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Failure to deal fairly with East Timor opening the door to China

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East Timor is one of the world's youngest and poorest countries located just off our north-west coast. Approximately 45 per cent of its children under five years of age are malnourished; every second day an East Timorese woman dies during child birth – one of the highest death rates in Asia.

You'd think Australia had a stake in seeing East Timor's 1.2 million people prosper and thrive, and come to regard us as a good friend and a natural ally.

This outcome could be achieved quite simply – by agreeing to a maritime border in the Timor Sea halfway between our two coastlines. Such a border would allow East Timor to enjoy its share of the \$40 billion in oil and gas resources under the Timor Sea.

But since East Timor gained independence in 2002, successive Australian governments have refused to agree to a maritime border. When Timor tried to bring the matter before an independent umpire, then-foreign minister Alexander Downer unilaterally withdrew Australia's recognition of the maritime boundary jurisdiction of the International Court of Justice and the International Tribunal on the Law of the Sea.

According to an Australian expert on East Timor, Dr Clinton Fernandes from the University of New South Wales, "Australia then spied on and bullied the East Timorese government into signing an unfair treaty". The treaty known as Certain Maritime Arrangements in the Timor Sea (CMATS) prevents East Timor from negotiating its maritime borders with us for 50 years.

Subsequently, East Timor became aware of allegations of the spying and bugging of the East Timorese cabinet room through an ASIS whistleblower, Witness K (whose identity is suppressed by law). It applied to the Permanent Court of Arbitration in The Hague to have CMATS nullified.

ASIO then did something extraordinary. In December 2013, with the approval of the new Coalition government, ASIO raided the offices of East Timor's Australian-based barrister, Bernard Collaery, seizing thousands of confidential legal and other documents. It also raided the home of ASIS whistleblower Witness K. His passport was cancelled, and he now faces jail for shining a light on perhaps the biggest intelligence scandal in recent Australian history.

Since 1999, Australia has taken more than \$4 billion in oil revenue that really should belong to East Timor. During this time, we have given them about \$0.4 billion in aid and about \$0.5 billion in military assistance. That means Australia has taken four times more from the East Timorese than we have given in aid. As Dr Fernandes pointedly puts it: "East Timor is Australia's biggest foreign aid donor – this is not a typo."

Such conduct does little to assure the East Timorese that they can look to us as a good friend.

In a time of accelerating international tension in the Pacific and the South China Sea, Australia can ill afford to drive the East Timorese into the arms of other, rising powers.

Just over a week ago Labor slipped a resolution about the maritime border dispute with East Timor through its national conference. The resolution failed to state explicitly that Labor would agree on a border halfway between our two coastline. It did not mention the words "median line" or "lines of equidistance". Back in 2000 – the last time the issue of the sea border was being debated – Labor took a principled position: the border should lie halfway between the two countries.

Labor's move means the major parties have closed ranks. The East Timorese consider they're fighting for their rights as a sovereign country and a future free of poverty and hunger. At stake for Australia is not just the resources of the Timor Sea or our international reputation as a good global citizen but our strategic national interests.

In recent years, China has built East Timor's presidential palace, its foreign ministry buildings and its army barracks. It is proving itself to be a reliable friend of the Timorese just as our espionage and refusal to agree to a fair maritime border are driving the Timorese away from us.

Our foreign and defence policies are acting in a contradictory fashion. The defence interest is in a peaceful and stable East Timor that is not subject to third party influence. But in denying them their fair share of the oil and gas, and in

refusing to negotiate a fair maritime border, our foreign policy is pushing in the opposite direction.

In time, the implications of these contradictory policies could end up costing Australia far more than our ill-gotten gains, to date, from the Timor Sea.

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This story was found at: <http://www.smh.com.au/comment/failure-to-deal-fairly-with-east-timor-opening-the-door-to-china-20150802-gipnjp.html>