

Timor Sea Justice Campaign – “Draw the Line” Public Event Sydney, 17 May 2014

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Timor Sea Justice Campaign Public Notice:

<http://www.timorseajustice.com/timor-sea-justice-campaign-news/draw-the-line-public-event-in-sydney-re-the-dispute-over-timors-oil-and-gas>

I especially thank Sister Susan Connelly for organising this forum and for yet again taking up the cudgels for the people of Timor-Leste. As they needed it at other times, they do so now, as Timor-Leste seeks to settle its permanent maritime boundaries with Australia.

Thank you, too, to Father Frank Brennan, one of Australia’s finest intellectuals, whom I remember once being referred to as “that meddling priest”; we need more like you; to Tom Clarke, consummate community activist, for resurrecting the Timor Sea Justice Campaign and our Ambassador to Australia, Abel Guterres, who has to steer a path of advocacy and diplomacy in the midst of the issues arising out of the Timor Sea.

At present we are contending with three legal cases, two directly between Timor-Leste and Australia; the "espionage" case as I read it being referred to, an arbitration that seeks to void CMATS based on the alleged spying for commercial advantage, that is Australia spying on Timor-Leste at the highest level; the International Court of Justice (ICJ) seized documents case, where Australia seized documents belonging to Timor-Leste from one of Timor-Leste's lawyers; and then there is a tax case which involves a large US oil and gas company, that Australia is siding with against Timor-Leste.

I am very pleased to be here among friends, friends of Timor-Leste, to talk about the question of justice and in this case, justice in the Timor Sea. Justice for the people of my adopted homeland. Justice that can be had by the Australian Government simply agreeing to work with Timor-Leste as friend and neighbour, to settle permanent maritime boundaries. Is that so hard? Other countries do it. Australia has settled maritime boundaries with New Zealand, Papua New Guinea, and New Caledonia, and it seems without much fuss.

I have watched how the Australia Government reacted to our other close neighbour and now good friend, Indonesia, when accused of spying on the President's wife, Madam Kristiani, someone I consider a personal friend. I too have been a President's wife, and now a Prime Minister's wife. Have I too been spied on? I wonder. Australia has agreed to enter into a process with Indonesia, to develop a code of conduct, presumably about not spying!

Why could they not have the same approach with Timor-Leste? Does that mean we are not important enough to garner that same respect, necessary for a relationship to work at government to government level. This relationship needs to change. We talk about boundaries and one of our Minister's, the Minister for State, has said we need to redraw boundaries, and not just in the Timor Sea, but in the relationship. I could not agree more.

I must say that on the people to people level, and with various sectors, including the Veterans communities, the relationship is strong, rich in cultural and other sectoral exchanges, and one that I treasure. The Veterans of Timor-Leste recently visited Australia, at the invitation of the President of the National RSL, Ken Doolan, with the State Branches playing host. Here in NSW it was President Don Rowe. By special dispensation they marched in the ANZAC Day marches in Sydney, Melbourne and Perth. How proud they were and how proud I was of my homeland, Australia. There is more to come.

My husband also accepted an invitation to be the guest speaker at a fund raiser for the SAS Resource Fund in Perth, to raise money for their fallen comrades' families

and those injured. He got to meet up with two WWII Commandos, Peter Kennedy and Keith Hayes, who are 92 and 94 years young, and four young women whose husbands made the ultimate sacrifice.

Back to the Oil and Gas: I remember in 1999 when my then partner, now husband, Xanana, came to Darwin from Jakarta, before he went home for the first time in years. He was quickly confronted with the matter of the Timor Sea and asked to give some reassurance to the oil companies, one in particular. The Australian Government brokered this. I thought at the time, his country is burning, people are terrorised, and he has been incarcerated for over seven years, and he has to deal with this right now. I also thought how could anyone be even adequately informed about the matter to make decisions on it, without being fully advised, independently as well. I saw the disparity then and saw it continue as Timor-Leste struggled to rebuild and craft a new State.

I watched at times with dismay when our political leaders had to grapple with every issue being urgent, trying to ensure people had food and care; to lessen the trauma from the immediate events and the 24 years of brutal occupation.

Timor-Leste at the restoration of Independence in 2002, was compelled to sign the Timor Sea Treaty which the United Nations (UN), through UNTAET had negotiated. It was on the very day. Again I saw the same disparity, as I watched the signing ceremony, with Prime Ministers Alkatiri and Howard. I never knew the detail of course or was involved, but I knew enough to know that it was an uneven playing field and patently unfair. What a big ask to have us sign this on the very day we finally reclaimed our independence. Australia had also chosen to opt out of the jurisdiction of the International Court of Justice (ICJ) for matters pertaining to maritime boundaries. It could be described as a hostile act, even though allowable. No Australian Government has yet had the fortitude to resubmit itself to the umpire of the ICJ in these matters. I am not a lawyer but it makes me wonder what they are scared of!

How could our political leaders, as intelligent and informed as they are, and we are blessed to have a coterie of top notch ones, could possibly get on top of the intricacies of maritime boundaries, the law of the sea, how oil and gas companies operate, production sharing contracts, upstream, downstream and a whole host of other foreign terms. How could the UN have done it, either, as they did not seem to have any particular expertise in this area? It was the first time that they too had governed a country, as they did from 1999 to 2002.

We were being taken advantage of at the most dire time of our lives. We desperately needed revenue, as we had donor dollars only. I saw it happening again in 2006 when the Certain Maritime Arrangements in the Timor Sea (CMATS) treaty was signed. I thought, we are just not able to do these things, yet. The negotiators and in this case, Dr. Mari Alkatiri, did brilliantly, as retold in Paul Cleary's book, "It's Timor's Oil", but my questions are the same. We barely had government departments functioning let alone able to advise on some complex areas. I have also read of this happening in other developing countries, with States being taken advantage of due to lack of capacity. The oil and gas companies involved in the Timor Sea seem very close with the Australian Government.

Mr. Downer, the previous Foreign Minister, could tell us about that. He has repeatedly stated that the Timorese should be grateful for the good deals and so on. It looks like he is still the official foreign affairs spokesman for the Australian Government. He is off to London, I am told, to be a diplomat, so we shall not have to hear him say one more time how grateful we should be. We could well say that, for oil and gas dollars, successive Australian Governments abandoned the Timorese to a terrible fate, but we refrain.

Of course we were deeply appreciative of what Australia had done, and always will be. I was proud of my birth country, in 1999 for finally doing the right thing by the Timorese; but it does not mean we have to carry that over to negotiations about maritime boundaries. I am told by our Legal Advisors that the right to settle permanent maritime boundaries, is a right that cannot be taken away from States, no matter what. Timor-Leste only wants to do what is right, and what is its sovereign right.

I have always expected Australia to act better towards Timor-Leste on the matter of maritime boundaries and am always disappointed.

I want to read from an article that was published in The Age and the Sydney Morning Herald, last December, (writer Tom Allard) in which I said a number of things about this and the particular issue of Australia's seizure of Timor-Leste's documents.

"This is not the way I expect the country, land of my birth, to behave towards a poor and fragile neighbour. The Australia I hope my children will be proud to call their second home is a caring, open-minded and tolerant country, conscious of its wealth and privilege and keen to share its vast resources with other less fortunate Peoples. It is not the mean, self-serving and inward-looking place that the government seems to be intent on making it.

How can Australia look Timor-Leste in the face and offer advice and technical assistance on good governance, democracy and the rule of law when, within Australia itself, commercial interests are allowed to ride roughshod over international and national laws?

Is the reasoning that “everyone else does it, why shouldn’t we?” sufficient to explain why Australia would bug the offices of a friendly, fledgling government? The fact that the alleged wiring by ASIS of the cabinet office was carried out under the guise of aid to the new government and that, in order to be successful, it relied on the inexperience and institutional weaknesses of the Timor-Leste authorities, makes it all the more a cynical and reprehensible act.

These sorts of actions make me wonder what sense of its responsibility to the community of nations, particularly its neighbours in our region, the Australian government thinks it has.

Ausaid has now ceased to be an independent agency and as of this year, was rolled into DFAT. This is the department where spies, trade and aid came together as one to commercially and economically disadvantage a poor nation with more questions than answers emerging of late in response to Timor-Leste’s good faith request for clarity, rectification and reasonable attempts for friendly resolution.

The Australian Government, however, is now avoiding justifying its appalling actions by invoking national security arguments – a final blow to a People who have been steadfast allies to Australia.

It is worth recalling that Australia’s invasion of Timor-Leste in December 1941, provoked the landing of Japanese troops less than an hour from the shores of Australia and began a subsequent period of brutal occupation between 1942-1945. As a result of the shelter and care offered by ordinary Timorese to the Australian diggers, Australia suffered only 40 casualties in Timor. By contrast, the loss of life on the East Timorese side was between 40,000 and 60,000 civilian lives.

Is the Australian government’s conduct any way to repay this “debt of honour”? The many thousands of Australians who enjoy deep and abiding friendships with the people of Timor-Leste know well that what our nation needs just as desperately as oil and gas revenues. What Timor-Leste needs is understanding, patience and respect for our dignity.

In the interests of fostering constructive and forward-looking relations with its neighbours, Timor-Leste has opted to let bygones be bygones in its dealings with former foes. Timor-Leste has successfully rebuilt its relationship with Indonesia on a

foundation of mutual respect, trust and transparency. It is unfortunate that the Australian government's own actions have caused many East Timorese and Australians alike to question this policy of appeasement and to reopen the Pandora's Box of past grievances and pain."

Conclusion

We only want what is fair and ours. Everything I have read and I am not a lawyer, tells me that the areas known as the Greater Sunrise, where Mr. Downer says Australia was generous and gave us 50%, is in all probability 100% ours. So figure that out. We are also told it is fair that we got 90% from the Bayu Undan fields, that has a pipeline going to Darwin. The economists say it is quite different in practice.

It is time for Australia to do the right thing. Play fair, act fair. The Australian Government has the opportunity to demonstrate that it is willing to respect Timor-Leste by acting in good faith in all its dealings and to build the relationship based on honesty and transparency. To deny this is to perpetuate the worst parts of the past relationship, where Australia denied the people of Timor-Leste their sovereignty as a nation, and do so now regarding Timor-Leste's sovereign right to settle permanent maritime boundaries. The Australian Government can change this, now, today.

Thank you.

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