

Malcolm Turnbull's foreign policy hypocrisy on East Timor

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East Timor appeals to Australia over border
East Timorese leaders call on the Australian government to agree to a permanent, equidistant maritime boundary with East Timor.

Malcolm Turnbull's keynote speech in Washington DC last week, the first serious articulation of his foreign affairs stance since becoming prime minister, gained plenty of plaudits on both sides of the Pacific.

Turnbull was insightful and eloquent, quoting the ancient Greek historian Thucydides as he traversed the great geopolitical challenges of our times.



Prime Minister Malcolm Turnbull was insightful and eloquent in Washington, as well as being breathtakingly hypocritical. Photo: Alex Ellinghaus

He was also breathtakingly hypocritical.

Musing on the rise of China, its territorial ambitions in the South China Sea and the resulting tensions with the United States and

its allies, Turnbull made an impassioned plea for nation states to embrace the rules-based international order.

This order – based on the United Nations, multilateralism and respect for international law – was “possibly the biggest story of modern times”. It had, he intoned, “delivered the greatest run of peace and prosperity this planet has ever known”.

“Differences should be resolved by international law,” he said, citing the deliberations in the Hague under the UN Convention of the Law of the Sea (UNCLOS) to settle a dispute between the Philippines and China over a 200 nautical mile portion of the South China Sea rich in oil and gas.

“We look forward, in the coming months, to learning the outcome of the tribunal’s deliberations.”

So far, so – apparently – uncontroversial.

Except that Australia itself does not adhere to international law when it comes to maritime boundary disputes.

In 2002, after negotiating a temporary boundary with the transitional administration in East Timor that hugely favoured Australia and placed the bulk of oil and gas reserves within its territory, Australia quietly withdrew from the jurisdiction of UNCLOS.

The reason was obvious. It had negotiated a deal with an impoverished, war-ravaged and fledgling state that was so unfair it would not stand up to challenge under international law.

If the boundary was drawn midway between East Timor and Australia – as is standard under international law – most of the oil and gas reserves would lie within Timor’s territory.

During later negotiations over sharing the oil and gas reserves – worth between \$40 billion and \$100 billion – Australia infamously bugged East Timor’s negotiating team. East Timor got a better deal but not anything approaching its rightful share.

East Timor is still fighting for a permanent, equidistant boundary and a better share of the oil and gas reserves. The Coalition government – despite being rebuked by the International Court of Justice for its espionage – is refusing to enter talks and won’t allow the independent arbiter in the UNCLOS Tribunal make a determination.

In his speech, Turnbull chipped the US for not ratifying UNCLOS. “Non-ratification diminishes American leadership where it is most needed.”

Australia may have ratified UNCLOS but it has cynically recused itself from being subject to its jurisdiction. Turnbull’s reproach of the US about “diminished leadership” applies equally to Australia.

Why would China, the US or any country heed Turnbull’s urgings for the potential explosive disputes in the South China Sea to be settled by international law when Australia won’t do likewise?

In his Washington speech, Turnbull quoted Book 5 of Thucydides history describing how the ambassadors of the powerful city state of Athens rebuffed the leaders of the island of Melos, who wished to remain neutral in the conflict engulfing the ancient Hellenic world.

The ambassadors told the Melians that “justice is to be found only as between equals in power. As for the rest, the strong do as they will and the weak suffer as they must”.

“Now, the international order, the rule of law,” observed Turnbull, “seeks to ensure that that is not so, that might is not right.”

Yet the ignoble treatment of East Timor since its independence means Australia is acting just like the Athenians.

For East Timor’s former president and prime minister Xanana Gusmão, Australia’s conduct recalls the British statesman Lord Palmerston’s famous maxim “Nations have no permanent friends or allies, they only have permanent interests”.

“This is the mindset of powerful nations when they deal with small countries like ours,” Gusmão said last year.

To be fair, it seems Turnbull has not focused on East Timor or the maritime boundary dispute since becoming prime minister. He has had plenty on his plate. He most likely unknowingly betrayed Australia’s foreign policy hypocrisy in Washington.

This year, he should switch his gaze to the near north. Turnbull has an opportunity to end Australia’s diplomatic double standard and begin a meaningful negotiation with East Timor’s government over the boundary.

This is in our national interest.

Australia’s credibility as an advocate of a rules-based global order is at stake. So, too, is East Timor’s future: its one productive oil and gas field will be all but exhausted in three years. Its sovereign wealth fund could run out in a decade.

Without action, Australia may soon have a failed – and hostile – state as a neighbor.

From <http://www.smh.com.au/federal-politics/political-opinion/malcolm-turnbulls-breathtaking-foreign-policy-hypocrisy-on-east-timor-20160124-gmcz7k.html>

For more information about Timor-Leste’s right to a permanent maritime boundary, see <http://www.laohamutuk.org/Oil/Boundary/CMATIndex.htm>