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21 Sep 2014

15 Years After Liberation, Australia Is Still Screwing The East Timorese

By Tom Clarke



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As East Timor marks the 15th anniversary of its independence, it still has no maritime boundaries. They can thank their greedy neighbours for that. Tom Clarke explains.

Reports earlier this month that Australian Federal Police were asked to investigate whether charges can be laid against an Australian lawyer and a former Australian spy, have once again put the spotlight on Australia's underhanded attempts to short-change East Timor out of billions of dollars in gas and oil revenue.

Any arrests are likely to impact on an ongoing legal challenge East Timor has taken to The Hague in an attempt to have an inequitable treaty nullified due to allegations Australia bugged East Timor's cabinet room during negotiations.

The next hearing date relating to the matter has recently been postponed to allow the parties more time to pursue an "amicable settlement" and Commonwealth Attorney-General, George Brandis, insists that ASIO – not his office, referred the matter to the federal police.

Either, way seeking to arrest a key witness in a potentially embarrassing case was never going to be a good look.

The former spy, known in the case only as 'Witness K', alleges that he was in charge of bugging the East Timorese cabinet room under the guise of an Australian aid project.

These are extremely serious allegations and they deserve to be heard and assessed in appropriate

legal proceedings. The Australian Government shouldn't be doing anything to prevent that from happening.

Yet in December last year, the office of the Australian lawyer representing East Timor, Bernard Collaery, was raided by ASIO and 'Witness K' had his passport seized.

Whilst these raids may have been justified by legitimate concerns that the identity of serving intelligence officers could have been revealed in the written evidence to be submitted as part of the legal challenge, such excuses can hardly be relied upon some nine months later.

It's far more likely that the Government or ASIO or both are keen to send a clear and somewhat threatening message to any other would-be-whistleblowers that they should keep Australia's dirty little secrets well under wraps.

In light of this month's reports, you could be forgiven for thinking that no-one in the Australian Government was listening when, in March this year, the International Court of Justice issued a legally binding order for Australia to stop interfering in anyway with communications between East Timor and its legal team.

The court also reminded Australia not to use national security as an alibi for commercial espionage. That is, don't send James Bond in when you simply want to short-change your neighbours in commercial dealings.

The sad irony here is that these latest developments come at a time when Australia should be celebrating the important role it has played in helping the East Timorese transition to independence – yesterday marked the 15th anniversary of Australia's INTERFET peace-keeping mission following East Timor's historic ballot.

For many East Timorese the dispute over oil and gas in the Timor Sea is inherently tied up with their independence struggle. Here we are 15 years after their decisive vote for independence, yet when the Timorese look at a map of their nation there are no lines to indicate its maritime boundaries.

Australia's consistent refusal to adhere to contemporary international law in establishing permanent maritime boundaries with East Timor is slowly but steadily eroding any claim to a lasting positive legacy.

Fortunately, Australia can disentangle itself from the embarrassing legal battles and drawn out haggling and easily put this sordid affair behind it. The Australian Government simply needs to establish permanent maritime boundaries half way between the two coastlines.

This would mean that if an oil or gas field was located closer to East Timor then it would belong to East Timor, while if it was closer to Australia then it would belong to us.

This is a fair and commonsense solution – it also happens to be the exactly what international law prescribes in such circumstances.

Prime Minister, Tony Abbott, has an opportunity to build on the perceived legacy of his political mentor, former PM John Howard, and finish the job in Timor by establishing permanent and equitable maritime boundaries in accordance with international law.

To show the Government is ready to negotiate in good faith, the PM should resubmit Australia to the maritime boundary jurisdiction of the International Court of Justice and the International Tribunal on the Law of the Sea – both of which Australia preemptively withdrew from in 2002.

It's hard to take seriously any of the legal arguments put forward by the Australian Government

whilst it refuses to submit to the independent umpire.

The East Timorese don't want our charity, they are simply seeking what they are legally entitled to – nothing more, nothing less.

*** Tom Clarke is a spokesperson for the Timor Sea Justice Campaign. They tweet here [8] and you can get more detail here. [9]**

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