



East Timor asks International Court of Justice in The Hague to pressure Australia over seized documents

AM By Europe correspondent Mary Gearin

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East Timor says Australia engaged in "unprecedented, improper and inexplicable" conduct when it raided the offices of a lawyer representing the tiny country in a dispute over an oil and gas treaty.

East Timor is in the International Court of Justice at The Hague, demanding Australia returns documents and data seized in raids carried out by Australia's spy agency, ASIO, on the office and house of Bernard Collaery last year.

Rejecting Australia's argument that the raids could be justified on national security grounds, the counsel for East Timor argues that its national security and sovereignty was violated and that Australia has breached international law.

East Timor has argued the raids put Dili at considerable disadvantage in its current arbitration process, in which it is challenging the validity of a 2006 oil and gas treaty.

The seized material is thought to contain details of allegations that Canberra spied on Timor during the treaty negotiations.

Speaking at the Hague-based court, counsel for East Timor Sir Eli Lauterpacht focused on the actions of a larger, richer, stronger nation versus that of a smaller, poorer one.

"This unprecedented and improper, indeed, inexplicable conduct is not the behaviour of some state that does not subscribe to normal standards of international legal behaviour; rather, it is the behaviour of a state of considerable international standing," he said.

"Its behaviour in the present situation defies understanding."

East Timor demands Australia returns documents

Sir Eli says the case is simple.

"One state has taken the property of another and should be required to give it back, untouched and without delay," he said.

Because Timor's challenge to the oil and gas treaty is behind closed doors in arbitration, this separate legal action to have the materials returned is the first public court stoush between the counties over the issue.

Sir Eli says the material in the hands of the Australians puts Dili at considerable negotiating and litigious disadvantage in arbitration.

"The precise benefit to Australia of the acquisition of the information thus obtained cannot be estimated by Timor Leste," he said.

"It undoubtedly must have given Australia an important negotiating advantage; otherwise we would ask, why would Australia have done it?"

East Timor says it needs proceeds from CMATS treaty

East Timor's foreign minister Jose Guterres is at the Hague watching proceedings.

He told AM that in the wake of this affair and the allegations of spying in Indonesia, Australia must change its approach to its neighbours.

"The policies that have been going on for many years - you have to change it," he said.

"Because it doesn't create trust with the neighbouring countries. No-one will trust any country that does this kind of actions, whether big or small."

Australia's representatives will put forward their case on Tuesday morning (local time).

The controversial treaty, Certain Maritime Arrangements in the Timor Sea, or CMATS, set out a 50-50 split of proceeds from the vast maritime energy fields between Australia and East Timor estimated at \$40 billion.

"We are one of the poorest countries in the world, so we need those resources, the oil and the gas, to help the development of our country," Mr Guterres said after the hearing.

While East Timor's ambassador to the UK, Joaquim da Fonseca, said that the relationship between Australia and East Timor "remains close and friendly".

He added that the spying allegations had caused offence and shock in his country.

"Any step that we take or that Australia takes, being very close neighbours, will have an impact," he said.

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