

# POLITICOZ

THE POLITICS OF THE DAY



Monday, 8th September 2014



Australia and Timor-Leste **agreed late last week** to postpone their forthcoming hearings at the International Court of Justice (ICJ) and the Permanent Court of Arbitration (PCA) for six months while they seek to resolve their differences over the Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS) and associated spying allegations. Both countries signed the CMATS treaty in 2006, but Timor has since accused Australia of having negotiated in bad faith. Specifically, Timor accuses Australia of having spied on its then prime minister, Mari Alkatiri, and other members of Timor's negotiating team, after the Australian Secret Intelligence Service **allegedly directed aid contractors to insert listening devices** into the walls of Timor's cabinet buildings as they constructed them.

Through its agents both at the time (including then Foreign Minister Alexander Downer) and now (including Attorney General George Brandis), the Australian government denies those allegations. But Australia has also apparently sought to intimidate Timor-Leste into dropping them. In December last year ASIO **raided the office of barrister Bernard Collaery**, a former ACT attorney general who now represents "Witness K", a former intelligence worker who blew the whistle on the bugging operation. (That raid, and the alleged espionage itself, is the subject of the ICJ proceedings. The ICJ **ruled in March** that Australia had to stop interfering in the relationship between Collaery and Timor.) Three weeks ago Australia applied to the PCA to have Witness K's evidence struck out. Last week Australia **issued a formal diplomatic warning** to Timor that any further prosecution of its maritime boundaries case would risk its relationship with Australia, and **asked the Australian Federal Police** to investigate whether Witness K can be charged with a criminal offence.

Timor-Leste is **one of the world's poorest nations**, and is reliant for much of its income on the huge Greater Sunrise oil and gas field below the Timor Gap. CMATS provides for the equal distribution of revenue between Australia and Timor-Leste, but Timor wants the treaty scrapped. The PCA has never

invalidated a treaty on the grounds of fraud. If the espionage allegations are proven, **international lawyers expect** that's precisely what will happen to CMATS.

**Russell Marks**

*Politicoz Editor*

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