

TIME TO DRAW THE LINE



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A STUDY GUIDE BY ROBERT LEWIS



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SCENIC VIEW OF MT MATEBIAN FROM AFALARI VILLAGE. PHOTO © DERARCA O'MAHONY

OVERVIEW

Time To Draw the Line (Amanda King and Fabio, Cavadini, 2016), is a 52-minute documentary revealing the largely overlooked story of a dispute between Australia and its near neighbour — the new nation of Timor-Leste (formerly East Timor).

There is no boundary full stop.*There is no legally accepted boundary between the two countries. At issue is an area in the Timor Sea, rich in oil reserves. Timor-Leste wants the boundary to be it drawn at the median line, half way between the two countries. Australia wants it to be drawn at its extended continental shelf line, which will give Australia the bulk of the known oil supplies.

Australia's long connection to East Timor reveals a chequered relationship of friendship and courage, mistrust and betrayal: from the Second World War and the sacrifice of many Timorese in helping Australian soldiers against the brutal Japanese; through Australia's acceptance of the Indonesian invasion and annexation of the area in 1975 and the subsequent killing of people and exploitation of the area for Indonesia's benefit; to the struggle for independence from 1999 when the world was too slow to react to the bloodshed and destruction that followed the vote; to Australian leadership of the United Nations peacekeeping force, InterFET, which help restore security to East Timor; through to today's legal conflict between Australia and Timor-Leste.

The film unravels this David and Goliath struggle and asks students to consider the morality and the practicality of Australia's international relations in this area.

CURRICULUM APPLICABILITY

Time to Draw the Line is suitable for senior secondary students in:

History — Australia in the Second World War

Legal Studies — International laws and boundaries

Politics — Australia's relations with our neighbours

Civics and Citizenship — What does it mean to be a good international citizen?

Film Studies — The documentary format

English — Communicating effectively to an audience through film and cartoons

CLASSROOM APPROACH

Time to Draw the Line explains the historical, geographical, legal and commercial complexities behind the dispute over the border between Australia and Timor-Leste, but it might be preferable for students to understand the issues before they watch the film, rather than as they watch it.

Teachers can have students do some or all of the pre-watching activities that follow:

- A. Quiz — What do you know about Timor-Leste?
- B. Australia and East Timor in the Second World War
- C. Understanding the concept of a border
- D. Understanding what borders exist
- E. A timeline of Timor-Leste's history
- F. Understanding the border dispute.

This will mean that as students watch the film they will already be familiar with the details of the issues raised.

Alternatively, teachers could show the film and pause at appropriate times for students to explore the key issues in detail as they arise. Appropriate points are indicated where students could look at the supplementary activities, but it is strongly recommended that both the quiz and the time-line activities are undertaken before watching the film.

BEFORE WATCHING THE FILM

A Quiz — What do you know about Timor-Leste?


One of the reasons for the film was the belief that Australians knew little about our neighbor, Timor-Leste.

Here are some questions about that country. How many can you answer? You can also ask your family members to take this quiz and see if they know more, or less, than you do.


You can check your answers on page 18.

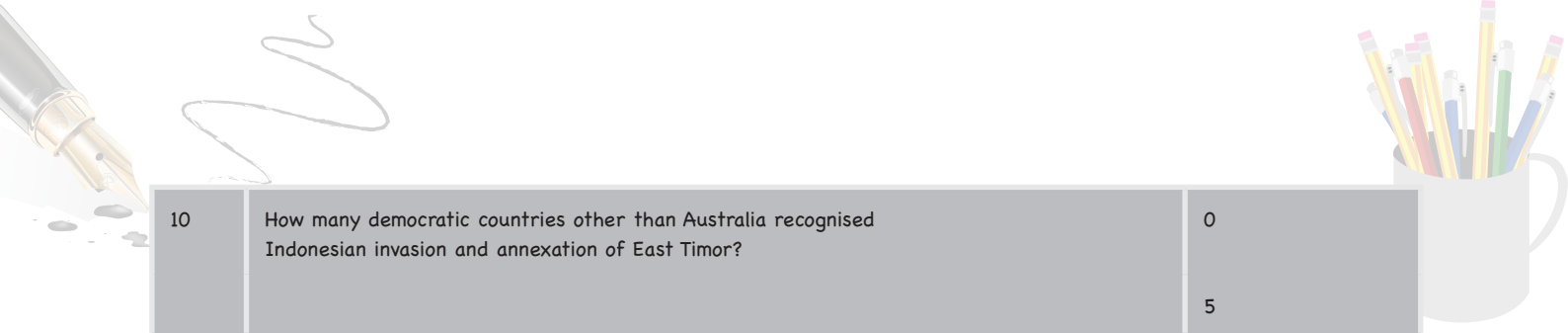
1 Identify where the island which includes Timor Leste is on this map.





2	In what year did East Timor become a nation?	2000 2001 2002 2003
3	What is the approximate population of Timor-Leste?	750 000 1 200 000 2 000 000 3 250 000
4	What is the main religion?	Catholic Islam Protestant Buddhist
5	What is the main language spoken?	Tetum (indigenous) Portuguese Indonesian Spanish
6	In what year was it invaded and annexed by Indonesia?	1970 1975 1980 1999
7	Which colonial power took control of it in 1500s	Spain Portugal England Netherlands
8	How many times would it fit into Tasmania in area?	1.5 2.5 3.5 4.5
9	Approximately how many Timorese died during the Second World War following its invasion by Japan from a population of about 480 000?	10-30 000 40 -70 000 70-100 000 120-150 000





10	How many democratic countries other than Australia recognised Indonesian invasion and annexation of East Timor?	0 5 10 15
11	When did Australian troops go as part of InterFET?	1999 2000 2001 2002
12	With what country does it share a land border?	Papua New Guinea Malaya Indonesia Solomons
13	With which two of these countries does it share a sea border?	Australia Indonesia Papua New Guinea Malaysia
14	How far is it from Australia (Dili – Darwin)?	352 km 475 km 556 km 686 km
15	What is Timor-Leste's ranking in the world development index, which measures a nation's health, education standards, wealth and social security, out of 188 countries? (Note: Australia is ranked 2nd.)	53 87 133 172
16	Approximately how many East Timorese died during its fight against Indonesian control?	75 000 100 000 125 000 150 000

You can check your answers on page 18.

If you got less than 50% right, why? How is it that you do not know a lot about Timor-Leste?

17 If you got more than 50% correct, why? How is it that you know a lot about Timor-Leste?



CHIP HENRISS. PHOTO: FABIO CAVADINI

B Australia and East Timor in the Second World War

In December 1941 Japan entered the war and soon was taking forcible control of Malaya, Singapore, Borneo, Netherlands East Indies, New Guinea the Philippines and the Solomons.

The island of Timor was divided between Dutch control in the west, and Portuguese control in the east. The Dutch government declared war against the Japanese. The Portuguese government said it was neutral. Australia feared that if Japan controlled the airfields in Portuguese Timor it could use them to attack Australia. So Australian troops were sent to invade neutral Portuguese Timor, to secure the airfields. This led to a Japanese attack on Portuguese Timor.

The approximately 700 Australian troops were heavily outnumbered by the Japanese. Fighting guerrilla warfare, and dependent on local people's support, the Australian troops harassed the large Japanese force for nearly a year, until they were withdrawn.

Look at these memories of participants, and discuss:

1. Where the Australians generally liked?
2. How did the Australians treat the Timorese? Why?
3. How did the Japanese treat the Timorese? Why?
4. What sort of support did the Timorese provide the Australian troops?
5. What was the nature of the warfare on the island?
6. What were the impacts on the Timorese people?

Source A Lance Bomford, 2/40th Battalion

Each of us had his native, called a creado. They carried our packs so we were free with our guns, and without them we just couldn't have fought like we did. . . .

The natives would spot when the Japs were making a move and relay the message to us so we could set up ambushes. Even at the end when it was tough we were dependent on them to keep one jump ahead of the Japs. It wasn't just the creados, there were lots who helped us.

Once we were all asleep and this bloke came and said, 'Japanese!' . . . We pack up quick and sneak up the hill. . . Then we see these Japs bring this bloke to where we'd

been camped. We heard the shots and they killed him because he'd warned us. The hill was too high up to do anything but we felt awful about him getting it. He was a beaut fella, really bright.

Source B John (Paddy) Kenneally, 2/2nd Independent Coy

Once our section had been patrolling all day and hadn't seen a Jap. . . I finished guard duty at midnight when the Japs started, a war chant. It was to work up their blood-lust, quite terrifying. We'd been in Timor fighting for six months but still it chilled your blood. The officer would lead and hundreds of voices would reply. They just completely wrecked the nearest native girl, ripped her straight up the stomach and disembowelled her. She was a bonny little girl about seven years of age. . . .

By November things were looking gloomy. It was very hard for us, and for the poor natives. Early in December we got orders to move to the coast. It was a great feeling to be going home but it was a sad parting from the Timorese boys who'd done so much for us. Quite a few of us had tears in our eyes. I'd have loved to have taken my little fella back with me. He cried when the time came to leave. I gave him a note [praising him], what a good lad he was, gave him a few odds and ends. What happened to him Lord knows.

Source C Paulo Quintao, East Timorese

Like all our people. I liked the Australian soldiers. They were kind, we all thought that about them. They had sympathy for Timorese people. They shared what they had with us, showed our people love and attention and we loved them in return.

Source D Alfredo Pires, East Timorese

There was a saying in that war, that for punishment the Japanese were bad, very cruel, but for justice the Australians were worse. The Japanese may torture, punish, try to get you to tell, but it is not certain you will die, but if the Australians suspect you, you're dead. The Australians had to rely on what other Timorese told them, and people have grudges, dislikes for others, or want to appear to know things. . . . But I understand how it was for the Australians: in a war like that your life every day depends on destroying first those who may kill you. In that situation if I suspected someone might betray me maybe I too would kill them.

(Sources are from Michelle Turner, *Telling East Timor, Personal Testimonies 1942 - 1992*, University of New South Wales Press, Sydney, 1992, pages 9, 11, 12, 16, 23, 38)

7 Do you think it could be said that Australia owed a moral debt to the East Timorese people at the end of the war? Explain your view.



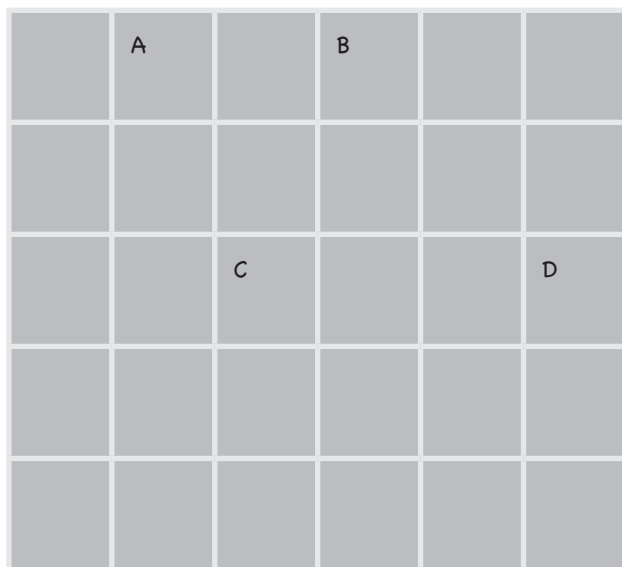
C Understanding the concept of a border

A key concept in *Time to Draw the Line* is that of international sea borders.

Look at this situation.

The blocks A, B, C and D are countries. They are all separated by sea.

1. Draw a series of lines to create borders between A and B, A and C, B and C, C and D. You need to be fair to all countries



2. Why do you think your borders are fair? Explain your reason.
3. What is the principle behind the way you decided on the borders?
4. Compare your borders with those in the rest of the class. How many of you drew the same borders?

What most of you have probably done is to draw borders that are equidistant or equally placed between each pair of countries. This is the principle that is included in the international law of the sea, the United Nations Convention on the Law of the Sea (UNCLOS), that as a general principle where there is a sea border between two countries that the border should be equally distant between both shores where there is facing or common sea.

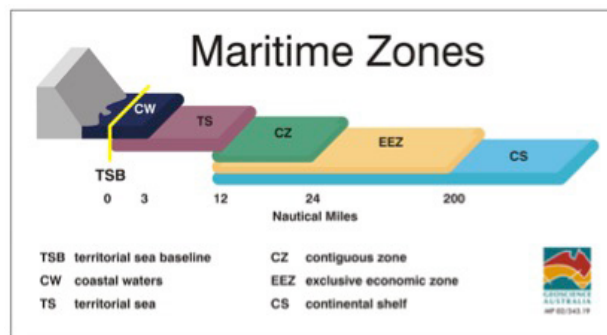
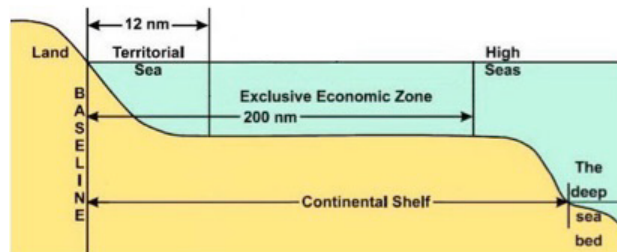
You will see how this works as you analyse and discuss the issues in *Time to Draw the Line*.

D Understanding what borders exist

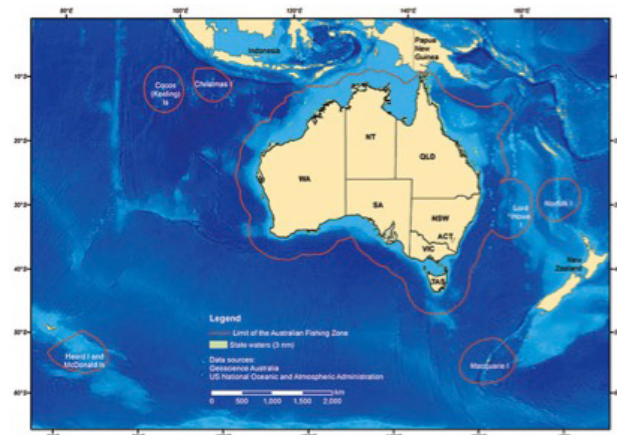
There are six elements to national and international sea borders:

- A. Coastal waters: From the territorial sea baseline – that is, the beach at low tide – 3 nautical miles out (a nautical mile is 1 852 metres, and is the mean (average) length of 1 minute of latitude.
- B. Territorial Sea: from the TSB 12 nautical miles out.

- C. Contiguous zone — up to 24 nautical miles.
- D. Exclusive Economic Zone — up to 200 nautical miles.
- E. Continental Shelf — up to the point where it drops sharply. (200 nautical miles or up to 350 where no opposing or adjacent coasts under the 400 nautical miles)
- F. Fishing zone — the water between the territorial sea and the end of the exclusive economic zone.



Look at this map. The light blue colour around Australia is the extent of the continental shelf.



1. Which countries are close to Australia's continental shelf?
2. How would you suggest that where Australia's continental shelf is close to another country the border between Australia and that country should be determined?

E A timeline of Timor-Leste's history

The film covers the recent history between Australia and the country that was previously known as Portuguese Timor, then the Indonesian province of Timor Timur, East Timor to Australia and finally (since 2002) Timor-Leste.

The film provided details of this history, but it is useful to look at this short chronology of Timor-Leste before watching the film.

1 Look at the following aspects of the history of East Timor. Number the stages from 1 to 24, in chronological order, or cut them out and physically re-organise them into the correct chronological order.

	A massacre of East Timorese by Indonesian soldiers during a pro-independence march in Dili in 1991 helped focus world attention on the area.
	In 2012 the UN Security Council ended its peacekeeping mission and withdrew all peacekeeping forces.
	After the vote for independence, the pro-integration Militias, supported by Indonesian army troops, looted and burned most of the island, and massacred thousands of local people.
	After the war the Dutch were forced out of West Timor, which in 1949 became part of Indonesia.
	In 1993 the United Nations Human Rights Commission made the first of two reports criticising Indonesian abuses of human rights in East Timor.
	In 1996 the Nobel Peace Prize was awarded to José Ramos-Horta and Bishop Carlos Belo for their efforts to gain freedom and independence for East Timor.
	Despite intimidation by supporters of integration with Indonesia, backed by Indonesian troops and police, there was a majority vote of over 78 per cent for independence.
	In 2001 the people of East Timor elected a parliament — the Constituent Assembly.
	Indonesia feared having a communist-dominated nation threatening its own security and stability, and invaded in December 1975 to impose order and control. The Australian government accepted the invasion.
	In 1859 the island was divided into two, with a 1916 adjustment so that Portuguese had the east half plus an enclave, the Dutch the rest.
	In 1998 President Soeharto (President since 1966) was replaced by President Habibie. In 1999 the Indonesian government announced that there would be a referendum on independence.
	Many East Timorese joined Falintil (the former army of Fretilin) and waged guerrilla war fought from the jungles against the occupying Indonesian troops. Large numbers of East Timorese villagers were 'resettled' to eliminate Fretilin's support base.
	In 1974 Portugal decided to abandon East Timor. This led to a civil war between rival local parties (the left-wing Fretilin, and the right-wing UDT) over who was to control the newly declared independent nation. The UDT asked Indonesia for help.
	In September 1975 Indonesian troops began infiltrating across the border. Five journalists (2 Australians, 2 British and 1 New Zealander) reported on the infiltration and were murdered by the Indonesians at Balibo. The Australian government did not intervene. Another Australian journalist was murdered in December in Dili in the same year.
	Portugal generally neglected the colony of East Timor in the nineteenth and twentieth centuries.
	In the 1500s Europeans came and established colonies. The Portuguese and the Dutch were the main colonial powers. They established trade (mostly sandalwood and coffee), took slaves, fought over territory, and introduced European building, customs and religions. Portugal claimed East Timor in 1520, and the Dutch claimed West Timor in the 1640s.
	In the 1980s Indonesia built roads, hospitals and schools, and imposed Bahasa Indonesia as the national language (replacing Portuguese), but many East Timorese still resisted and wanted independence.
	Not long before the Santa Cruz Dili massacre of 1991, Australia had signed the Timor Gap Treaty with Indonesia, guaranteeing that the countries would develop and share the rich oil and gas resources in the Timor Sea between Timor and Australia.
	In February 2000 InterFET completed its role and the United Nations (Peace-Keeping) UNTAET took over. The territory was administered by the United Nations for the next two years.

On 12 September 1999 the United Nations authorised a predominantly Australian force (International Force East Timor – InterFET) to go to East Timor to provide security against the militias and the Indonesian troops. The Indonesian troops withdrew in October.

In 2002 Timor-Leste was officially recognised as an independent state.

The first settlements in Timor date back at least 13,000 years.

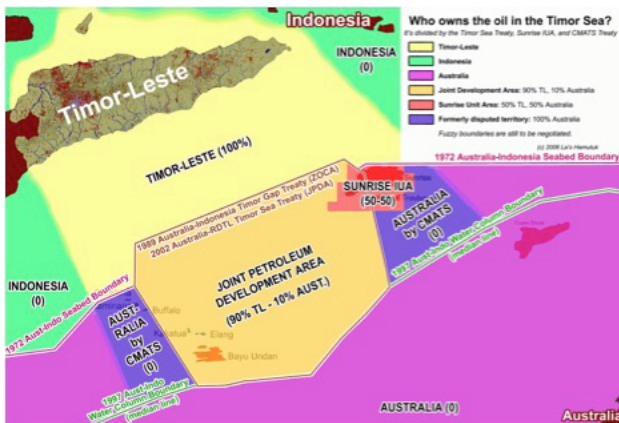
In 1942, during World War 2 Timor was invaded by the Japanese. Australian troops tried to defend the island and fought the Japanese for about 12 months, but were captured or forced to withdraw. The Australians were supported by many East Timorese people, though it became very dangerous to do so. Up to 60,000 East Timorese were killed by the Japanese.

In 1976 Indonesian President Soeharto proclaimed East Timor as the 27th Province of Indonesia. The Australian government was one of the very few nations, and the only western democracy, to accept the legitimacy of this claim.

F Understanding the border dispute.

The Australia / Timor-Leste / Indonesia border puzzle

Here is a map showing the complexity of the situation with the border between Australia and Timor-Leste.



<http://www.laohamutuk.org/Bulletin/2006/Apr/mapareas.gif>

It looks confusing, but you can understand the situation by looking at each bit separately.

Your task is to identify the different elements on the map, and mark them with the appropriate letter.

- The 'Timor Trough' is the point at which the sea drops sharply from the Australian continental shelf. This is the feature that Australia used to start to define its sea border with Indonesia. Mark it on the map.
- The 1972 seabed border created the legal border between Australia and Indonesia. Mark it on the map.
- When Australia and Indonesia were negotiating to define the sea border between them the Government of Portugal, which controlled Portuguese Timor, did not participate. Therefore the border between Portuguese Timor and Australia was not defined. This became known as the 'Timor Gap'. Mark it on the map.

D. Indonesia invaded and occupied East Timor in 1975. In 1989 Australia and Indonesia signed the Timor Gap Treaty to establish a Joint Petroleum Development Zone. The oil in this area would be jointly developed and claimed by the two nations. The fields were the relatively small ones at the left of the zone. This agreement covered some area in the 'Timor Gap'. Mark it on the map.

E. In 1997 Australia and Indonesia agreed on their Exclusive Economic Zones. This was based on the principle of equidistance. This agreement known as the 'Perth Treaty' was not ratified by Indonesia's Parliament. Mark it on the map.

F. In 1999 East Timor voted to separate from Indonesia, and in 2002 became an independent and sovereign nation. This meant that the Timor Gap Treaty affecting its territory and borders was now redundant. Two months before independence Australia had withdrawn from the United Nations Convention on the Law of the Sea dispute procedures that includes the International Court of Justice (ICJ), the International Tribunal on the Law of the Sea (ITLOS) and other arbitrations for the settlement of maritime boundary disputes. There was one provision that no state party to UNCLOS could withdraw from and that is the compulsory conciliation. Mark this on the map.

G. In 2002 Timor-Leste and Australia agreed to the Timor Sea Treaty to allow the Bay-Undan fields in the Timor Sea in some of the old Timor Gap area to be exploited and it is known as the Joint Petroleum Development Area or JPDA. It gave a 90/10 split for Timor-Leste and Australia respectively. The former split was 50/50 Australia and Indonesia. This left 80% of the potentially rich but undeveloped Greater Sunrise Field in Australian claimed waters, that Timor-Leste also had a claim to. Mark this on the map.

H. In 2006 Timor-Leste and Australia agreed to the Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS), covering the Greater Sunrise area that gave a 50/50 split to Timor-Leste and Australia, where Australia had previously claimed 80%. Part of the agreement also said that there would be no border negotiations for the next 50 years and another part said that it was without prejudice to each



DERARCA O'MAHONY AT LARIMI WELCOME, TIMOR-LESTE. PHOTO © DERARCA O'MAHONY

parties' right to maritime boundaries. The Timor-Leste Government discovered in 2012 that the Australian security (Intelligence) service had allegedly bugged its Prime Ministerial Office, and therefore knew what the Timor-Leste negotiating position would be during the proceedings to find an agreement. In 2013 Timor-Leste initiated an arbitration on this matter seeking to have CMATS declared void. Mark this on the map.

I. In 2016 Timor-Leste unilaterally initiated a Compulsory Conciliation between them and Australia through the provision in UNCLOS that no party could withdraw from, on the long running dispute on not settling maritime boundaries. The international Permanent Court of Arbitration is the Registry and the Commission is comprised of five commissioners, with each country choosing two and the four choosing the President.

Australia challenged the right of the Commission to exist on a number of grounds, the main one the 50 year moratorium provision. The Commission decided otherwise and as it is a compulsory procedure, Australia had to enter into *conciliation* — talking to find an agreement. The mechanism is a non-binding one. In January 2017 Australia and Timor-Leste announced that all legal cases would end, with the Compulsory Conciliation Commission continuing its work and that they would seek to try and settle

their boundary by the end of the Commission's term in September 2017. Mark this on the map.

So this summarises the historic development of the Timor-Leste / Australian border, and explains the legal dispute that exists.

» EXPLORING IDEAS AND ISSUES IN THE FILM

Watching the film

As you watch *Time to Draw the Line* answer these questions to make sure you understand the ideas and information being presented. Then, at the end, answer the series of 'big' questions that draw the idea

s, information and argument together.

The time code shows the approximate start and finish times for each of the segments.

It is useful to have completed the Quiz and the Timeline of Timor-Leste history before starting to watch the film.



00:00	1 There are two key ideas being presented in this segment. Explain what they are:
02:06	<ul style="list-style-type: none"> • Why Timor-Leste wants the boundary with Australia settled. • What is special or different about Australia's borders and the sea border with Timor-Leste. <p>The activity on setting borders will help you understand this part of the film.</p>
02:06	2 Australia already has sea borders with several other countries. Which countries?
03:42	3 The border with these countries are all based on the median line. Explain what a median line is. 4 Australia's sea border has only one break – at the Timor Gap. What is the Timor Gap? 5 Why is there a gap in the border there? <p>The activities on types of borders and the development of the borders between Timor-Leste and Australia will help you understand this part of the film.</p>
03:42	6 What are Timor Leste's standard of living for life expectancy, and for mortality, compared to Australia's?
04:34	
04:34	7 How will negotiation of a boundary between the two countries improve that?
09:28	What alternative exists if no agreement can be reached? 9 The phrase 'Never to, not for, but with' is used. What does it mean? 10 How can settling the border apply to this statement?
09:28	11 What was Australia's connection with Portuguese East Timor during the Second World War?
15:25	12 How did the local people help the Australian troops? 13 What happened to the helpers, the 'creados'? 14 How might that have imposed a 'debt of honour'? <p>The activity on the Australian experience in Portuguese Timor during 1942 will help you understand this part of the film.</p>
15:25	15 How did Australia come to claim the right to oil in the area between Australia and Timor Leste?
18:22	16 Why was there a 'Timor Gap' in the boundary between Australia and Indonesia after their negotiations in 1972? 17 The boundary was based on 'natural prolongation continental shelf principles'. What does that mean? 18 Why did it suit Australia to have this gap?
18:22	19 What did Indonesia do in 1975?
22:18	20 How did Australia respond? 21 What happened to the 5 Australian journalists covering the events and the 6th journalist two months later? 22 What happened in 1989 with the Timor Gap? 23 Who benefited from that agreement?
22:18	24 What happened with the 1999 referendum in East Timor?
30:20	25 How did the Indonesian-backed militias respond?



	26 How did Australia become involved in the aftermath of the referendum?
	27 Should Australia claim credit for bringing about security in East Timor in this period?
30:20	28 Australia made a deal with Timor Leste in 2002? What did the deal involve?
38:29	29 Was it a fair deal?
	30 Why would they do this?
	31 They made another deal in 2006. How did Australian spies allegedly influence the outcome?
	32 What did Australia do that made the 2006 deal harder to be challenged?
	33 What does it mean to say that these could not have been 'good faith negotiations'?
	34 What decision was imposed in that agreement about re-negotiating borders?
38:29	35 How do Australians generally feel towards Timor Leste?
50:00	36 How would Australians want our nation to treat the people of Timor-Leste?
	37 A reference is made to China and its claims to the South China Sea. In 2016 the Permanent Court of Arbitration made a decision that said among other things, that in essence China did not have any legal claim to various islands that it was developing and fortifying in the South China Sea. China stated through its Ministry of Foreign Affairs that it was not bound by the decision. Australia protested that China should abide by the arbitral panel's decision. How is Australia being hypocritical in protesting against China but doing the same thing with the court decision about the Timor-Leste border?
	38 Why is it important to Australia to have moral credibility in international matters?

An alternative point of view

Time to Draw the Line does not present any arguments to support or justify the Australian position on the issue of the border with Timor-Leste.

To make an informed and fair decision of your own about this issue you need to look at the Australian position.

You can find Australian government information on the issue at <http://dfat.gov.au/geo/timor-leste/Pages/australias-maritime-arrangements-with-timor-leste.aspx>

and its response to the judicial decision at

http://foreignminister.gov.au/releases/Pages/2016/jb_mr_160829c.aspx .

Look at the government's position as set out by Foreign Minister Julie Bishop in this article, and answer the questions that follow.

On Monday, Australia made its opening statement to the Conciliation Commission in a case initiated by Timor-Leste over maritime boundaries in the Timor Sea. As with all disagreements with respect to boundaries, emotions tend to run high with a lot at stake in terms of resources and national pride.

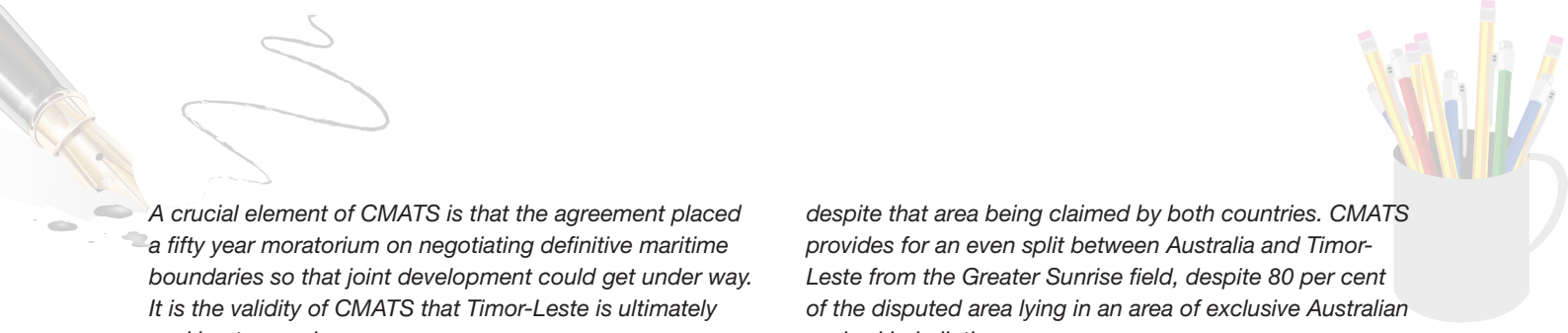
It is important to consider the merits of relevant arguments logically and not allow emotion to overwhelm the key principles in play: that of adherence to international law - including the UN Convention on the Law of the Sea (UNCLOS) - and fairness to all sides. Australia's position advances both these principles.

To understand why this is so, history and context is required.

In the years after Timor-Leste independence in 2002, and most recently in 2004, Australia and Timor-Leste sought to negotiate permanent maritime boundaries, but without success. As an alternative to an unproductive stalemate, both countries agreed on the Certain Maritime Arrangements in the Timor Sea (CMATS) to enable joint development of seabed resources, in particular the Greater Sunrise field.



SCHOOL CHILDREN AND TEACHER. PHOTO: TROY ARNOTT



A crucial element of CMATS is that the agreement placed a fifty year moratorium on negotiating definitive maritime boundaries so that joint development could get under way. It is the validity of CMATS that Timor-Leste is ultimately seeking to annul.

There are several things to note about Australia's determination to preserve existing treaties with Timor-Leste.

First, UNCLOS explicitly encourages countries to negotiate such agreements in coming to a practical resolution that benefits both sides as Timor-Leste and Australia have done. We set aside our sovereignty claims in favour of joint resource development. It is a practical way of working together to overcome difficult disputes.

Indeed, the arrangements between Timor-Leste and Australia are widely cited as international best practice in this context. CMATS represents a legally binding agreement which both sides have adhered to since it was signed in 2006. The point is that Australia takes its treaty obligations seriously and wanting to abide by these agreements is a firm expression of respect and regard for international law.

The second issue is that of fairness. Under current arrangements, Timor-Leste receives 90 per cent of the revenues from the Joint Petroleum Development Area (JPDA)

despite that area being claimed by both countries. CMATS provides for an even split between Australia and Timor-Leste from the Greater Sunrise field, despite 80 per cent of the disputed area lying in an area of exclusive Australian seabed jurisdiction.

Australia made these concessions due to the enormous challenges faced by not just the newest country in the world when it achieved independence in 2002 but also the poorest nation in Asia on a per capita basis.

It was Timor-Leste that initially proposed the solution embodied by CMATS, including the moratorium on maritime boundary negotiations - and it was sound reasoning. The necessary large-scale investment by petroleum firms would not have occurred without the stability guaranteed by the treaties.

Since then, Timor-Leste has made admirable gains in poverty reduction. It has done so largely on the back of oil and gas profits which account for about 95 per cent of government revenue. The profits from JPDA have allowed Timor-Leste to accumulate a Petroleum Fund in excess of \$16 billion which is more than eight times its annual GDP according to World Bank figures.

Not surprisingly, Dili has until recently been a strong supporter of the Timor Sea treaties.

CAREY BAPTIST GRAMMAR SCHOOL VISIT, MACALACO PRIMARY SCHOOL WELCOME CEREMONY, TIMOR-LESTE. PHOTO: TROY ARNOTT





Australia is participating in two arbitrations initiated by Timor-Leste and will abide by the decisions of the arbitrators – just as we have called on the Philippines and China to do the same in the South China Sea. We are also participating in the current non-binding conciliation process in good faith, and in full accordance with our legal obligations. ***** Timor-Leste wrote to the respective arbitral panels on the 20th January 2017 withdrawing the cases as the last measure in confidence building between Timor-Leste and Australia under the auspice of the Compulsory Conciliation Commission. ***** Timor-Leste had also earlier that month announced with the cooperation of Australia that it would terminate CMATS, as either party had the right to do, if no development approvals were in place in the Greater Sunrise area six years after it came into force.*****

We are convinced that current arrangements are the best way to manage resources in the Timor Sea well into the future. It will offer petroleum firms the certainty they need to invest further and maximise revenues for both countries.

We are also committed to our relationship with Timor-Leste despite differences that friends occasionally have. It is why we have a \$93.7 million overseas development assistance program with Timor-Leste.

Australia will have the opportunity to set out the facts and put our case to the Commission. In the period ahead, we are confident both countries can overcome their differences in the Timor Sea in a manner that is fair to the interests of both countries and in accordance with our obligations under international law.

http://foreignminister.gov.au/articles/Pages/2016/jb_ar_160830.aspx

1. What does the minister say was the reason for having CMATS?
2. How does she justify the 50-year ban on discussing borders contained in it?
3. How does she argue that CMATS is 'international best practice'?
4. How does she argue that CMATS is fair?
5. How does she argue that Timor-Leste gained from the arrangement?
6. How does she argue that Australia is behaving appropriately under international law in its negotiations on the issue with Timor-Leste?

7. The minister says that Australia is behaving 'in a manner that is fair to the interests of both countries and in accordance with our obligations under international law.' Do you agree?
8. How might a Timor-Leste official respond to the Australian arguments?

Another issue about the proposed use of the median boundary principle has been raised by some commentators. Read this extract from an article and answer the question that follows.

More recently, an American lawyer (sympathetic to the Timor position) has produced some beautiful Google Earth maps analysing possible borders, one of which puts 70% of Sunrise in Timor-Leste's territory.



<https://viewfrom12.files.wordpress.com/2014/03/map-explosion.png>

But it depends on just where you start your eastern border. The critical point where this hypothetical border meets the Sunrise field is actually closer to Indonesia than to Timor, *****not so regarding the laterals.....while the existing JPDA edge is about equidistant, as you would expect it to be.

Here is the dilemma: this border depends on East Timorese and Indonesian territory, not Australian. If you want to draw this border with a view to getting Sunrise into Timor's territory, you will surely open up the issue of Indonesia's border. ***** not north and south of the 1972 Seabed Boundary Agreement*****It is certainly true that Sunrise is closer to Timor than it is to Australia, but it is closer to Indonesia than it is to Timor.*** see above..... Indonesia could well claim that the 1972 border was drawn under duress, at a time when Australia was strong and Indonesia was weak, and that it should be redrawn to reflect current UNCLOS norms. If that were to happen, it seems unlikely Indonesia would be ready to give 50% of Sunrise revenue to Timor.

9 If you were a Timor-Leste official would you continue to fight for full control of the Greater Sunrise field based on your interpretation of the median line, or would you risk arguing against an Indonesian claim based on another interpretation of the median line? Explain your reasons.





Bringing it together

1. Does Australia owe a duty to Timor-Leste because of its World War 2 history, 75 years ago? Explain your reasons.
2. Shirley Shackleton, the wife of Greg Shackleton who was one of the five Australian news crew murdered during the Indonesian invasion of East Timor in 1975, says that the issue is not clear cut. She says:

I would suggest that given Japanese pre-war activities in Timor and the region, any nation facing the very real threat of an invasion of their homelands would have invaded Portuguese Timor to hold off such an event, but even that is a misnomer. Because there was no armed resistance when our commandos landed in Dili, the appearance of the Australian force was, and is, regarded as a technical invasion only.

<http://www.smh.com.au/federal-politics/political-opinion/criticism-of-australias-actions-in-wwii-timor-not-so-clear-cut-20100420-sr5a.html>

Do you agree?

Does this change your answer above? Give reasons.

3. Does Australia owe a duty to be a good international citizen to its poorest neighbor, and to help it become stable and prosperous?
4. Does it owe a duty if in carrying out that duty the nation will lose a valuable source of revenue?
5. Australia was the only nation to accept the Indonesian takeover of East Timor in 1975. It did this because Indonesia is a powerful nation that could threaten the security of Australia. **** it did it based on a bifurcated policy approach that it believed an independent East Timor was not economically viable and that it was better to negotiate with Indonesia on matters of the Timor Sea resources. All publicly available sources....*****Was Australia justified in supporting an unjust invasion, and the subsequent border agreements that it made with Indonesia?
6. Do Australian people know and care about this issue? Is it something that would determine how people vote at an election?
7. Is it acceptable to have different criteria to set the sea borders with other countries?



8. What do you think should happen with the Timor-Leste border with Australia?



Is Time to Draw the Line an effective documentary?

A documentary film uses a variety of elements and strategies to have an impact.

1. Consider the way the following elements are used in *Time to Draw a Line*. Summarise your ideas in the Comments column.

Aspect	Comments
Structure of the film	
Narration and script	
Music	
Interviews with experts (See list on the next page)	
Use of the 'ghostly political figures'	
Use of historic footage and photographs	
Editing	
Lighting	
Sound	
Cinematography	
Any other features that you notice	



Interviewees in order of first appearance:

- Sister Susan Connelly Human Rights & Refugee Advocate
- Steve Bracks Former Premier of Victoria Pro bono adviser Timor-Leste Government
- John Dowd President International Commission of Jurists Australia
- Samantha Ratnam Mayor, Moreland Municipal Council
- Chris Perrin Former CEO, RSL NSW
- Lindy Yeates Artist and teacher
- Kim McGrath PhD candidate Monash University Adviser to the Timor-Leste Government)
- HE Xanana Gusmao Chief Negotiator for Maritime Boundaries, Democratic Republic of Timor-Leste
- Tom Clarke Timor Sea Justice Campaign
- Chip Henriss Former Australian Army major INTERFET East Timor
- Kirsty Sword Gusmao Chair, Alola Foundation Goodwill Ambassador for Education, Democratic Republic of Timor-Leste)
- Darcy Byrne Mayor, Former Leichhardt Council
- Derarca O'Mahony National Convenor Australia Timor-Leste Friendship Network)
- Maddy Miller Former student, Radford College
- Fr Richard Browning Chaplain, Radford College Canberra



- Bronte Arnott Student, Carey Baptist Grammar School
- Fransedes Suni Student
- Paddy Kenneally WWII veteran, Timor campaign
- Helen Kenneally Daughter of Paddy Kenneally
- Bishop Hilton Deakin Former Auxiliary Bishop of Melbourne
- John Madigan Former Senator
- Robert Connolly Director "Balibo"
- Tracey Carpenter Friends of Laclubar, Bathurst
- Tim Read(Subtitle Tread Sculptures
- Nick Xenophon Federal Senator
- Tamara Sloper-Harding Former INTERFET officer
- Dr David Sheen Timor Leste Dental Program, Rotary Australia World Community Service
- Shen Narayanasamy Human Rights Campaign Co-Director, GetUp
- Denis Fernandez National President Australia Timor-Leste Business Council



our ancestors
taught us not to
take what is
not ours



Left, from top: Map: Median Line, Maritime Boundary Office, DRTL; Radford College students running with their Timorese student hosts in Dare, Timor-Leste, 2009 (Photo © Radford College); Three Timorese girls giggling, Radford College visit, 2011 (Photo: Margie Brown, Radford College student)

2. Do you think Time to Draw the Line is an effective documentary? Explain your views.

Look at this description of different types or styles of documentary from academic Bill Nichols in Introduction to Documentary:

Poetic Documentaries

First seen in the 1920s, Poetic Documentaries are very much what they sound like. They focus on experiences, images and showing the audience the world through a different set of eyes. Abstract and loose with narrative, the poetic sub-genre can be very unconventional and experimental in form and content. The ultimate goal is to create a *feeling* rather than a *truth*.

Artwork: *Ba geraun oin mai (Our Ancestors Taught Us Not To Take What Is Not Ours)*. Artist: Tony Amaral

Expository Documentaries

Expository Documentaries are probably closest to what most people consider “documentaries.” A sharp contrast to poetic, expository documentaries aim to inform and/or persuade — often through omnipresent “Voice of God” narration over footage devoid of ambiguous or poetic rhetoric.

Observational Documentaries

Observational Documentaries are exactly what they sound like — they aim to simply observe the world around them. Originating in the 1960s with the advances in portable film equipment, the *cinéma vérité* style is much less pointed than the Expository. The style attempts to give voice to all sides of an issue by giving audiences first hand access to some of the subject’s most important (and often private) moments.

Participatory Documentaries

Participatory Documentaries, while having elements of Observational and Expository, include the filmmaker within the narrative. This could be as minor as the filmmaker’s voice being heard behind the camera, prodding subjects with questions or cues — all the way to the filmmaker directly influencing the major actions of the narrative.

Reflexive Documentaries

Reflexive Documentaries are similar to Participatory in that they often include the filmmaker within the film — however, unlike Participatory, they make no attempts to explore an

outside subject. Rather, they focus solely on themselves and the act of them making the film.

Performative Documentaries

Performative Documentaries are an experimental combination of styles used to stress subject experience and share an emotional response to the world. They often connect personal accounts or experience juxtaposed with larger political or historical issues. This has sometimes been called the “Michael Moore” style, as he often uses his own personal stories as a way to construct social truths (without having to argue the validity of their experiences).

<https://www.premiumbeat.com/blog/6-types-of-documentary-film/>

3. Which one best fits *Time to Draw the Line*?
4. The title of the film, *Time to Draw the Line*, has several meanings. Explain what they are.
5. Do you think it is a good title? Why?
6. If you had to give it an alternative title, what would it be?
7. *Time to Draw the Line* is a completely one-sided approach to the issue. It does not interview or even give the point of view of anyone associated with the Australian government’s view. Does this matter? Explain your reasons.



TAMARA SLOPER-HARDING, INTERFET,
TIMOR-LESTE, 1999.
PHOTOGRAPHER UNKNOWN.



ADDITIONAL INFORMATION

Plain facts about Australia & East Timor's Maritime Boundary

www.etan.org/issues/tsea/plainfact.htm

Timor-Leste Maritime Boundary Office

www.gfm.tl

Timor Sea Justice Campaign

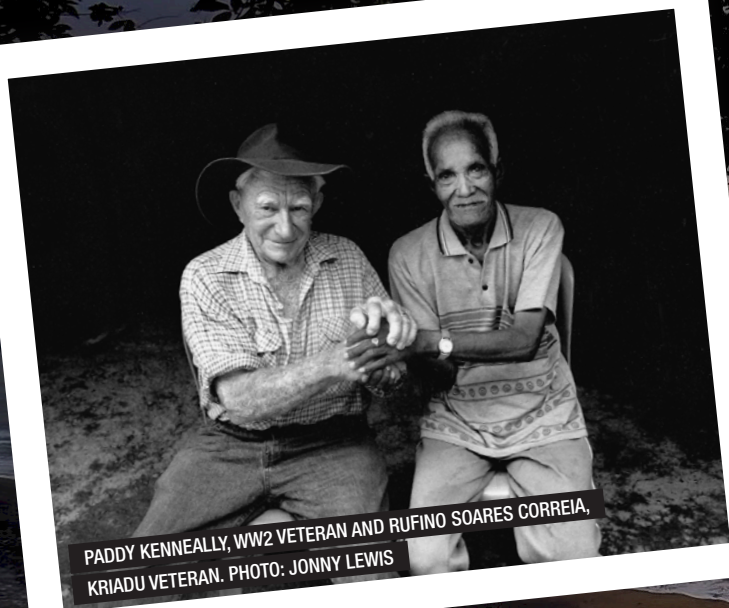
www.timorseajustice.com/TSJC/introduction

Quiz answers

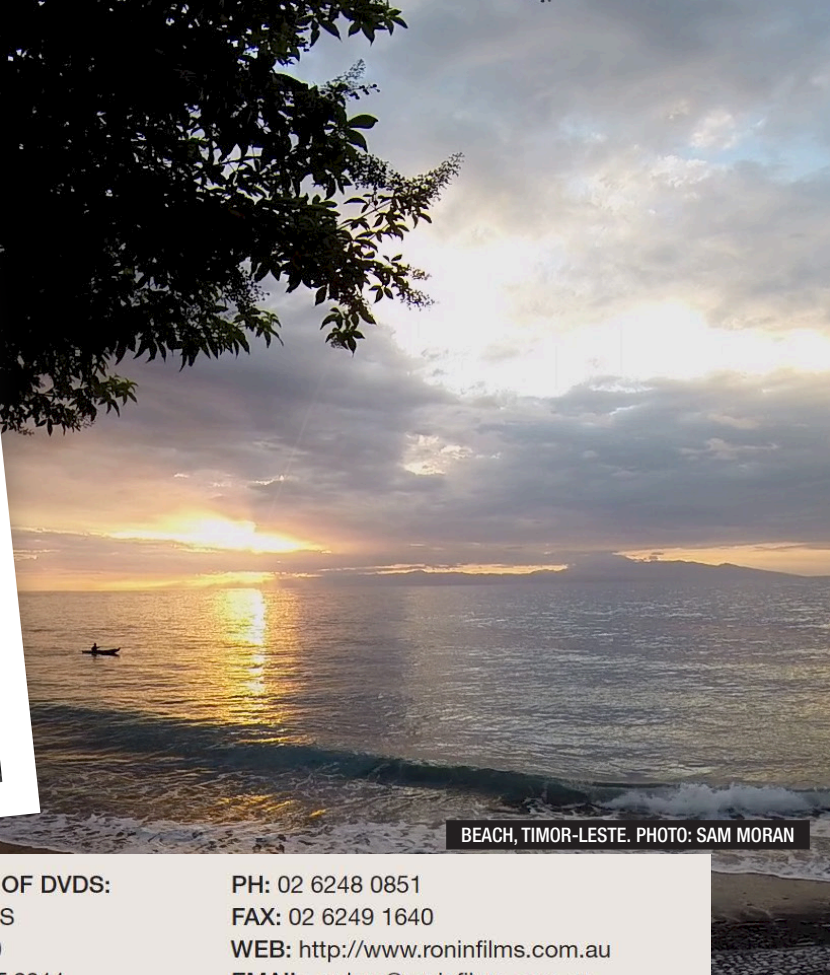
1



2	In what year did East Timor become a nation?	2002
3	What is the approximate population of Timor-Leste?	1 200 000
4	What is the main religion?	Catholic
5	What is the main language spoken? (Note: There are two official languages.)	Tetum (indigenous) Portuguese
6	In what year was it invaded and annexed by Indonesia?	1975
7	Which colonial power took control of it in 1700s?	Portugal
8	How many times would it fit into Tasmania in area?	4.5
9	Approximately how many Timorese died during the Second World War following its invasion by Japan from a population of about 480 000?	40 -70 000
10	How many democratic countries other than Australia recognised Indonesian invasion and annexation of East Timor?	0
11	When did Australian troops go as part of InterFET?	1999
12	With what country does it share a land border?	Indonesia
13	With which two of these countries does it share a sea border?	Australia Indonesia
14	How far is it from Australia (Dili — Darwin)?	686 km
15	What is Timor-Leste's ranking in the world development index, which measures a nation's health, education standards, wealth and social security, out of 188 countries? (Note: Australia is ranked 2 nd .)	133
15	Ranking in world development index (Aust = 2) out of 179 (?)	133
16	Approximately how many East Timorese died during its fight against Indonesian control? Note: estimates vary widely. This is a commonly used figure.	150 000



PADDY KENNEALLY, WW2 VETERAN AND RUFINO SOARES CORREIA, KRIADU VETERAN. PHOTO: JONNY LEWIS



BEACH, TIMOR-LESTE. PHOTO: SAM MORAN



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The *Time to Draw the Line* DVD includes the short animated documentary *Jose's Story* as an extra. *Jose's Story* tells a powerful Timorese story of hope, resilience and survival amidst the brutal fight to free Timor-Leste – from a Timorese point of view. It acts as an introduction to the longer documentary *Time to Draw the Line*, which through a wealth of interviews and archival footage unravels this contemporary David-and-Goliath story, told largely by a range of Australians of diverse backgrounds.

Cover image: Dili artist Alfeo Pereira stencil painting in Dili, Timor-Leste. Photo: Sula Sendagire



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