

**Passar dos Limites. A História Secreta da Austrália no Mar de Timor
Launch by His Excellency José Ramos Horta**

**Novo Turismo
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Crossing the Line tells the story of Australia's secret history in the Timor Sea.

A story that successive Australian governments have schemed to keep hidden.

I started researching this book nearly ten years ago, after one of my first visits to Timor-Leste, during which I saw a map that showed Australia was claiming rights to oil and gas fields in the Timor Sea that were clearly much closer to Timor.

I had studied law, and I knew that under the principles of the United Nations Convention on the Law of the Sea that Australia signed up to in 1994, the maritime boundary in the Timor Sea should have been a median line.

Yet here was my country Australia, one of the richest in the world, banking billions of dollars of oil and gas revenue that should be going to our neighbour, the desperately poor new nation of Timor-Leste.

What I discovered, after reviewing over 500 records in the Australian National Archives, shocked and ashamed me.

What I discovered was the tip of the iceberg, as hundreds of records, some over 50 years old, are still considered too much of a threat to Australia's national security to be made public.

Despite the redactions, I discovered that as early as February 1963, when Timor-Leste was a Portuguese colony, the Australian government secretly determined that it was inevitable that Portuguese Timor would become part of Indonesia.

I discovered that in that same year, 1963, the Australia government was aware that oil companies believed the areas of the Timor Sea between Australia and Portuguese Timor, on the Timor side of the halfway – or median line – had very good potential for oil and gas.

Which was why Australia issued petroleum exploration permits in 1963 in waters beyond the median line in the Timor Sea - without consulting Portugal or Indonesia.

Despite the many redactions, I discovered enough evidence to posit that Australia refused numerous approaches from Portugal to negotiate a maritime boundary in the Timor Sea, because of that 1963 assessment - if it was inevitable that Portuguese Timor was going to become part of Indonesia - why waste time negotiating with Portugal?

Australia instead proceeded to sign a treaty with Indonesia in 1972 that gave Australia two thirds of the Timor Sea.

This treaty left a gap in the area between Australia and Portuguese Timor – that became known as the Timor Gap.

After the Carnation Revolution in Portugal in April 1974 led to Portugal's decision to allow self-determination in all its colonies, the Australian government did *not* support independence for East Timor.

The usual explanation is because Australia wanted to 'appease' Indonesia.

That may have motivated America's support for Indonesia's actions - but Australia's motivation was primarily economic.

What I discovered in the Australian National Archives, was evidence that Australia had a direct multi-billion-dollar interest in an Indonesian takeover of Portuguese Timor – a fact that has been excised from the Australian historical narrative.

I apologise for sounding like a history teacher – but the fact is, it is a history that has only come to light because it has been covered up by successive Australian governments.

A selection of archival records from 1974 to 1976, that Australia's Foreign Minister, Alexander Downer said when they were published in 2000, would help reveal the truth about Australia's response to Indonesia's invasion, completely ignores Australia's economic interests in the Timor Sea as a factor in Australia's well documented encouragement of, and acquiescence to, Indonesia's 1975 invasion.

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When I was reading through hundreds of Australian Department of Foreign Affairs cables flying between Jakarta, Canberra and Lisbon in the 1970s, in which Australia's top diplomats callously dismissed reports of massacres and mass starvation, based often enough, on the advice of the very Indonesian generals responsible for Indonesia's brutal military strategy, I would often think of Xanana Gusmão and José Ramos Horta.

I had read Xanana's recollections of his desperate 17 years in the mountains, surviving bombings, napalm attacks, living with the horror of the siege of Mt Matebian where he was responsible for the lives of thousands of men, women and children.

Imagining his reality, and contrasting it with the lives of the privileged, highly educated, diplomats and politicians in Canberra, as they cynically decided to fully accept Indonesia's sovereignty in East Timor in order to commence negotiations to close the Timor Gap, sickened me to my core.

I also tried to imagine what it was like for José Ramos Horta.

There were many references in the archives to the 'charming and handsome' Mr Horta.

Including a newspaper clipping with a photo of José visiting an oil drill in the Timor Sea in July 1974.

Presciently he was quoted saying: 'Eventually, Timor will be rich from oil but that will take time, just as independence will take time'.

José of course, had left Dili just before the invasion and was unable return home for the next two and a half decades.

He did not walk away from his country.

He relentlessly lobbied at the UN and around the world for international action to stop the carnage.

During his decades in exile, José's sister was killed in an aerial bombing and is buried here in Dili.

Two off his brothers were killed and their bodies have not been found.

Adding to Australia's shame, for many years we banned José from visiting Australia.

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Two documents in the archives particularly haunted me.

Both were written by Richard Woolcott, Australia's Ambassador to Indonesia from 1975 to 1978.

In the first cable, from August 1975, the Ambassador argued that closing the Timor gap could be 'much more readily negotiated with Indonesia . . . than with Portugal or independent Portuguese Timor'.

The second was a cable from early January 1976 to the new Fraser government.

Woolcott confidently advised against taking a 'moral stance' and supporting the right of the people of East Timor to self-determination, because a 'pragmatic and realistic acceptance of the longer term inevitabilities of the situation' was in Australia's national interest.

Woolcott argued that the Australian government had – and I quote - 'a choice between what might be described as Wilsonian idealism or Kissingerian realism. The former is more proper and principled but the longer term national interest may well be better served by the latter'.

The first cable was memorable because it was one of the few that articulated Australia's Timor Sea oil agenda in the declassified files.

It would probably still be classified today if it hadn't been leaked in 1980.

The second was memorable for its naked abrogation of morality.

After the invasion, the elite of Australia's bureaucracy, the most highly educated and brightest men of their generation (in the '60s and '70s they were invariably men), were so committed to Kissingerian realism that they covered up reports of massacres, torture and mass starvation in pursuit of what they perceived to be Australia's national interest – securing sovereignty over the oil rich areas of the Timor Sea Australia unilaterally claimed back in 1963.

The deaths and atrocities continued in East Timor, and the cover-ups continued under Prime Minister Hawke.

Australia's immorality under Hawke peaked in December 1989 when unable to reach agreement on a maritime boundary, Australia and Indonesia signed a resource sharing arrangement, that gave Australia rights to areas north of the median including 80 per cent of the multi-billion-dollar Sunrise field.

The Timor Gap Treaty was signed by foreign ministers Gareth Evans and Ali Alatas as they toasted with champagne in a luxury jet flying over the Timor Sea.

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Australia's interest in preserving the integrity of the illegal Timor Gap Treaty signed with Indonesia in 1989 – helps explain Australia's reluctance to support Timor-Leste's independence in 1999.

An independent Timor-Leste would have rights to the median line in the Timor Sea.

This helps explain Australia's failure to act on credible reports that the Indonesian military was planning violent retribution if the vote was pro-independence.

Many Australians see us as the great liberators of Timor-Leste because the Australian Army led the UN international force that stopped the violence after the historic August 30th vote for independence in 1999.

What they don't realise is that it was mass protests around Australia, and eventually the intervention of US President Clinton, that forced Australia to act.

You can be sure that the Australian Department of Foreign Affairs will be narrating a history at the 20th anniversary of the arrival of INTERFET on 20 September in a couple of weeks that will cast Australia as the great liberators.

I am not criticising INTERFET, or our brave Australian soldiers – many of whom are still emotionally scarred by the devastation they witnessed.

You can be sure that they were not aware of the pressure the Australian government and the oil companies with Timor Sea permits, put on the Timorese leadership, and later the UN administration, to allow Australia to continue to claim rights to oil and gas revenue on Timor-Leste's side of the median line.

You can be sure you won't be reminded that just two months before Timor-Leste's independence, Australia's Foreign Minister Alexander Downer, brazenly moved to deny the new nation the right to have an independent umpire determine where the maritime boundary should lie by withdrawing from the compulsory dispute settlement procedures under the Law of the Sea Convention

You can be sure you won't be reminded that after independence, during permanent maritime boundary negotiations, Australia arranged for listening devices to be installed in the Palacio do Governo so Australia could listen in on Timor-Leste's negotiators discuss tactics.

These negotiations resulted in the 2006 CMATS treaty that banned permanent maritime boundary negotiations for 50 years and left 80% of Greater Sunrise in Australian waters.

After the spying allegations became public in 2013, Timor-Leste sought to terminate CMATS at the Permanent Court of Arbitration at The Hague arguing Australia had acted in bad-faith.

An Australian spy known only as Witness K, was prepared to give evidence.

Australian media reported that Witness K believed the 2004 bugging operation was “immoral and wrong” because it served not the national interest, but the interests of big oil and gas’.

On the eve of the first directions hearing at the Hague, in Canberra Australia’s spy agency ASIO and federal police, raided the home of Witness K and the office of his lawyer Bernard Collaery, who also acted for Timor-Leste.

When Australia refused requests to return the documents, Timor-Leste took action against Australia in the International Court of Justice.

Following an interim hearing at the ICJ in March 2014 Australia was ordered to seal the documents and not to spy on Timor’s lawyers pending a full hearing at a later date.

It was a day of international humiliation for Australia.

A full hearing would put Australia’s alleged spying in the international spotlight.

Pending the ICJ hearing, in April 2016 Timor-Leste became the first nation to invoke the compulsory conciliation provisions of the UN Convention of the Law of Sea.

Australia immediately argued the Commission had no jurisdiction to conciliate the Timor Sea dispute.

Australia lost that argument.

Unlike China, which refused to participate in proceeding initiated under the Law of the Sea convention by the Philippines, Australia did not walk away from the conciliation at this point.

Was this a signal that Australia’s foreign policy had become less Kissingerian, less pragmatic and more moral?

Sadly no.

Australia stayed at the table and succeeded in getting Timor-Leste to withdraw from the embarrassing ICJ proceedings.

As a trade-off Australia finally committed to negotiate a permanent maritime boundary.

Given the power and economic disparities between the parties, Timor-Leste’s gamble to become the first nation in the world to use the compulsory conciliation provisions of the UN Law of the Sea Convention paid off – it delivered a median line boundary in the Timor Sea between Timor-Leste and Australia.

But Australia has refused to compensate Timor-Leste for the billions of dollars taken from oil and gas fields that under the treaty are now recognised to be in Timor-Leste’s waters.

Australia is continuing to receive revenue from the Laminaria and Corallina, fields that could end up on Timor-Leste’s side of the boundary line only after they are depleted.

Those Kissingerian realists in the Australian government haven’t moved on.

Any doubt on this issue was put to rest in June 2018 when we learned Bernard Collaery and Witness K, were being prosecuted under Australian legislation designed to deal with terrorists.

It is not the alleged whistle-blowers who should be being prosecuted.

The people who should be being prosecuted, are the ones who gave the instruction to install the listening devices in Dili, diverting intelligence resources away from the very real threat to Australians from acts of terror at the time.

The people who should be being prosecuted, are those who used the information gained to Australia's advantage in the negotiations.

I had the honour to be part of the Timorese delegation at the ceremony outside the Palacio do Governo on Friday when the Australian and Timorese Prime Minister's exchanged signatures on the Treaty that finally settled a median line maritime boundary in the Timor Sea.

It was disquieting to see Australia's Prime Minister Scott Morrison and Foreign Minister Marise Payne sitting there in the heat outside the very building the Australian government bugged during the maritime boundary negotiations with Timor-Leste in 2004.

I have no doubt there would have been no signing ceremony, no Timor Sea treaty, if the spying allegations had not become public.

Australia was internationally shamed into negotiations.

Many Australians are appalled that Bernard Collaery and Witness K are being prosecuted.

Both José Ramos Horta and Xanana Gusmao have called on the Australian government to drop the charges.

I urge all of you here this evening to ask your governments to condemn Australia's actions.

Perhaps, Australia can be internationally shamed into dropping the charges.

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Friends, I wrote *Crossing the Line* primarily for an Australian audience because I wanted Australians to know, and own, our secret, shameful history so we don't repeat it.

I am delighted that this Portuguese translation will share the story with a broader audience in Timor-Leste and in Portugal.

I hope it inspires Timorese and Portuguese scholars to search through your national archives to fill in gaps in my story, and to write your own.

I hope you read *Crossing the Line* and feel as motivated to do something about Australia's conduct, as I did researching and writing it.

I also hope *Crossing the Line* leaves you feeling in awe of the Timorese people and their supporters around the world, who never gave up despite Australia's ruthless pursuit of its economic interests in the Timor Sea.

Obrigada.