

The Monthly

BLOGS

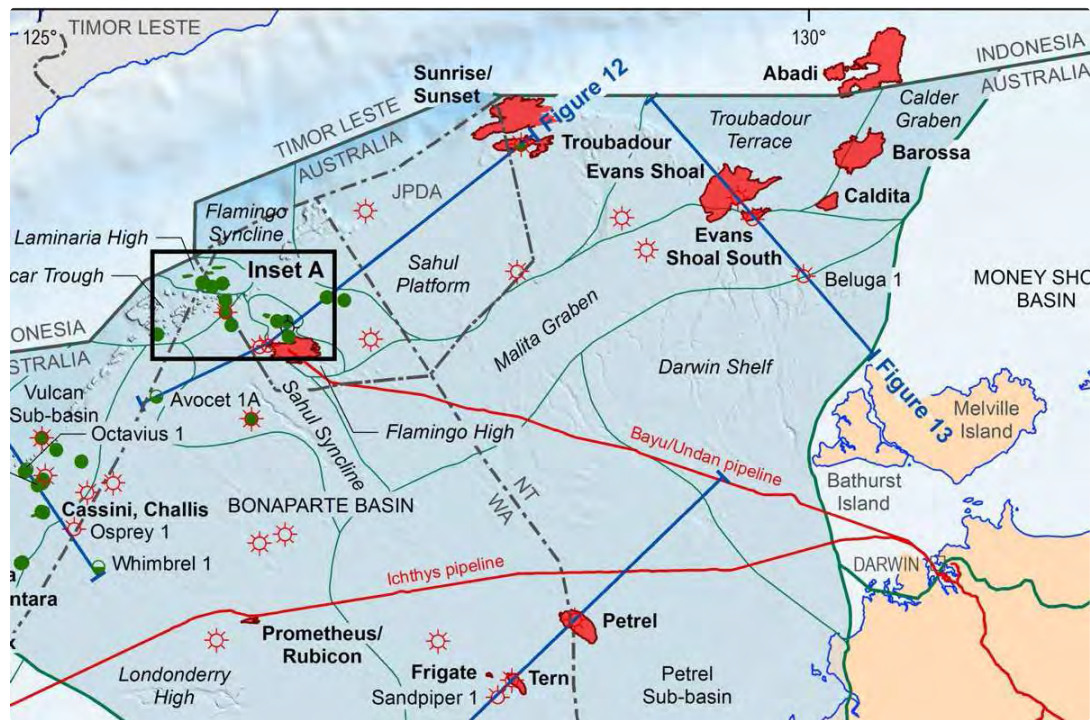
The view from Billinudgel

A good day in The Hague

Australia's tactics in the Timor Sea oil dispute have been shameful

BY MUNGO MACCALLUM

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It may sound unpatriotic, but I could not help cheering when the Permanent Court of Arbitration in The Hague brought down its decision last week against Australia.

After more than 12 festering years, this finally brings to a head a shameful and shameless exhibition of browbeating and exploiting our newest and poorest neighbour, Timor-Leste.

John Howard claimed much of the credit for defending the independence of the nation, and so he should; but his motives were not entirely altruistic.

At the time of the Indonesian invasion in 1975, the Australian ambassador in Jakarta, Richard Woolcott, noted that an important consideration for Canberra should be the oil-rich seabed beneath the Timor Sea; it was in Australia's interests to control as much of it as possible, and the Indonesians would drive a far harder bargain than would the impoverished Timorese.

Nearly 30 years later, Howard made his call, and immediately after the declaration of Timorese independence in 2002, Australia's foreign minister, Alexander Downer, was on the doorstep demanding negotiations. The newly-formed nation was desperate for support and finance, which gave Downer his chance.

He behaved like an archetypal private-school bully, hectoring, threatening and, it later transpired, spying to achieve a manifestly unfair division: the boundary line was pushed a long way north to give Australia a share of what became the Sunrise fields. The Timorese didn't like it, but they had no choice; and they had no choice again when, five years later, Downer insisted that the treaty he had enforced should be extended until 2057 – by which time the oil would all have been sold.

But Downer's perfidy was revealed when one of the spooks who had been involved in bugging the Timorese talks turned whistleblower. The government did all it could to shut him down; his lawyer's offices were raided by ASIO and his passport confiscated indefinitely. But the scandal turned international opinion, which was already on the side of the impoverished Timor-Leste, further against Australia.

And when Timor went to The Hague to ask that the treaty be renegotiated with more equitable boundaries, Australia was forced to agree. The lawyers fought hard, claiming that the treaty was signed and sealed, and that therefore there was nothing to negotiate. But the court disagreed and ordered conciliation.

Julie Bishop, the current foreign minister, having scarcely drawn breath after inveighing about the sanctity of the rule of international law over the South China Sea dispute, had no real choice, so conciliation – negotiation – there will be. It may or may not be effective; but it has already exposed a clear injustice and the standover tactics of the Howard government in its naked pursuit of spoil.

To take advantage of any vulnerable victim is despicable; but to deliberately try to beggar an ally and a friend while purporting to offer support is unforgivable. Even Alexander Downer would have to admit that it is just not cricket. And that is why I, along with most of the civilised world, am cheering.

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ABOUT THE AUTHOR

MUNGO MACCALLUM

Mungo MacCallum is a political journalist and commentator. His books include *Run Johnny Run*, *Poll Dancing*, and *Punch and Judy*. Visit his blog, [The View from Billinudgel](#).