

## Doing right by East Timor should be bipartisan policy

### OPINION

By Damien Kingsbury

Posted Fri 12 Feb 2016, 8:20am

***Negotiating a clear boundary between Australia and East Timor would help heal this damaged relationship and give us a stronger moral voice on global disputes, writes Damien Kingsbury.***

The Timor Sea issue is back on the national agenda following the announcement on Wednesday by shadow foreign minister Tanya Plibersek that Labor will, in government, scrap the existing Timor Sea Treaty.

She said that Labor would enter into new negotiations on a permanent boundary between Australia and East Timor and, if a negotiated settlement could not be reached, a Labor government would submit itself to the jurisdiction of an international tribunal.

This announcement is important because it standardises Australia's position on a rules-based international order. This is particularly important as China continues to defy world opinion by building artificial islands in disputed waters in the South China Sea.

By claiming these artificial islands as part of its national territory, China extends its sovereignty across a significant swathe of resource-rich and strategically critical sea lanes. Yet Australia's argument that China submit to a rules-based international system for adjudication of this issue is undercut by its failure to follow such a policy when it comes to East Timor.

As importantly, re-negotiating this issue goes some way towards righting what many regard as a profound wrong having been committed to East Timor when it was at its most vulnerable. In 2002, Australia offered East Timor the alternative of signing an unfair treaty or, in effect, losing access to virtually all independent income.

That Australia did so by allegedly employing spies to bug the East Timorese cabinet rooms only made that wretched agreement more distasteful. East Timor's former prime minister Xanana Gusmao has railed against this alleged Australian spying, yet the spying allegation was simply a means to delegitimise the 2002 agreement and establish a case for new negotiations.

While Labor has committed to entering into new negotiations, it is not clear that the Coalition government is intending to shift its position. But, apart from the Government's weakness in arguing for international rules-based claims regarding China, it also exposes Australia to another strategic vulnerability.

If China's activities in the South China Sea are of concern, a Chinese foothold closer to home would raise alarm. China's 'soft diplomacy' approach has led to a firm relationship with the government of Timor-Leste. It is, therefore, in Australia's strategic interest to not push East Timor further into the arms of a country which can quickly turn 'soft' diplomacy to 'hard' *real politik*.

Negotiating a new boundary with East Timor will require the cooperation of Indonesia, given that a boundary change could impact upon the margins of the Indonesian sea border. Some, too, will argue that there will be an economic cost to Australia.

Yet the Timor Sea oil fields are now coming towards the end of their producing lives and East Timor has benefited from the greater allocation of income from those fields in any case.

The Greater Sunrise liquid natural gas field has been seen as the biggest prize in such proposed negotiations. Once valued at potentially over \$40 billion, between contractual problems, disputes over processing and now the plummeting price of LNG, the Greater Sunrise development is now very unlikely to proceed, at least within the foreseeable future. There is no income lost if there is no income generated.

East Timor had hopes of building a petro-chemical industry on the back of Timor Sea resources; that grand vision is starting to look less likely. But a formal boundary between Australia and East Timor will provide much greater certainty to



**PHOTO:** China's 'soft diplomacy' approach has led to a firm relationship with the government of Timor-Leste. (Sara Everingham: ABC News)

Australia's small neighbour over what resources it might have, and what it does with them.

It is reasonable that countries desire clear borders with their neighbours, and East Timor has long asked for such a border with Australia. That at least part of the Australian polity has taken a step closer to agreement on that is a step towards the normalisation of regional relations.

Such a move will improve Australia's damaged relationship with East Timor and it will give Australia stronger moral voice in the wider international arena. It is perhaps a vain hope, though, that it will also become a bipartisan position.

*Damien Kingsbury is Professor of International Politics at Deakin University. He has written extensively on East Timor politics, and is married to East Timor's Honorary Consul in Victoria, Rae Kingsbury.*

Topics: world-politics

## Comments (105)

Comments for this story are closed, but you can still have your say.

### Coogara:

12 Feb 2016 10:42:19am

Kingsbury makes reference to Chinese artificial islands and Chinese influence in Timor Leste but fails to see the peril of handing over Australian sovereignty to Timor Leste. Like it or not all of Australia's claim is on Australia's continental shelf with Timor Leste having full control over its own continental shelf. Handing over part of Australia's continental shelf could have profound implications for what might happen in that location and elsewhere on the continental shelf. The Chinese artificial islands indeed demonstrate how technology can extend boundaries. Why would we wish to place ourselves in the situation where foreign powers can extend their boundaries to Australia's gates and interfere with sea and air transport.

Alert moderator

### wandererfromoz:

12 Feb 2016 11:06:42am

Look I have no understanding of the technicalities and you seem to make a very good point - notice the flood of responses to this article?

By way of analogy I had a number of sons - the eldest was much stronger than the others. And he could have fallen into the trap of being a 'bully'. Dad gets down on hands and knees and with a shake of the finger points out to him his responsibility of protecting his brothers who are younger and weaker. "They rely on you, they look up to you, they respect you - you do not have to order them around and you must never bully them, they, one day will be your friends - and not your enemy"

He understood and never pushed them around ever again.

Over 30 years later they are good mates - really good mates - supporting one another and backing one another with families of their own

We better work out how to be good mates to all the island nations that surround us - it is in our vital strategic interest to do so  
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Alert moderator

### Wanderer:

12 Feb 2016 3:29:03pm

The abc opinion writers have tried the authors line before, completely ignoring international law. Australia's sovereignty according to the UN, the OECD and all of Asia (except for East Timor) covers our entire continental shelf.

Should we stick up our middle finger to the entire world just to please East Timor? Should we invite any claim of ownership of Australian land outside international law for East Timors sake?

As for your analogy this would be more like having a number of sons and deciding that the arm of the biggest and strongest now belongs to a sibling as the biggest and strongest has more strength to begin with and now this evens it out. So just chop off that arm ad give it to another, for fairness.

It would simply be ridiculous.

Alert moderator

**Eric the Echidna:**

12 Feb 2016 3:55:18pm

Wanderer: "... completely ignoring international law. Australia's sovereignty ..."

Should Australia not uphold international law and respect other states' sovereignty to be entitled to make a fuss over our sovereignty?

Alert moderator

**Wanderer:**

12 Feb 2016 4:57:40pm

What are you referring to?

Australia being challenged for taking oil from the Australian continental shelf and having Australia's claim upheld in international court?

Australia not abiding by the UN refugee convention whilst other countries produce refugees, or dont accept nearly as many?

Australia sending troops to wherever (war is actually legal)

Australia is not perfect in sticking by international law. It has wrongly signed up to conventions which it should resign from. It has also waged war.

All insignificant to the matter being discussed. East Timor is trying to take Australian land for financial gain. This land has been accepted by next to everyone as ours. East Timor is trying the method of invasion by publicly pleading poverty and the left is falling for it.

Alert moderator

**Eric the Echidna:**

12 Feb 2016 5:26:52pm

Wanderer, to what am I referring? Well, there is an illegal invasion which led to millions of dead, wounded and displaced people in Iraq.

Alert moderator

**Zing:**

12 Feb 2016 6:17:34pm

Eric.

The sovereignty of a nation is not conditional on whether they comply with international law generally or have respected the sovereign borders of other nations in the past.

A nation might need to do these things to gain your approval, perhaps. But your approval isn't that important.

Alert moderator

**a\_boy:**

12 Feb 2016 11:17:14am

That may very well be, Coogara, but it is twisting the morality of the situation more than a little.

Let's not forget that OUR government bugged Timor L'Este's premises and misused the information for Australia's gain.

That is reason enough to scrap the so-called agreement and give Timor L'Este a fairer share of the resources. Too much is read into the "continental shelf" and a much better/fairer solution is to draw a line straight down the middle of the ocean in that area. It's the least we can do to redress Australia's hypocrisy, cant and dishonesty in this whole sorry saga.

Alert moderator

**Gary:**

12 Feb 2016 11:50:53am

And let's not forget that using intelligence assets to pursue commercial gain is a violation of our own laws.

Alert moderator

**Andrew Thomas:**

12 Feb 2016 1:04:51pm

Hi Gary,

It would seem that laws have become increasingly rubbery, becoming more rigidly applied to as one moves down the socio-economic gradient.

Alert moderator

**Zing:**

12 Feb 2016 1:32:48pm

I suspect you're mistaken, Gary.

It seems logical that our laws would make it illegal for foreign spies to spy on us in order to pursue foreign economic interests.

But why would our laws prevent \*our\* spies from spying on \*other\* people in order to pursue \*our\* nation's economic interests? That would just be daft.

Alert moderator

**Dove:**

12 Feb 2016 2:33:57pm

Zing, me auld china. There is a difference between the national interest and the private interests of commercial concerns. At least in theory. If your business makes enough money to afford campaign donations, lobbying and financial inducements to ministers then you may well style your commercial goals as The National Interest

Alert moderator

**Zing:**

12 Feb 2016 3:00:48pm

"There is a difference between the national interest and the private interests of commercial concerns."

And like all interests, they can sometimes be complimentary. So it's perfectly understandable that a nation might contribute their assets in a way that advances their interests while also benefiting some private concerns.

It only becomes an problem when these interests \*aren't\* complimentary and the tail starts wagging the dog. That's the point where it becomes corruption.

Alert moderator

**Dove:**

12 Feb 2016 3:35:55pm

That's an astute observation, Zing, but I find it difficult to contemplate that a democratically representative government could ever be corrupted by big business. What an outrageous idea! Like you I prefer to comfort myself in the thought that our government is acting purely in the interests of the greater good, far above the tainted and tawdry world of corporate corruption

Alert moderator

**Zing:**

12 Feb 2016 4:07:19pm

Your sarcasm is misplaced, Dove.

If I didn't foresee the possibility of corruption, I wouldn't have spent the second half my post explaining how that corruption can be identified.

Alert moderator

**Dove:**

12 Feb 2016 4:39:37pm

You see straight through me, Zing, Enjoy your weekend

Alert moderator

**Chubblo:**

12 Feb 2016 3:23:17pm

Zing: The spying was done in order to obtain benefit for a commercial economic agreement, not determine if the country had nuclear weapons. That would actually be in the national interest.

Alert moderator

**Zing:**

12 Feb 2016 4:03:51pm

Is a beneficial economic agreement not in the national interest?

Alert moderator

**Oh Lordy:**

12 Feb 2016 1:11:54pm

a\_boy....

International Maritime Law in relation to the geology of Greater Sunrise is very clear.

By ANY conceivable interpretation of the law.....Greater Sunrise is in waters that Australia has exclusive development rights to.

There is NO legal equivalence between China's actions in the South China Sea and Australia's actions in the Timor Sea whatsoever! !

Kingsbury undoubtedly knows this...which is why he is reduced to an argument based on moral posturing backed up by dark threats of Chinese military expansionism.

Pro Timor activists need to learn the lessons of the asylum seeker debate.....moral haranguing and half backed legal threats does not sway the Australian public...it just gets their backs up.

If you want to persuade the Australian public to forgo their clearly defined legal entitlements as charitable gesture to an impoverished neighbour.....then attempt to appeal to their better nature.

Undisguised threats and moral brow-beating are quite counter-productive.

Alert moderator

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**Wanderer:**

12 Feb 2016 3:32:06pm

Yet done so often. When China spies on Australia, what happens?

Now we could repent for doing what countries all around the world do. We could give up our territory due to it. In a matter of time a country that spies even more than Australia will use their knowledge to gain more and more territory. Its simply foolish.

Australia spied, yes. East Timor also accepted and required bribes from Australia for business activities. Any rush for East Timor to surrender something due to their corrupt system?

Australia's punishment is through our international reputation and more cautious approach other countries will take knowing that we are willing to spy on certain agreements. Strangely I couldnt see a change in behavior from anyone, probably because everyone does it.

Alert moderator

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**Alpo:**

12 Feb 2016 11:17:42am

Coogara, the treaty that establishes the continental shelves as boundaries was signed between Australia and Indonesia, East Timor didn't have a say at all! Now they are independent, and they want to sign a treaty between two sovereign states (ET & Oz) whereby the boundary is exactly in the middle distance between the two countries. This will give East Timor some revenues to lift themselves from poverty....

We helped them gain independence from Indonesia, only to make them slave of a treaty we signed with Indonesia?.... Can you see the nonsense?

Alert moderator

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**mike j:**

12 Feb 2016 1:12:10pm

So if the North Island secedes from the South, do we have to renegotiate our borders with New Zealand?

Alert moderator

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**Alpo:**

12 Feb 2016 2:03:25pm

Only if the North Island was colonised by the South Island and their borders with Australia were imposed on the North by the invaders from the South.... Otherwise, the borders with Australia will remain the same and they only have to negotiate the borders between North and South.

Alert moderator

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**mike j:**

12 Feb 2016 2:29:28pm

Another episode of 'Because Alpo Says So'.

In any case, I'm sure the North would say exactly that, were they to secede and want to renegotiate borders.

Alert moderator

**Oh Lordy:**

12 Feb 2016 1:20:03pm

Alpo....

And why, do you think, a large, poor but fiercely nationalist Indonesia would sign a maritime agreement with Australia based on continental shelf boundaries.....if that wasn't clearly in accordance with international law??

Stop with the moral haranguing based on transparently false legal argument. It doesn't work.

Alert moderator

**Alpo:**

12 Feb 2016 2:12:49pm

Oh dear, what you don't understand is that Indonesia negotiated the borders between Australia and East Timor after they illegally invaded that country in 1975. The invasion was opposed by the UN Security Council and the territory status, as far as the UN was concerned, was that of a "non-self-governing territory under Portuguese administration".

Do you understand now? Indonesia had no right whatever negotiating any drawing of any boundary between East Timor and Australia!.... Please do not accuse others on the grounds of your own ignorance.

Alert moderator

**Zing:**

12 Feb 2016 2:44:01pm

Alpo.

A nation has the right to negotiate the boundary of any territory they control, no matter how this territory might have been acquired. This right might be disputed by other countries or be contrary to international law, but the right exists nonetheless. If nobody prevents the right from being enforced, then the right is fact.

At any rate, the treaty signed by Indonesia expired the moment East Timor was no longer under Indonesian control. It was replaced with a new treaty signed by East Timor. So you're arguing about something that simply isn't relevant anymore.

Alert moderator

**Wanderer:**

12 Feb 2016 3:35:36pm

East Timor has challenged the decision in international court. They lost.

So, if we are to follow international agreements, why should we dispute the international court?  
If we are to follow Australian interpretation of sovereignty, why would we surrender our continental shelf?  
If we are to follow East Timors opinion of economic entitlement, why dont we give them half the Pilbra as well?

Alert moderator

**Oh Lordy:**

12 Feb 2016 2:56:11pm

You are clearly no geologist, alpo.

The agreed Indonesian/Australian maritime boundary extends along the Australia continental margin from the PNG boundary in the East to the Western tip of Indonesian Timor in the West.

Oceanic crust exists between the Australian continental shelf and Indonesian islands west of Indonesian Timor. This area of sea floor is (rightly) claimed by neither nation.

Timor Leste is but a small section of that extended agreement.

Were we to renegotiate the Timor Leste section of the agreed boundary, a notable bulge would exist in the otherwise coherent maritime boundary.

PS: If any nation had a legal right to question it's maritime boundary with Australia, it is PNG..... which is geologically connected to Australia across the Torres Strait.

Alert moderator

12 Feb 2016 1:45:13pm

**Coogara:**

Alpo:

There are many ways Australia can assist impoverished nations like Timor Leste. However it is unwise to hand over sovereignty currently upheld by the International laws

The issue has nothing to do with the resources but has much to Australia's security. Plibersek was creating mischief in raising the matter perhaps to appeal to pro Timor Leste activists. If Timor Leste was to gain this sovereignty there is nothing to stop them from allowing other powers creating a presence in the area.

Alert moderator

**Zing:**

12 Feb 2016 1:52:46pm

Alpo.

You are proposing that Australia should sabotage our own economic interests for the benefit of another country. Can you see the nonsense?

Alert moderator

**Alpo:**

12 Feb 2016 3:19:13pm

Zing,

Think harder, it is in our economic interest to have a prosperous Timor Leste. An impoverished Timor Leste close to our borders should be against the long-term interests of Australia.

Alert moderator

**Alpo:**

12 Feb 2016 3:26:29pm

Zing,

Allow me to inform you that the interests of any country must still conform to the rule of international law. Or perhaps you are suggesting that the Law of the Jungle should prevail in international relations?

Alert moderator

**Coogara:**

12 Feb 2016 3:48:30pm

Alpo:

Australia is conforming to international law. Under international law the median line does not apply when two countries occupy entirely different continental shelves. Forget about the rights and wrongs of previous negotiations because these international laws still stand.

Alert moderator

**Zing:**

12 Feb 2016 4:53:51pm

Alpo. Your premise is flawed.

International law is not enforced in all cases and many nations choose to ignore it. So when you claim the interests of nations "must" conform to international law, this clearly isn't correct.

Alert moderator

**Dove:**

12 Feb 2016 11:24:16am

You'd better stay indoors this weekend. I've just claimed half of your backyard and have build a fortified shed in the corner. Don't try and call the cops- I've already bugged your phone

Alert moderator

**Oh Lordy:**

12 Feb 2016 1:45:34pm

It seems your neighbour "mistakenly" built the fence through the middle of your property, Dove....you have your rights!!

PS: Of course, if your neighbours are poor you could charitably gift half your property to them....but that is a different argument.

Alert moderator

**Coogara:**

12 Feb 2016 2:00:25pm

Dove;

Not a good analogy because at no stage did Australia seize sovereign territory of Timor Leste. Australia's continental shelf is sovereign territory of Australia and is upheld by international laws.

Alert moderator

**gnome:**

12 Feb 2016 2:04:39pm

That's OK, as long as you can guarantee to go on protecting me from my ex-wife. If you didn't have half my backyard my boss would have claimed the lot. At least you'll help me out when he steals everything else I have anyway.

(It's really only his phone you've bugged - I can't afford one because he reckons he deserves my pay more than I do.)

Alert moderator

**Forrest Gardener:**

12 Feb 2016 3:23:48pm

Maintain it for a decade or so Dove. If your neighbour does not take steps to eject you then it is yours by adverse possession.

Alert moderator

**OUB :**

12 Feb 2016 5:38:21pm

I thought Torrens title did away with claims for adverse possession? Has that changed?

Alert moderator

**Wanderer:**

12 Feb 2016 3:37:26pm

Dove correctly applied

You were so foolish as to realize you built a fence in your own yard, instead of your neighbors

Your neighbor is now claiming ownership of your yard.

Due to your foolish nature, you are starting to agree with them as part of the fence can be seen from their house.

Alert moderator

**Zing:**

12 Feb 2016 3:47:34pm

Fair enough, Dove.

But watch out. If you want to give it back and Coogara refuses, you're going to be stuck with it.

This is because of the "Gaza Law of Reverse Annexation". If you occupy a territory, you can't cease to occupy it unless the occupied people agree to be liberated. If you try to leave without permission, then the territory is considered annexed by you whether you like it or not.

Alert moderator

**Simon:**

12 Feb 2016 10:48:05am

It didn't help that Whitlam stood by and did nothing when Indonesia invaded East Timor.

Alert moderator

**Billy :**

12 Feb 2016 11:20:22am

Nor that Howard sat by while Indonesia slaughtered Timorese so not to risk a war by sending in the troops to liberate its gas fields.

Alert moderator

**SimonP38:**

12 Feb 2016 2:38:09pm

FACTS

Aust withdrew from Vietnam March 1972 (McMahon). Last advisors home Dec 1972 (Whitlam). Embassy defence platoon home 1 June 1973

Following the Communist Coup in Portugal in 1974, the Portuguese who had done nothing to create indigenous governance in East Timor, in a fit of Communist political correctness, abandoned ET to its fate.



Indonesia a staunch anti communist country was fighting a communist insurgency (as was Malaysia)

Civil war commenced in ET between the communist Fretelin and the nationalist UDT.

Indonesia was undertaking incursions into ET at least as early as mid 1975 - the 5 Australians journalists were murdered by Kopassus on 16 Oct 1975.

On 11 Nov 1975 the Whitlam Labour Govt was sacked (no need to discuss the rights or wrongs of this event in this discussion)

Fretelin got the upper hand over the UDT and declared independence on 28 Nov 1975

The Indon invasion of ET is dated to 7 Dec 1975. Rodger East was murdered on 7 or 8 Dec 1975.

The Aust election was held on 13 Dec 1975

## DISCUSSION

If Whitlam (even if he had wanted to) had put military forces into ET after the Portuguese withdrawal and the Indonesians invasion he would have been lambasted in the UN and brought sanctions onto Aust for being a colonialist. This would have also given an excuse for the Indons to attack Aust forces as neo colonialists. Not to mention the political backlash he would have suffered from his supporters.

In any event who would he have been supporting

Frazer could not have invaded ET after 13 Dec 1975.

1. he did not have the guts
2. the UN would have condemned it
3. we may not have had the capacity
4. the US would have been against it. - Supporting a communist state over a non communist state.

However it would not have been an invasion of sovereign territory of Indonesia.

After the Dilli Massacre in 1991 Howard could not have provided any military assistance to ET as ET was a part of the Sovereign territory of Indon. That would have been an invasion.

Alert moderator

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### Mark D.:

12 Feb 2016 11:49:38am

Whenever a moral issue comes up ... finger point.

Then discuss why we are in this mess because "they did" this or that.  
And in doing so, you can ignore the moral issue and do nothing.

I am not interested any more in the finger pointing.  
I am CERTAINLY not impressed with those who do so.  
WE have a moral issue to deal with.

Are you part of the problem, or part of the solution?  
Sigh ...and alas - you are part of the problem.

Alert moderator

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### Ragnar:

12 Feb 2016 12:24:30pm

Mark D you are also pointing a finger by playing the morality card. I am not impressed by those who choose to sit in judgement and yet offer no solution themselves....despite hectoring others for the same fault

Alert moderator

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### Mark D.:

12 Feb 2016 2:10:22pm

@Ragnar

Disagree.

You can deal with a problem in any number of ways.

But you can also refuse to deal with a problem and use all sorts of mechanisms to refuse to deal with it.

Finger pointing is one of the ways to refuse to deal with an issue.

I suggest if this is a problem - go to any psychologist on any issue and they will explain how to deal with said problem - and to castigate you if your way of dealing with it is avoidance.

It is not morality - it is as straight forward as "do not put your hand on a hot stove - you will get burned."

It is a very ... childish and poor way of dealing with issues. It is something we learn as children.

I am no longer a ten year old.

We had TWO posts - one assigning blame to Labor, the other to the LNP. And here we have a nice little argument about "who is responsible."

Divided by the red camp on one side - and the blue camp on the other.

I hit BOTH camps with a "grow up."

I do not like watching ten year olds squabble. Especially when they are in their fifties.

Alert moderator

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**Ragnar:**

12 Feb 2016 3:05:03pm

Mark D

Your words: "Sigh...and alas...you are part of the problem."

You are trying to occupy the high moral ground and pass judgements about the contribution of others without contributing anything yourself.

It is just a form of hypocrisy.

Alert moderator

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**Tsapon:**

12 Feb 2016 12:08:57pm

billy I will try again because it seems today's moderator is blocking my previous post perhaps because the sainted name of Whitlam is mentioned...

It was the Howard Government that initiated the UN INTERFET force led by an Australian Major General that was strongly opposed by Indonesia at the time. In what way did Howard stand by and watch?

Alert moderator

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**Zing:**

12 Feb 2016 1:24:37pm

It was a tactically brilliant move.

Indonesia had failed to conquer the region and the Timorese had made it clear they wanted nothing to do with Indonesia. Violence had broken out and the UN getting angry.

We volunteered to be the peacekeeping force. That way, Indonesia was handing over the region to a friend, rather than giving it up to a bunch of complete strangers.

Alert moderator

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**Zing:**

12 Feb 2016 12:58:28pm

What would he have done?

Sent an angry letter? Sent our forces into hostile territory to fight a far bigger and better supplied enemy? Refused to develop the trade between our countries which we rely on today?

Don't get me wrong, I hate Whitlam as much as the next conservative. But East Timor was an inevitability. Whitlam's hands were tied and I doubt a conservative government would have done different.

We waited until the UN turned on Indonesia. Then we volunteered our forces to manage the region. That way, Indonesia could pull out without the humiliation of having to hand it over to a UN peacekeeper force. It was the best outcome to a bad situation.

Alert moderator

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**Eric the Echidna:**

12 Feb 2016 1:45:17pm

Zing: "... I doubt a conservative government would have done different."

You can clear up the issue by looking at the date the Indonesians invaded East Timor and comparing it to the date the LNP was installed as Federal government and a little later, won the election.

Alert moderator

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**Zing:**

12 Feb 2016 2:22:03pm

Eric.

If you have a point, feel free to make it yourself.

Alert moderator

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**Eric the Echidna:**

12 Feb 2016 2:54:22pm

Zing, the point is that you should acquaint yourself with fundamental facts before commenting.

Alert moderator

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**Zing:**

12 Feb 2016 4:19:59pm

You still don't have a point, Eric.

If you're going to giggle at an inside joke, you need to remember to explain the joke to the audience. Otherwise you just sound mad.

Alert moderator

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**HPH:**

12 Feb 2016 4:34:09pm

"you need to remember to explain the joke to the audience"

Ok audience, here's the explanation:

ZING !

:)

Alert moderator

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**Eric the Echidna:**

12 Feb 2016 4:41:15pm

Zing, recall your comment:

"I doubt a conservative government would have done different."

I suggested you look up dates relevant to events. Later SimonP38 posted such material.

You will note that whereas you were commenting about Whitlam it was actually a conservative government in office at the time of the Indonesian invasion of E T. That is such a fundamental fact as I suggested you acquaint yourself with before commenting.

Alert moderator

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**Wanderer:**

12 Feb 2016 3:40:45pm

Except that Howard did. He did it with the military, without entering a war with Indonesia and pleasing the East Timor people all at once.

Alert moderator

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**HPH:**

12 Feb 2016 3:34:28pm

Simple Simon,

The year was 1975. I remember very well.

Why don't you ask Kissinger.

The U.S. didn't want East Timor to fall into the hands of those big bad communists. They supported the invasion covertly.

What could have Whitlam done? ...Gone against America's decision and then what?

Alert moderator

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**Eric the Echidna:**

12 Feb 2016 4:43:43pm

HPH: "Why don't you ask Kissinger."

He was asked but he lied.

Details on US approval of the Indonesian invasion of E T can be found in the National Security Archives at George Washington University.

Alert moderator

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**Dove:**

12 Feb 2016 10:52:48am

Are there any atolls in the Timor Sea that we could fortify or at the vest least occupy like we've done with Christmas Island?

Alert moderator

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**Jack II:**

12 Feb 2016 11:56:36am

Australia didn't " occupy " Christmas Island. Sovereignty was transferred to Australia from the United Kingdom. It was unoccupied when first discovered.

Alert moderator

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**Dove:**

12 Feb 2016 2:08:56pm

Australia was pretty smug when the Brits decided to change the rego papers from Singaporean to Antipodean ownership. We're not so smug now. Precious few asylum seekers can make it to Australia. The only reason we've had a problem is because you could just about swim from Java to Christmas Island. It's turned out to be far more of a liability than asset

Alert moderator

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**pH:**

12 Feb 2016 2:33:52pm

Dove, is there a particular reason you want to strip Australia of key geopolitical assets that may prove vital if armed conflict is to break out in South East Asia?

Alert moderator

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**Wanderer:**

12 Feb 2016 3:50:36pm

The reason Christmas Island has anyone on it is the Australian Navy. A great refuel/emergency/pivot point.

Yet with ship ranges improving, hours at sea possible increasing, travel velocity increasing and less and less concern about a foreign country invading Australia, Christmas Island may need to be reconsidered.

I believe surrendering territory is foolish in any situation short of a full on war that you are loosing.

My revamp would be placing all people claiming asylum on Christmas island with air drops of water/food and medical supplies.

According to the supporters of asylum seekers, they will make great contributions to Australian society, so surely they can show us how over there. They can build and clean their own facilities with supplies. They wont even need

to produce their own food/water.

Dont have any on ground officers, just a ship nearby and electronic facilities (unless destroyed) on the island to communicate with it.

If the asylum seekers can establish themselves as a peaceful and productive community, there shouldnt be any real concerns of danger. People are living on the island now without mental health issues, so that shouldnt be a concern.

If a person is found to be a refugee, offer them a plane/ship to the mainland should they choose. If not, extract the rejected individual.

The pluses would be no prisons, no guards to abuse, no risk of disease entering Australia, no one persecuting (unless they are a persecuting asylum seeker, but their good people according to the left), no need to build walls/fences, donations could be sent to the island if people think the facilities are too harsh and the welfare of the asylum seekers would be in the hands of asylum seekers.

Well except for the inevitable person who will need to be sent off the island as they lied about being an asylum seeker and when an asylum seeker or when an asylum seeker commits a crime. At those times an extraction mission will be required.

Alert moderator

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**phil:**

12 Feb 2016 4:35:26pm

I was talking to someone in the armed forces about this, and wondered why we don't give up on the island. He said its a great place to listen from.

No names on who we were listening to, but they were within swimming distance.

Alert moderator

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**Sinekal:**

12 Feb 2016 11:02:14am

Australia recognizes a median line between Indonesia and Christmas Island as the boundary between the two countries. This is consistent with the International Law of the Sea.

Australia uses some indeterminate undersea continental profile as the basis of its claim to most of the oil and gas fields of the Timor Sea. This was condemned by the International Court.

Gareth Evans signed off on this boundary in an aircraft full of reporters above the region. Australia recognised Indonesia's sovereignty over the region following the invasion of East Timor.

Australia in association with Indonesia closed the gap off to give Australia 100% of the Greater Sunrise field.

ASIO raided the offices of a lawyer appointed to fight for Timor's international rights in this matter and took away all their documents.

Australian's were responsible for the bugging of the cabinet offices in Dili during negotiations over sovereignty of the gas fields.

Where is your problem? We didn't go and bomb the place into obliteration or invade it on the pretense of democracy. So there is a shred of ethics left wimpering in the corner of our political machismo.

Alert moderator

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**Wanderer:**

12 Feb 2016 3:52:20pm

What is consistent and more important than a median line is a continental shelf. Australia according to international law owns its continent entirely.

The sea may be split. The land underneath is not. East Timor has already failed its legal challenges so now lawyers, sorry advocates are trying to claim what is moral. Surrendering territory is now deemed moral.

Alert moderator

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**Sinekal:**

12 Feb 2016 5:23:00pm

So the Spratly Islands belong to China That's a relief. Everyone else accepting that position globally ?

Alert moderator

**pH:**

Unfortunately Australia is forced to play hard ball. With players like Indonesia and China in the game, it is imperative that we get our geopolitical foot in the door and this means we need to take control of strategic places like East Timor. Because if we don't get our feet in those places, you can be sure the Indonesians will and you can be sure they will use it against Australia sometime in the future. Really what we need is a strong nuclear deterrent and to never stop improving all facets of our military, because the time will eventually come for us to use them in defence.

Alert moderator

**pragmatist2014:**

12 Feb 2016 1:54:05pm

'take control', surely you jest!

TL was colonised for around 500 years by the Portugese, so the last thing it needs is some other colonial power wanting to take control. Australia's strategic defence is best served by a strong and friendly TL on its northern border. Diplomacy beats war any time.

Alert moderator

**pH:**

12 Feb 2016 1:57:59pm

Not exactly what I meant but tell me, what would be better for them in the long run.. Australia takes control or Indonesia takes control? Because the latter will happen eventually if we don't step up our game.

Alert moderator

**Crow:**

12 Feb 2016 3:00:30pm

" because the time will eventually come for us to use them in defence"

like no country apart from the US has done?

Alert moderator

**Dove:**

12 Feb 2016 3:12:32pm

With posts like that, it's a comfort to know you have no influence over the country and your crank pot ideas neither matter nor will ever see the light of day

Alert moderator

**mike j:**

12 Feb 2016 3:42:56pm

I actually think there's more of a point here than your response would indicate. After all, the US didn't become the most powerful nation in the world by respecting its neighbours or abiding by international law.

A strong military and/or nukes are a total waste of money.

Until you need a strong military and/or nukes.

The cold war in the South China Sea has really upped the ante lately, and demonstrated for the nth time that the international community is totally incapable of stopping unilateral actions by its more powerful members. With our best allies so far away, holding on to territory and bolstering our military is not a bad idea.

Alert moderator

**pH:**

12 Feb 2016 3:51:38pm

The problem is Dove, people far worse than me are in control of Indonesia and China.

Alert moderator

**Dove:**

12 Feb 2016 4:25:27pm

No problem. They're not worse. Just smarter

Alert moderator

**pH:**

12 Feb 2016 4:47:43pm

Anyway, is this opposite day or something? Wanting my nation to be able to defend itself makes me a bad person? We have something worth protecting in Australia, not least our lives.

Alert moderator

**Gordon:**

Petroleum is bad isn't it? Stranded asset, diverter of investment away from a clean green future, an environmental polonium sandwich served on the bones of murdered whales. Why would we burden our impoverished neighbours with such a dreadful thing?

Oh..., it generates buckets on national wealth? Gee. you kept that to yourselves.

Alert moderator

**pH:**

12 Feb 2016 1:17:50pm

That sure is a very high ivory tower you are sitting in, I am certain that 3rd world nations will be very grateful for your opinions.

Alert moderator

**OUB :**

12 Feb 2016 6:02:10pm

I think you are misreading Gordon's comment. It is ironic in tone.

Alert moderator

**pragmatist2014:**

12 Feb 2016 1:05:17pm

As an Australian who served with the UN in TL and had quite a lot of interaction with the local people, I am ashamed of the way in which TL has been treated by Australian Governments of both major parties, dating back to the time of the Indonesian invasion of the country in 1975.

The policing and military assistance provided in 1999 and later notwithstanding, Australia has ignored international conventions and apparently engaged in spying on its small and vulnerable neighbour.

It is past time that TL was treated fairly and I applaud the move by Labor to undertake to renegotiate the border, under internationally accepted conventions.

To do otherwise simply justifies the poor view in which Australia is held regarding this matter, in the eyes of many in the international community and in TL in particular.

Alert moderator

**Coogara:**

12 Feb 2016 1:58:09pm

Pragmatis;

Australian sovereignty over the Australian continental shelf is upheld by international laws. There may be lots of rights and wrongs over Australia's diplomacy but handing over Australian sovereign territory in compensation is not really appropriate.

Alert moderator

**gnome:**

12 Feb 2016 2:16:10pm

And I'm ashamed of the UN and supposed Australians who refer to East Timor as "Timor Leste".

What other Portugese words do you use? What do you call North or South Korea? What do you call West Timor?

That little PC glow you have indicates that you have the brains of a sheep, and your opinion can be discounted because it isn't yours anyway.

Alert moderator

**GCS:**

12 Feb 2016 2:18:21pm

Excellent and factual post pragmatist-thanks and good for Labor for wanting Australia to do the right thing.

Alert moderator

**Eric the Echidna:**

12 Feb 2016 3:30:41pm

pragmatist, during WWII many East Timorese helped Australian forces fighting the Japanese on E T. For their efforts somewhere between 40,000 and 70,000 East Timorese died in Japanese reprisals.

The Australian troops felt they owed the East Timorese a blood debt. That does not seem to concern some people.

Alert moderator

**Coogara:**

12 Feb 2016 5:00:11pm

Eric:

Gratitude has been repaid in other ways. Handing over sovereign territory is excessive and unnecessary.

Alert moderator

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**Sea Monster:**

12 Feb 2016 1:25:02pm

As I understand it we want a midpoint demarcation, they want a continental shelf demarcation. Or is it the other way around?

In any case the demarcation we want with East Timor is the same as the one we previously negotiated with Indonesia AND have agreed with Indonesia for the rest of the "frontier" with them.

I don't understand why this is unfair to East Timor.

Alert moderator

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**JMJ:**

12 Feb 2016 1:45:49pm

Damien, from what I can the Australian government had a legal obligation & duty to negotiate in good faith under Art. 31, Vienna Convention on the Law of Treaties but because of Australia's Intelligence activities in East Timor & as a result of the Australian Government deceit & failure to comply with international law during Treaty negotiations the Treaty now maybe invalid.

Alert moderator

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**Orion:**

12 Feb 2016 1:49:01pm

We've been through this argument before. It would be very simple except for the issue of oil and gas. The principle is very straightforward concerning boundaries between nations and control of resources on the seabed.

Where adjoining nations lie on the same continental shelf, the median line usually prevails. However, as a matter of geography, Australia's continental shelf ends at the Timor Trough, a major geological feature, 3,000 metres deep, lying about 60 km from the coast of East Timor. That is the geological boundary.

Alert moderator

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**blax5:**

12 Feb 2016 2:55:12pm

After reading this, I am no longer convinced that oil and gas are the make or break issue.

It becomes now clear to me for the first time what the issue really is and why Plibersek called the supposed bugging an Australian security issue. As Timor-Leste is now (supposedly) a sovereign country it is not deemed to be in Australia's interest that their sovereign area in the sea increase.

They are also a very poor country and they could invite China to .... (build a railway?), then potter around in their waters close to us. That looks like a more valid, and longterm motivating issue. Oil and gas are finite. Thank you ABC for this article and the comments, I had not been sure what to make of this all.

Alert moderator

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**Suai Longboarder:**

12 Feb 2016 2:39:23pm

Damien Kingsbury's article is logical and timely. I have never met anyone on either side of Australian politics who want to deprive Timor Leste of its rightful resource earnings, hence the existing arrangement gives Timor Leste 90% of royalties from the joint exploration area. The heart of this matter is Australia's relationship with Indonesia. As Dr Kingsbury alludes, Indonesia will have to be involved in this process. If we agree on a mid point boundary with Timor Leste, we need to know that it will not affront Indonesia, allowing them to tear up the 1972 seabed boundary agreement that is based on the continental shelf. If Indonesia repudiates the 1972 agreement Australia is a big financial loser and we could see years of animosity. It was only ten years before the 1972 agreement that Australian forces were shooting Indonesian solders on the Malaysian boarder during Konfrontasi, so we don't want to get to that point again.

Timor Leste has developed a cargo colt mentality about the gas industry and it's government has not adapted it's outlook to the depletion of existing fields and of its sovereign wealth fund.

They also need to be cognizant of the fact that if Sunrise is not 50-80% Australian, then under the 1982 United Nation's UNCLOS agreement it will be 50-80% Indonesian, not Timorese.

Alert moderator

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**raymond:**

12 Feb 2016 3:37:34pm

The CSIRO has just had a number of sackings take place to get rid of leftie so-called scientists pushing the 'climate change' nonsense

The same thing should take place at the ABC to get rid of the leftie bias as shown here.



So censor away, your day is coming.

Alert moderator

**DaveS:**

12 Feb 2016 4:25:46pm

That worked out well for ya!

Paranoia : a state of fear perpetuated by the damn leftie media and scientists.

So here we are talking Timor Leste and out comes the 'Leftie' cry. I dont know what it is that evokes such passion in self confessed 'righties' (is that the right way to say it?). Scientists scare you? Or is it the fact that no one has been able to debunk climate change? Think about the money you would make if you could! It'd be raining \$\$\$ in nerd town.

Anyway , do you have anything to say on East Timor?

Alert moderator

**OUB :**

12 Feb 2016 6:12:10pm

I have no idea whether it is a left/right thing but the moderation of my posts has been excessive in recent weeks.

Alert moderator

**DaveS:**

12 Feb 2016 3:40:31pm

Whilst its not a good look spying and changing boundaries , what does East Timor owe us?

Weve accommodated their leaders in exile , gone into bat at the UN and then sent young Australians into harms way all the while upsetting our largest neighbour , and what did we get? Nothing.

Then they decide Portuguese will be there language. No one for thousands of kilometres around them speak it , yet they went the colonial way and use it. How are they expecting to get ahead and educate their children when the default language is alien to all around them. Any trade training will need Portuguese speakers. Any teacher training. Any nurses. Any ... well anything.

Then they cry poor as any skilled work requires people from outside the region , and guess what? They dont speak Portuguese either , so those tradies cant impart skills to the Timorese.

They've made their bed ....

Alert moderator

**gnome:**

12 Feb 2016 5:56:50pm

Broadly speaking, you've got a point, and the portugese language thing was a bit of Mari Alkatiri behaving childishly, but they do have hundreds of years of court and civil records in portugese, so they do need to acknowledge that portugese is a language in East Timorese law.

Still, a foothold in the twentieth century would have been a nice gesture to the county's best friends.

Alert moderator

**John Hogan:**

12 Feb 2016 4:04:31pm

Well said Damien. As we sow, shall we reap. Our ultimate selfish interest is served by being surrounded by a ring of prosperity.

Instead, we have very often acted as that regularly mentioned deputy of the US and taken what we can instead of behaving like civil adults. It reads like a chapter out of the Ugly American. We've thrown our weight around while others speak quietly and respectfully. Sadly, we deserve what is happening. Actions and their consequences. I wouldn't take candy from a baby, although I suspect they'd hang on pretty tight. My government would though. They have. But the baby grows up and remembers. Dumb people I didn't vote for.

Alert moderator

**Jerry Cornelius:**

12 Feb 2016 4:17:58pm

An excellent article.

Analogy is the transfer of principles that apply to one type of thing to something else. For example you should not rely on businesses of bad repute for the same reason you should not rely on people of bad character. But you need to be careful with analogies. While people should help others in need, it is not obvious that businesses should help other businesses that are in distress. Do the benefits that people derive from living under the rule of law do apply analogously to the benefits that nations obtain from International Law? Yes they do.

The rule of law protects the weak from the strong. Most of our near neighbours are poorer and weaker than Australia. If Australia is an ethical and benevolent nation we can exert our power for the benefit of our neighbours with or without a system of international law. Alternatively we could exploit the advantages we have over our neighbours for our selfish benefit. The ethical dimension of the question is exactly the same for the nation as for the people. A nation's own welfare is its primary interest, responsibilities for its neighbours comes second, but they are there. Personally I don't trust my Government very far, even though it is supposed to represent my interests and I get to vote for it every three years. I'm glad we have a constitution and I wish we had

a bill of rights. I certainly wouldn't expect Timor Leste to trust Australia, even if the proof of our mendacity wasn't plain for all the world to see.

If Australia saw little value in International Law, that would only increase the importance of it for our neighbours.

Then, as the article points out, we wouldn't want to be in the same situation with China as Timor Leste is with us. If China had established military bases in Timor Leste, perhaps because Australia had done TL over once too many times, then we would be constantly referring to the international statutes. It is only a matter of time before Indonesia is more powerful than Australia as well.

Pragmatically, as a medium sized power International Law is our best ally. It gives us influence and authority beyond our military power. It protects our international rights as Australians abroad and as a nation.

Alert moderator

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**phil:**

12 Feb 2016 4:33:07pm

when did East Timor end up as Timor-Leste ?

I was trying to work out which failed pacific island wants more aid money, before I worked out we were talking about East Timor.

Alert moderator

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**gnome:**

12 Feb 2016 6:02:04pm

Leste is portugese for east. It's what they speak there, so the PC call East Timor Timor Leste to show how sensitive they are to the poor portugese speaking country to our near north.

It shows solidarity with Portugal's liberal anti-colonial heritage.

Alert moderator

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**itman:**

12 Feb 2016 4:42:35pm

A 'a stronger moral voice'??

So morality exists across some kind of spectrum??

Timor Leste (a population of 1 million or so) is political, social and economic basket case...and I suspect will almost certainly get a lot worse...before (if) it gets better.

Perhaps GUSMAO should give that some thought.....

Alert moderator

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**Old Red:**

12 Feb 2016 5:52:07pm

Seems to me that instead of continuing to fight this out we could come up with a deal that improves the lot of both East Timor and Australia.

Australia has acted in a way that was dishonest in all of this - commercial spying is not the right way to act in any case even if other countries do it too, espionage should be limited to security matters.

We should attempt to make reparations of various sorts but that doesn't necessarily include redrawing the boundaries if we've won the international court case - instead we could look at assistance in terms of education and health care, trade opportunities, employment opportunities and foreign aid. There are many ways to make amends and to further the best interests and the ties between of both of our countries.

Alert moderator

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Comments for this story are closed, but you can still have your say.