What Four Corners left out of the Witness K story

Four Corners got the facts straight on how the Witness K scandal was born, but there is more to the story.

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Witness K's lawyer Bernard Collaery (Image: AAP/Lukas Coch)

This week *Four Corners* aired an investigation into the now infamous prosecution of Australian lawyer Bernard Collaery and his former client, an Australian Secret Intelligence Service (ASIS) spy known as Witness K. Both men are accused of disclosing information about an ASIS operation against Timor-Leste in 2004. I was interviewed for the program which aired on Monday night.

The program explained, correctly, that Timor-Leste was just emerging from a 24-year genocidal Indonesian operation, was extremely poor and had very few resources at the time of the operation. Just months before Timor-Leste gained independence in 2002, the Australian government withdrew from the maritime boundary jurisdiction of the International Court of Justice and the International Tribunal on the Law of the Sea. This withdrawal prevented Timor-Leste from asserting its rights under international law to a maritime boundary halfway between it and Australia.

Timor-Leste needed immediate access to an oil and gas filed 135 nautical miles off its south coast. But the Australian government was denying it access in order to force it to surrender the much larger Sunrise and Troubadour gas fields (together called Greater Sunrise).

The spy diversion

The government turned to ASIS, its intelligence espionage agency tasked with collecting intelligence outside Australia. ASIS used the cover of an aid project to install listening devices in Timor-Leste's ministerial offices. The operation gave Australia secret access to Timor-Leste's internal deliberations and negotiating positions.

Four Corners covered this aspect of the story — how the espionage operation targeted a poor, defenceless country.

But it left out a crucial element: the operation drew precious intelligence resources away from the war on terror, just as the Australian government was assuring parliament and the public that it was doing everything possible to keep Australians safe. On September 9, 2004, a car bomb targeted the Australian Embassy in Jakarta. Just under a dozen people were killed, including an embassy security guard, four Indonesian policemen, the gardener, a visa applicant and some others. The group known as Jemaah Islamiyah claimed responsibility.

A few months before, the Australian government had released its white paper on terrorism. It identified "extremist Muslim" terrorism as a focus more than 50 times, and Indonesia was said to be central to Australia's counter-terror strategy, receiving a hundred mentions in the space of 110 pages. ASIS was to be a vital pillar of the counter-terror strategy. It would have an obvious role in gaining intelligence about Jemaah Islamiyah and other "extremist Muslim" terror groups.

And yet, despite all the anti-terror rhetoric, valuable ASIS resources were being deployed away from the war on terror.

The broader trends

Four Corners left out another important aspect: the use of ASIS for commercial purposes was just one element of a much larger use of state assets for corporate wealth.

From 1970 onwards, what is now the government agency Geoscience Australia conducted scientific surveys of Australia's undersea geology, and then handed over this publicly-funded information to petroleum companies for almost nothing. In 1988, Treasury, with the support of the Department of Finance, objected to such valuable information being given away to private interests, urging "a much more substantial level of cost recovery". But the Department of Foreign Affairs insisted the "national interest" required taxpayers fund the costs and — crucially, the risks — of investment in fundamental research, while the corporate sector benefited from the energy riches in the continental shelf.

On September 4, 1984, West Australian premier Brian Burke formally opened the $27 billion North West Shelf Gas Project, which was operated by a then little-known company called Woodside Petroleum. It began exporting liquefied natural gas (LNG) in 1989. The project has today become one of the largest LNG producers in the world and Woodside has become Australia's largest standalone oil and gas company, and one of the top 20 stocks in the ASX by market capitalisation.

The Australian government has seemingly deployed the full weight of its diplomatic, legal and scientific assets over decades to secure massive benefits for Woodside's shareholders. In return, according to Woodside's own calculations in February 2017, governments have received approximately $26 billion in royalties, excise and taxes from the North West Shelf Project since it began in 1984.

Other governments have taken a different approach: the Norwegian government is the largest shareholder in Statoil, its state oil company. Statoil's workers elect several of the company directors, and its shareholder meetings are open to the public, as are its financial statements. The Norwegian government created the "Oljefondet" (or Oil Fund) in 1990 to invest Norway's oil revenue. The fund had US$1 trillion (more than A$1.2 trillion) in December 2017.

In Australia, the "national interest" has instead amounted to the socialisation of costs and risks, and the privatisation of profits, with taxpayers getting a trickle of revenue in return.

Maybe the ABC and other news agencies will eventually cover all this.

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