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Viceroy of the Pacific

Spying on East Timor

by Binoy Kampmark / March 14th, 2014

The Australians are the underdressed Viceroy of the Pacific, a vestige of past power. They are happy to be retained for various tasks – doing the bidding of the US, most of the time, and playing that rather distasteful game of bullying smaller neighbours when required. In 2013, the East Timorese government found that their cabinet rooms had been bugged by the Australian Secret Intelligence Service (ASIS). The incident itself had happened nine years previously.

Things got rather spicier when the domestic Australian intelligence service, ASIO, raided the office and house of lawyer Bernard Collaery, a lawyer acting for the East Timorese government. The documents seized ostensibly related to spying allegations concerning the \$40 billion oil and gas treaty between the countries. The distinguished international lawyer Sir Eli Lauterpacht was beside himself, calling them “unprecedented, improper and inexplicable.” The incident landed Australia before the International Court of Justice in The Hague.

These revelations have been getting some coverage, though not enough. They got the East Timorese into a considerable state. East Timor’s foreign minister, Alfredo Pires, was adamant that sovereignty had been breached by the barmy impudence of the Australian services. Moves were then commenced to engage an arbitration process to have the Timor Sea Treaty invalidated. But the goggles of paternalism remain strong – former Australian foreign minister Senator Bob Carr spoke about the fictitious friendship that governs relationships of abuse. The bully thinks of being loved, even as the bullying is being inflicted. The victim is also expected to tag along.

The ASIO raids were deemed entirely appropriate by Canberra for matters of “national security”, and a ridiculous undertaking was given that the information seized by the agency will not be communicated to anyone other than for purposes of national security till the International Court of Justice makes an order.

Unfortunately for East Timor, the documents have not been returned. The ICJ did, however, order that Canberra be banned from spying on any communications between Dili and its lawyers in connection with the dispute. Furthermore, Canberra will not be able to make use of the materials.

In the words of the ICJ president, Peter Tomka, “Australia shall not interfere in any way in communications between Timor Leste and its legal advisers in connection with the pending arbitration under the Timor Sea Treaty of 20 May 2002 between Timor Leste and Australia; with any future bilateral negotiations concerning maritime delimitations; or with any related procedure between the two states, including the present case before the court.”

That Dili was sceptical with Canberra as far back as January can hardly have surprised anyone, except the

Australians. John Reid of the Attorney-General's Department was one of them. "To question the veracity of these undertakings and to suggest from the bar table that the undertakings have either not been implemented or are somehow without legal force, as our friends did yesterday, is both wrong as a matter of law and frankly, offensive" (ABC, January 21, 2014).

Others are concerned that the East Timorese should have known about the espionage at all. Australia's solicitor-general, Justin Gleeson, wasn't so much concerned about East Timor as former Australian intelligence officials who were happy to blow the whistle on the exercise. "Australia's entitled to be concerned that Timor Leste may be encouraging the commission of that crime."

Former Australian Senator Bill O'Chee decided to advance a different hypothesis, penning a series of suggestions not lacking in hilarity. O'Chee was noted in 2012 by WikiLeaks as Stratfor's most important Australian resource. He was given the code name "Source CN 65", and has been passing on nuggets of information to the intelligence reporting company since 2008.

The ICJ case may well have "just opened", though the "social media jury" had been busy rendering judgment. "This may or may not be the case. No evidence has yet been seen." The question, colossal for O'Chee, was "not whether we spied on East Timor; it is whether East Timor spied on us" (*Brisbane Times*, March 12).

O'Chee is the ultimate denigrator of East Timorese capabilities. How did they get their "hands on the unseen evidence of Australian spying" over matters connected with negotiations over the Timor Gap resources treaty? Australia's own officials would have been interested in those bullies such as Russia, China "or even Vietnam" keen to throw their hats into the ring of resource power. Obviously, those cheeky East Timorese were up to a game of their own. That is the official version from O'Chee.

Indeed, for O'Chee, and this goes with the standard Canberra line on espionage, everyone is doing it. Curious birds and paranoid bees do it, and so, it goes without saying that a country depopulated by Indonesian occupation as it was drawn and quartered between power interests would want to be interested in what neighbours do. The powerful will always speak about equivalence when they are caught out.

Being stuck in the extensions of power, its nodes more than any centre, has a giddy effect. Officials in Canberra, performing their colonial, albeit antiquated duties, know what it is like to bat for distant powers. They know only because they cannot imagine anything else. The problem here is that such conduct has been brought before an international court. It is ugly. For some, it will be simply be natural.

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