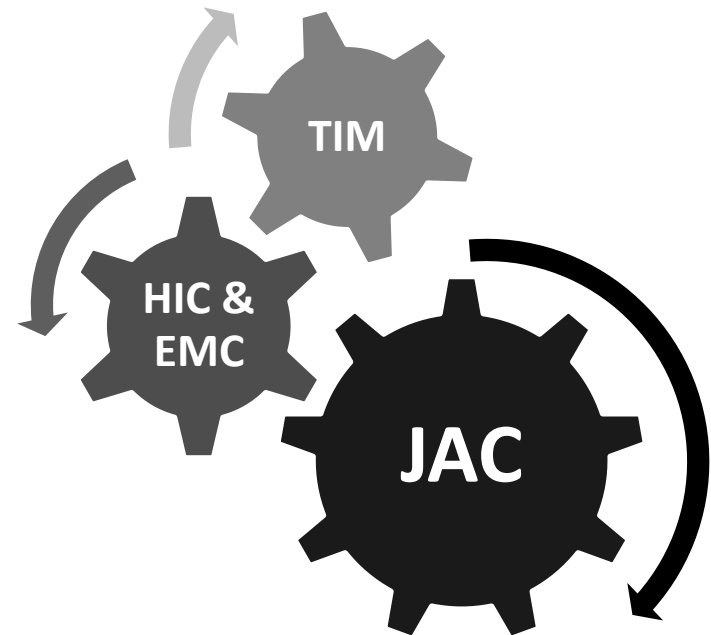
- The Treaty has a major environmental protection dimension
 - it was one of the earliest international agreements to reflect a greater environmental awareness and include traditional inhabitants in the consultative policy process.
- The environmental provisions of the Treaty are important for the well-being of the traditional inhabitants; for the preservation of the traditional and commercial fisheries; and for protection of the fragile Torres Strait environment for its own sake.
- An indefinite moratorium on mining and drilling in the Protected Zone was agreed in 2008.
- A part of the Treaty deals with commercial fisheries. Under the Treaty, commercial fishing in the Protected Zone by Australia and PNG must be in harmony with traditional fishing. The Treaty includes arrangements for the sharing of commercial catch, and encourages both countries to work together in licensing and policing as well as in the preservation, protection and management of fisheries.



CONSULTATIVE MECHANISMS



- There are a number of formal consultative mechanisms in place to progress the implementation of the Treaty. These are:
 - Traditional Inhabitants Meeting (TIM)
 - Joint Advisory Council (JAC); and as sub-committees to the JAC:
 - Environmental Matters Committee (EMC)
 - Health Issues Committee (HIC)
 - an annual fisheries bilateral meeting is also a forum for addressing relevant Treaty issues.
 - Treaty Awareness Visits (TAVs).





- The **Joint Advisory Council (JAC)** is an advisory body of Australian and PNG officials, and traditional inhabitant representatives. The functions of the JAC are to:
 - seek solutions to local level problems not resolved by the Treaty Liaison Officer (TLO) and Border Liaison Officer (BLO)
 - consider and make recommendations on any developments or proposals which might affect the protection of the traditional way of life and livelihood of the traditional inhabitants
 - review from time to time as necessary, and to report and to make recommendations on any matters relevant to the effective implementation of the Treaty, including the provisions relating to the protection and preservation of the marine environment, and fauna and flora in and in the vicinity of the Protected Zone
 - the JAC is required to transmit its report and recommendations to the Foreign Ministers of Australia and PNG.





- The **Traditional Inhabitants Meeting (TIM)** is a forum for traditional inhabitants of both countries to discuss issues and activity in the region, and report concerns to government through their Treaty Liaison Officer.
- **Treaty Awareness Visits (TAVs)** also provide an opportunity to advise and consult with traditional inhabitants about the provisions of the Treaty
 - we aim to visit each of the 27 Treaty communities (14 in Australia, 13 in PNG) at least once each year.







Some Commonwealth agencies are directly involved in the implementation of the Treaty. For example:

Dept. Immigration & Citizenship (DIAC)

**Australian Customs Service
(including Border Protection Command)**

Australian Fisheries Management Authority (AFMA)

Dept. Agriculture, Fisheries & Forestry (DAFF)

Other agencies have a vested interest in the implementation and management of the Treaty. For example:

Dept. Sustainability, Environment, Water, Population & Communities (SEWPaC)

Torres Strait Regional Authority (TSRA)

Australian Federal Police (AFP)

Australian Maritime Safety Authority (AMSA)

Queensland Police

Queensland Health



WHAT DFAT DOES...

- DFAT has overall policy responsibility for the Treaty and coordinates the bilateral relationship with PNG
 - Article 18 of the Treaty states each party shall designate a representative to facilitate the implementation at the local level the provisions of the Treaty
 - the representatives are called the Treaty Liaison Officer (TLO) in the case of Australia and the Border Liaison Officer (BLO) in the case of PNG.
- The TLO liaises with traditional inhabitants and Australian and PNG authorities on Treaty-related issues and on cross-border issues in the vicinity of the Torres Strait and resolves these issues locally (when possible).
- The TLO attends Treaty meetings involving traditional inhabitants and government agencies from both sides of the border (including acting as the Secretariat).
- The TLO provides advice to Australian authorities on the provisions of the Treaty.
- The TLO monitors and reports on an area of significant strategic interest to Australia.









PHOTO: AUSTRALIAN CUSTOMS SERVICE



ONGOING CHALLENGES

- Transnational crime
 - people smuggling and illegal inwards movement of third-party nationals
 - smuggling of drugs and other prohibited goods.
- Potential exposure to serious diseases endemic in PNG.
- Pressure on Australian health services.
- Pressure on Australian fisheries by illegal fishing.
- Pressure on the Australian environment, including turtle and dugong.
- Pressure on community resources from 'overstayers' and unauthorised movement of PNG nationals into Australia.
- Disruption to Australian island community life by traditional visitors.





THANK YOU

