



Friday, March 14, 2014

Australia 'shockingly close' to oil companies in discredited Timor treaty



AUSTRALIAN government negotiators were "shockingly close" to the oil companies in a controversial maritime treaty signed with the emerging nation of Timor-Leste in 2006, it is claimed in a new documentary about the recent spy drama that has stirred allegations of industrial espionage by Canberra.

The ABC *Four Corners* investigation, "Drawing The Line", by Marian Wilkinson and Peter Cronau will be broadcast on Monday night.

It provides fresh insights into Australian national security in the Asia-Pacific region in the post-Cold War environment.

"Do governments too freely use espionage for economic advantage? And is it in the national interest?" asks the investigation.

Earlier this month, a ruling by the International Court of Justice banning Australia from using documents seized during a controversial intelligence raid on the Canberra home of Timor-Leste's Australian-based lawyer was hailed as a David-versus-Goliath victory by Australia's neighbour.

The court ruled in The Hague that "Australia shall not interfere in anyway in communications between Timor-Leste and its advisors in connection with the pending Arbitration under the Timor Sea Treaty of 20 May 2002 between Timor-Leste and Australia..."

Charles Scheiner, a researcher at the Dili-based NGO, La'o Hamutuk, which has closely monitored Timor-este's economy and oil industry negotiations and agreements since the restoration of independence in 2002, told SBS *World News* the decision was a clear win for the Asia-Pacific country.



The faces of the drama. Montage: ABC *Four Corners*

"All of the written decisions [except Callinan's] were unambiguous in saying that Australia's conduct was wrong," said Scheiner, referring to ad-hoc judge Ian Callinan, a former Australian High Court judge and the only dissenting voice on the ICJ panel of 15 judges.

Australian Attorney General George Brandis, who authorised the December 3 raid, appointed Callinan to the international panel.

Search

>>> Pacific media uncensored



café pacific

Auckland, Aotearoa/NZ, New Zealand

Kia ora tatou and welcome to journalist [David Robie's](#) independent news media and politics commentary and analysis about Aotearoa/NZ and the Asia-Pacific region. Lukim yu... and also check out my [Asia Pacific Network](#) portal - see Handy Links. [Pacific Media Centre](#) at AUT University. ISSN 1562-4315. This blog is archived in the digital collection of the [National Library of NZ](#) (Te Puna Mātauranga o Aotearoa).

[View my complete profile](#)



The Daily Blog

[Huntly McDonald's - from sauna to cool oasis](#)
53 minutes ago

Pacific Media Watch

[EAST TIMOR: Four Corners TV probe lifts lid on oil 'industrial espionage'](#)
54 minutes ago

pacific media centre - Te Amokura

[EAST TIMOR: Four Corners TV probe lifts lid on oil 'industrial espionage'](#)
54 minutes ago

Global Voices

[Khodorkovsky's Curious Trip to Ukraine](#)
3 hours ago

Croz Walsh's Blog -- Fiji: The Way It Was, Is and Can Be

[Why Bank Failures Happen, and the NBF Saga](#)



17 hours ago

Coup Four And A Half

[Fiji authorities blame cell death on dengue fever](#)



22 hours ago

Pacific.Scoop

[Polyfest showcases Polynesian pride](#)
1 day ago

pacific freedom forum

[NEW CALEDONIA: PFF concerned over editorial independence and uncertainty at only daily newspaper](#)
4 days ago

Malum Nalu

[Death notice for Alison Nalu](#)
4 weeks ago

While Australia was not forced to return the documents seized in a raid by the Australian Security Intelligence Organization (ASIO) last December, the court did order for the material to be kept under protected seal.

According to Timor-Leste the material seized from the Canberra office of its lawyer, Bernard Collaery, contains documents, data and correspondence related to a separate legal battle for control over \$40 billion in oil and gas reserves located in the Timor Sea.

Timor-Leste is calling for the treaty that divides the reserves equally between the two countries to be nullified following allegations Australia bugged the Timorese parliament so it could to listen in on the treaty negotiations.

A former Australian intelligence agent, who was also targeted in the ASIO raid, is the key whistleblower in the case.

Commentators have argued that the quaintly named 2006 Certain Maritime Arrangements in the Timor Sea (CMATS), the agreement that splits the Greater Sunrise field between the two countries, was unfairly negotiated.

They claim the \$40 billion in oil and gas reserves would fall entirely within Timor-Leste territory if the international boundary norms had been employed in this agreement. La'o Hamutuk has a comprehensive online resource about this issue.

"I think Timor-Leste's fundamental case for a maritime boundary based on equidistance remains very strong," Scheiner told SBS about the possible repercussions of the ICJ decision, "and nothing Australia confiscated or overheard will change that."

Fresh insights

The ABC *Four Corners* programme will shed fresh insights into the case. The programme provides the following background with a trailer on its website.

Late last year the office of Canberra lawyer Bernard Collaery was raided by agents from ASIO and the Federal Police.

They were looking for documents that linked his client, a former top Australian spy, to disclosures that Australia had bugged East Timor's Prime Minister and his advisors during crucial treaty talks a decade ago. Those talks resulted in a treaty that carved up billions of dollars worth of oil and gas reserves in the Timor Sea.

Now both the lawyer and former spy are threatened with criminal charges for breaching national security laws.

Next on Four Corners, reporter Marian Wilkinson investigates the events leading up to the ASIO raids on Bernard Collaery and the former spy and reveals the growing friction between Dili and Canberra over the row.

Attorney-General George Brandis defends the head of ASIO, David Irvine, for his advice on the warrants and tells Four Corners: "the intelligence case that ASIO put before me was a very strong case."

But East Timor's lawyer, Bernard Collaery, says he is concerned the government is trying to stop the former spy, codenamed 'Witness K', giving evidence about the espionage operation in legal proceedings launched by East Timor.

East Timor's advisors are now arguing Australia spied for commercial reasons. Former treaty negotiator Peter Galbraith tells Four Corners: "the Australian government was shockingly close to the oil companies."

The stakes are high. East Timor wants to invalidate the treaty it signed with Australia in 2006 and has taken its case to the Permanent Court of Arbitration in The Hague.

The tiny nation is calling on Australia to finally negotiate permanent and fair maritime boundaries that will give it more control over the oil and gas wealth in the Timor Sea.

"Drawing the Line", reported by Marian Wilkinson, produced by Peter Cronau and presented by Kerry O'Brien, goes to air on Monday, March 17, at 8.30pm on ABC1.

- La'o Hamutuk's online resource on the Timor oil issues
- "Drawing The Line" - ABC *Four Corners*
- ICJ orders Australia to stop spying on East Timor
- East Timor takes on Australia in 'rip-off' spy case with country's future on line

Posted by [caf e pacific](#) at 4:14 PM



Grubsheet (Graham Davis)
A MELANESIAN MINEFIELD
2 months ago

Pacific Journalism Review
Review: Some bright spots in the gloom
5 months ago

[Fijileaks - Home](#)



>>> [Subscribe to Caf e Pacific](#)

Posts

>>> [Caf e Pacific headlines](#)

- Australia 'shockingly close' to oil companies in discredited Timor treaty
- Liberation newspaper now fighting for its own 'liberation'
- Vanuatu PM's speech spotlights Indonesian Papuan atrocities and Pacific 'blind eye'
- Struggle for editorial independence at Noumea daily as Kanaks await promised referendum
- A 'Pacific brand' of journalism? A forthcoming media book tells how

>>> [Caf e Pacific videos](#)

>>> [Caf e Pacific topic cloud](#)

fiji coups media freedom human rights east timor fiji times david robie voreqe bainimarama censorship fiji media journalism education pacific media centre crosbie walsh war on terror fiji human rights pacific media watch usp fiji sun journalism ethics rsf fiji media council media bias aut university barbara dreaver corruption ethics kalafi moala graham davis pina media diversity bloggers fiji tv pima tvnz xanana gusmao laisenia qarase nz herald radio nz shallendra singh contempt jose belo jose ramos horta sir michael somare unesco cafta james anthony mahendra chaudhry media7 pacific journalism review pff

>>> [Mekim Nius](#)