

TIME TO DRAW THE LINE

PRESS KIT

"A very passionate work, very moving
... beautifully crafted."
- Tom Zubrycki, filmmaker

Time to Draw the Line

A film by Fabio Cavadini and Amanda King

The David and Goliath battle over the absence of a
sea border between Australia and Timor-Leste



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Tony Amaral painting at the 'Mind the Gap' exhibition Photographer: F Cavadini



Macalaco Primary School Photographer: Troy Arnott, New Community Ringwood

TAG LINE

"Time To Draw the Line" is about Australia's long connection to East Timor revealing a chequered relationship marked by abandonment but also deep friendship.

SHORT SYNOPSIS 50 words

The world fell in love with East Timor when it was born as a new nation after 25 years of occupation. Australia's peacekeeping force helped with its peaceful transition into nationhood. Now, over a decade later, the disturbing story of Australia's relationship with this fledgling nation must be told. Australia has negotiated permanent, international maritime boundaries with every country in its

region - except East Timor. Australia refuses to do so. Why?

SYNOPSIS

"**Time To Draw the Line**" reveals the largely overlooked story of a dispute between Australia and its near neighbour - the new country of Timor-Leste. At issue are negotiations over a maritime boundary in the Timor Sea, an area rich in oil reserves.

Timor-Leste wants the boundary to be drawn at the median line, in accordance with international law, half way between the two countries. Australia has negotiated permanent, international maritime boundaries for of its maritime with every country in its region- New Zealand, the Solomon Islands, New Caledonia, Papua New Guinea and Indonesia – but not with Timor-Leste. That amount is a tiny 1.8% of Australia's total maritime border.

The film charts the record of Australia's behaviour towards and treatment of East Timor over the past 50 years – it's a dramatic and deeply disturbing history. The courage and sacrifice of the East Timorese who protected WWII Australian commandoes from Japanese forces in 1943 was not officially acknowledged. It was the compassion and deep sense of gratitude of Australian veterans who did.

After Indonesia invaded East Timor in 1975, Australia worked hard at getting the oil treaties in place and ignored the Timorese suffering, famine and killing under Indonesian rule. In the 1980's, the Australian Government officially recognised Indonesian rule, making Australia the only democratic government in the world to do so.

In 1989 the Timor Gap Treaty was signed by the Australian and Indonesian Foreign Ministers, to share the wealth from oil 50/50 between Indonesia and Australia. At the treaty signing they drank champagne, while flying over the Timor Sea. Not far below, in the mountains of Timor, the Timorese were fighting a desperate guerrilla war.

In 1999 when Timor-Leste achieved their independence Australia was forced to rethink the treaty. While goodwill was created with the important role of Australia's peace keeping forces, Alexander Downer, Australia's then Foreign Affairs Minister still rejected any talk of maritime boundaries.

Two months before Timor-Leste's independence, Australia withdrew from the dispute resolution mechanisms of the International Court of Justice and the International Tribunal for the Law of the Sea.

This film is an emotional search of Australia's long connection to East Timor revealing a chequered relationship marked by abandonment but also deep friendship. The ghostly images of numerous Australian leaders appear as the history unfolds. Through interviews, archival footage, and conversations with a diverse cross section of Australians, this film unravels a contemporary David and Goliath story.



Paddy Kenneally & Rufino Alves Correia, WW2 veterans © Jon Lewis

DIRECTOR'S STATEMENT

As documentary filmmakers we are well aware that documentaries are increasingly being recognised as an effective way to convey social justice issues and inspire social change. The inspiration of our Associate Producer, Ines Almeida to make a film about the largely overlooked story of the relationship with Australia and it's newest and near neighbour, Timor-Leste was compelling.

We have a long connection with the struggle of East Timor to achieve its independence – one which took 24 years. In the 1980's we had worked separately on two documentaries – **The Shadow Over East Timor** and **Buried Alive – The Story of East Timor** which broadcast on Australian television before 1990.

It has been an extraordinary journey to produce the TIME TO DRAW THE LINE. East Timor holds a special place in the minds and hearts of many Australians. In general terms we are aware that the people of East Timor were hard done by and the Australian army played an important role in re-establishing stability and security there 15 years ago.

Yet many Australians have no idea that the issue exists.

Australia, by deliberately exempting itself from and flaunting international laws of the sea, has put Timor-Leste at a disadvantage in claiming its rights to resources under the Timor Sea.

Australia has negotiated permanent, international maritime boundaries with every country in its region - except Timor-Leste. At issue is an area in the Timor Sea, rich in oil reserves. Timor-Leste wants the boundary to be drawn at the median line, half way between the two countries.

We feel passionately that Australians want to see our country in a respectful relationship with our fledgling neighbor, Timor-Leste.

CAST & CREW

H.E. Xanana Gusmao

Chief Negotiator Timor Sea
Democratic Republic of Timor-Leste

Sister Susan Connelly

Human Rights and Refugee Advocate

The Hon. John Dowd AO QC

President, International Commission of Jurists Australia

Steve Bracks AC

Former Premier of Victoria
Pro-bono Advisor Timor-Leste Government

Kirsty Sword-Gusmao AO

Chair Alola Foundation
Goodwill Ambassador for Education, Democratic Republic of Timor-Leste

Chip Henriss

Former Australian Army major INTERFET East Timor

Bishop Hilton Deakin AM

Former Auxiliary Bishop of Melbourne

Robert Connolly

Director 'Balibo' Barracuda'

& more

KEY PERSONNEL

Director-Producers

Amanda King & Fabio Cavadini formed the partnership, Frontyard Films in 1990.

Since 1987 Cavadini and King have been collaborating as a co-producer/director team, producing a string of documentaries, in a non-observational style combining interviews, archival and contemporary footage.

They have worked together for almost 30 years tackling stories based in our region, about the environment, Indigenous rights and the arts.

Associate Producers

Ines de Almedia, was at the forefront of the struggle of Timor-Leste's independence and now to secure their sovereignty with the marking of maritime boundaries.

Janelle Saffin has served in both Federal and State Parliaments, is a practising lawyer and educator, and engaged in international politics and has an Order of Timor-Leste.

REVIEWS

"Australian culture has always prided itself on the notion of a 'fair go' and repaying a good deed. Sadly this is not extended to the kind people of East Timor who have helped our country and its citizens on many occasions throughout history, only to be neglected in return. **'Time to Draw The Line'** is essential viewing for understanding how the extraction of resources has, time after time, usurped our morals."

Damon Gameau Actor 'Balibo' Presenter/Producer 'That Sugar Film'

It's fantastic. A strong argument, but also a terrific study of a period of history too. Congratulations, it is a very significant work on this issue.

Robert Connolly Director 'Balibo' 'Barracuda'

It's a very passionate piece of work, very moving. Beautifully crafted. Well argued.

Tom Zubrycki Producer/director The Diplomat Molly & Mobarak

TRAILER/SHORT VIDEO LINKS

TRAILER

<https://vimeo.com/188076808>

FB page

<https://www.facebook.com/timetodrawthelinedocumentary/>

WEBSITE

<http://frontyardfilms.com.au/styled/>

TECHNICAL INFORMATION

ProRes422HQ

Blu Ray disc & dvds available

52 minutes

Mono dual track audio

CONTACT DETAILS

Distributor

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Our ancestors
taught us not to
take what is
not ours



AMARAL

* <http://radicaltimes.info/HTML/popup301a.html>

** <http://beamafilm.com/Buried-Alive-The-Story-Of-East-Timor#.WBGdqjbGLyw>

BACKGROUND

Australia granted Woodside an exploration lease in the Timor Sea back in the early 1960's when East Timor was under Portuguese administration. No sea boundaries were set.

In 1974 huge oil reserves were identified, including the largest, Greater Sunrise which is still not operating.

After Indonesia invaded East Timor in 1975 Australia worked hard at getting the oil treaties in place and ignored the Timorese suffering, famine and killing under Indonesian rule. Condoning the invasion of East Timor, in the 1980's the Australian government became the only democratic government in the world to recognise Indonesian rule.

In 1982 the UN Convention on the Law of the Sea (UNCLOS) declared that when the distances between nations are less than 500 nautical miles, maritime boundaries between nearby states are drawn on the median line, halfway between the coastlines.

In 1989 the Timor Gap Treaty was signed by Foreign Ministers, Australia's Gareth Evans and Indonesia's Ali Alitas. It created a zone of co-operation for joint petroleum development (JPDA) in East Timor's maritime territory sharing the wealth 50/50 between Indonesia and Australia. Portugal as the legal entity for East Timor was overlooked. An unlawful agreement was made and for just under a decade of oil drilling in the Timor Sea, East Timor received none.

In 1999 when East Timor achieved their independence Australia was forced to rethink the treaty. While goodwill was created with the important role of Australia's INTERFET forces – Australian army peacekeeping troops - it still rejected any talk of a median line. Australian oil companies were well served by Alexander Downer, Australia's Foreign Affairs Minister 1996-2007.

Animated maps show the boundaries agreed to by Timor-Leste in 2002. Two months before Timor-Leste's independence, Australia withdrew from maritime boundary dispute resolution mechanisms of the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (UNCLOS). Many commentators conclude it was a cunning legal move to avoid the international umpire in any future discussions about boundaries.

Within hours of the birth of the Democratic Republic of Timor-Leste on May 20, 2002, the Timor-Leste government signed the Timor Sea Treaty with Australia – continuing the joint development area with a 50-50 revenue split, even though the

entire area is on Timor-Leste's side of the median line. It desperately needed revenue from the Bayu-Undan oil and gas field which lies within the JPDA. Those funds are needed to fund basic services, since there is very little other taxable economic activity. There was pressure on Timor-Leste to sign to ensure the continuation of the existing oil operations.

Despite the courage and sacrifice of the East Timorese who protected WWII Australian commandoes from Japanese forces in 1943 Australia showed no signs of acknowledgement or generosity towards the country after the war.

Australia has claimed the continental shelf principle – an outdated notion that gives Australia a 350 kilometre boundary and Timor-Leste only 150 kilometres.

Since the 1950's, Australia maintains that its continental shelf extends to the Timor Trough, claiming Timor-Leste sits on a separate continental shelf.

Therefore Australia is entitled to claim resources up to the Timor Trough in accordance with this 1958 Continental Shelf principle.

Many experts believe that Australia and Timor-Leste lie on the same continental shelf; they believe that the Timor Trough is simply "*a narrow, deep buckle at the leading edge of the Australian plate*" and not a 'break' as Australia asserts.

Where two countries lie on the same continental shelf, the Continental Shelf Principle does not apply.

International law today says any delimitation(negotiated settlement) must be based on the Median Line.

The current international best practice is the median line – a halfway point negotiated between states. This principle has been operating since the 1982 United Nations Convention on the Law of the Sea⁵ (**1982 Convention**)

In 2004 maritime boundary talks were again discussed; the biggest oil and gas field – Greater Sunrise - ever discovered in the Timor Sea was at stake, valued at 40 billion dollars.

Alfredo Pires, TL Minister Petroleum & Mineral resources

It belongs to Timor-Leste, all of it. We have expert opinion that there's a good case that all of Sunrise would fall under TL's jurisdiction.

Under the guise of an Australian Government Aid renovation project at the Palace of Government, the meeting room of the Timor-Leste Parliament Cabinet, was allegedly bugged by ASIS. It's the room where the Timor-Leste Cabinet has high level discussions about the highly sensitive oil deal. These allegations refer to top secret bugging of Timor-Leste's Prime Minister and his negotiating team ordered by the Australia's Attorney General.

According to East Timorese former President Xanana Gusmão, the boundary dispute *“is a question of life or death, a question of being continually poor, continually begging, or to be self-sufficient.”*

Australia is affluent, with a strong infrastructure and social system, while Timor-Leste is not. Maternal mortality is 83 times higher in Timor-Leste than in Australia. Malaria and tuberculosis are widespread. Education is desperately needed for future development. Today, 41% of East Timor’s people survive on less than 55 cents per day, the national poverty line.

The outcome of the 2004 talks was the 2006 CMATS (Certain Maritime Agreement in the Timor Sea) which amended the 2002 Timor Sea Treaty, from a 30 year to a 50 year agreement or to depletion of the oil & gas.

Australia claims “sole Australian seabed jurisdiction” outside the JPDA because “Australia has exercised exclusive sovereign rights over this area for an extended period of time.” This assertion is based on the 1989 Timor Gap Treaty between Indonesia and Australia, which was never valid.

CMATS covers the Greater Sunrise area, and Australia claims it was generous when it agreed to a change of the 80/20 split to 50/50. Timor-Leste backed down by agreeing to put on hold maritime boundary negotiations for 50 years, and leaving Greater Sunrise in Australian territory. Many in Timor were suspicious of the outcome of the negotiations.

Timor-Leste took their case to the UN’s Permanent Court of Arbitration in a bid to bring Australia to the negotiation table. Australia has come to the table in a Compulsory Conciliation Commission hearing process the findings of which will be handed down in September 2017.

An initial big step forward was announced in January 2017, agreed by both countries to drop the CMATS treaty and revert to the one adopted in 2002.

The decision to terminate the treaty in the next three months and negotiate a permanent maritime boundary represents a victory for fair play and positive relationships in the region.

PRESS ARTICLES

<https://www.theguardian.com/world/2017/may/07/jose-ramos-horta-calls-on-australia-to-abandon-unsubstantiated-claim-in-timor-sea>

<http://www.news.com.au/national/breaking-news/timor-sea-border-a-winwin-albanese/news-story/c891c9d316fcd67a7bce68180ec6c5e0>