

## OPINION

# Talking Point: Whistleblower lawyer paying a tough price for his bravery

**One of the few Australians to stand up for Timor-Leste is now facing trial in the Supreme Court, writes GREG BARNS.**

GREG BARNS, Mercury

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IN recent years there have been three Australians who have stood courageously against the sinister and thuggish forces of the security state, and who have paid a price for their bravery.

The first is Julian Assange, the founder of WikiLeaks, who languishes in a COVID-ridden jail in London as the US seeks to extradite him to face charges relating to his revealing the war crimes committed by it in Iraq and Afghanistan.

Another is the current independent Federal MP for Clark, Andrew Wilkie, who of course made certain Australians know the lies that the Howard government spun to insert itself into the illegal Iraq war in 2003. He was harassed by that government.

The third individual is a Canberra lawyer, Bernard Collaery. A former attorney-general of the ACT, Collaery is facing a trial in the ACT Supreme Court for daring to reveal, along with his client known as Witness K, the dubious actions of the Howard government and ASIS in 2004 when the cabinet room of the fledging impoverished Timor-Leste (East Timor) was bugged, during negotiations over oil and gas fields in the Timor Sea.

Collaery is fiercely intelligent and scholarly and has recently written what should become the authoritative history on Australia's toxic neo-colonial relationship with Timor-Leste over many years. In his

450-plus-page tome, *Oil under Troubled Water* (Melbourne University Press, 2020), Collaery sets out methodically the case against Australia. As well he should, because to most decent Australians with any sort of memory, the bullying and undermining of the East Timorese people has been a stain on both major political parties in this country.

As Collaery writes, there was a brief time during World War II when, under the leadership of the greatest prime minister John Curtin and the brilliant H.V. Evatt as minister for external affairs, it looked as though Australia might strike out on its own and pursue a principled foreign policy. But that did not happen. Instead, as Collaery observes, like "Bible-sect members living contrary to the Word, Canberra public servants, well-practised in surviving political vicissitudes, induced pliable politicians of both the Labor and Liberal persuasion to exploit the sovereign assets of the poverty-stricken population of East Timor, all the while claiming a 'rules based order'".



Former ACT attorney-general and lawyer Bernard Collaery. Picture: KYM SMITH

And while the Howard government was lauded in many quarters for turning its back on 25 years of foreign policy shame after the Whitlam government in 1975 recognised Indonesian annexation of then East Timor when the Portuguese colonial masters left, the reality is that it manipulated the process so as to ensure that Canberra greed for the lion's share of the revenue streams from development of the resource-rich Timor Sea was not jeopardised.

Canberra meddled in the process of who would run Timor-Leste after independence, and withheld intelligence from the US, the UN and the EU that revealed Indonesian militias ramping up violence and pursuing a scorched-earth policy.

Australia's attitude to Timor-Leste since independence in 2002 has been marked by neo-colonialism, bullying and, as noted above, unlawful activities. Timor-Leste, like other developing world neighbours of Australia such as Papua New Guinea and Nauru, has suffered from an unprincipled attitude taken by Canberra.

Doing the bidding of energy companies has been Canberra's key focus in dealings with Timor-Leste. Collaery recounts former foreign minister Alexander Downer haranguing and hectoring then East Timorese prime minister Mari Alkatiri in 2002: "We don't have to exploit the [oil and gas] resources. They can stay there for 20, 40, 50 years. We don't like brinkmanship. We are very tough. We will not care if you give information to the media. Let me give you a tutorial in politics — not a chance."

And despite professing to be a nation that abides by international norms and the rule of law, Australia issued exploration permits to companies in Timor-Leste sovereign territory.

After he retired from politics in 2008, Mr Downer became a consultant to Woodside Petroleum, a key player in developing the resources in the Timor Sea. International treaties and customary international law have been regularly flouted or ignored by Australia in its

long-running dispute to determine the sea-bed boundaries between Timor-Leste and this continent. As Collaery concludes, Australia has been and is in the ascendancy in all of its agreements with Timor-Leste. Woodside Petroleum and other companies such as ConocoPhillips remain key entities in driving Canberra's outlook and tactics.

While Timor-Leste is often forgotten about in these inward-looking days, it represents, along with the shameful Pacific Solution devised by Mr Howard to torture asylum seekers, one of this nation's **most morally and legally bankrupt episodes since World War II.**

And to make it worse, one of the few Australians who has stood up for the people of Timor-Leste is now being put on trial because the security state loathes its very dirty linen being exposed to sunlight.

**Hobart barrister Greg Barns is a former adviser to the state and federal Liberal governments**