



# General Assembly

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## Special Committee on the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples

### Summary record of the sixth meeting

Held at Headquarters, New York, on Wednesday, 5 July 2000, at 3.00 p.m.

*Chairman:* Mr. Tanoh-Boutchoûé ..... (Ivory Coast)

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*The meeting was called to order at 3.20 p.m.*

### **Adoption of the agenda**

1. *The agenda was adopted.*

### **Question of Western Sahara (A/AC.109/2000/7)**

2. *At the invitation of the Chairman, Mr. Boukhari (Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO)) took place at the petitioners' table.*

3. **Mr. Boukhari** (Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO)) recalled that in 1975 Spain, the administering Power of Western Sahara, instead of fulfilling the commitment it had made to the United Nations to conclude the decolonization process in an appropriate manner, had turned the territory over to Morocco and Mauritania, which had invaded it and forcefully occupied it against international law. Morocco was currently perpetuating that situation. The people of the territory had never accepted that colonial fait accompli and had resisted, defending their right to self-determination in accordance with United Nations resolutions. After 16 years of war between the Frente POLISARIO and Morocco, the United Nations had taken the initiative to speed up decolonization. To that end, a settlement plan had been drawn up in 1988 by the United Nations and the Organization of African Unity (OAU). It had been accepted by both parties and endorsed by the Security Council in resolutions 658 (1990) and 690 (1991). The objective of the plan had been to allow the Sahrawi people to exercise its inalienable right to self-determination through a referendum organized and supervised by the United Nations in cooperation with OUA.

4. However, the occupying Power, Morocco, had failed to cooperate frankly with the United Nations and the referendum had been postponed year after year. In late 1991, the Secretary-General had unilaterally amended the plan in response to Morocco's demand to change the voter identification criteria. By that change Morocco had aimed at a confirmation of the occupation of the territory on the basis of fraudulently compiled voter registers. Although the Frente POLISARIO had eventually accepted the new criteria, the process had been stalled in 1996, raising the likelihood of

resumption of the armed conflict. Nevertheless, the Frente POLISARIO had decided to rely on the United Nations to break the impasse.

5. In 1997, prospects for implementation of the settlement plan had been revived through the efforts of the new Secretary-General of the United Nations, Mr. Annan, and his Personal Envoy, Mr. James Baker, and the Frente POLISARIO had made concessions to that end. That had led to the Houston Accords, which had provided a definitive solution to the problem of voter registers, a key to the credibility of the referendum. But when subsequently 180,000 Moroccan citizens who had never set foot in Western Sahara had been proposed as voters, it had become clear that, in accepting the referendum, Morocco had hoped to get the United Nations to legitimize a fraud.

6. In January 2000, the United Nations had completed voter identification, removing the main obstacle invoked by Morocco in delaying the referendum in 1992. There had therefore been no reason why the referendum could not be held by mid-2001. Realizing, however, that the voter registers would not fit its calculations and plans for a surreptitious legitimization of occupation, Morocco had again hindered the referendum process, that time by bringing tens of thousands of appeals and thereby setting out conditions incompatible with the Houston Accords and the other related agreements negotiated by the United Nations in May 1999.

7. The devious course that some power centres tried to impose on the United Nations in connivance with the occupying Power pointed to an attempt to force the international community to replace the peace plan with a "third way" based on the false assumption that the Sahrawi people had renounced its right to independence and accepted that Western Sahara should become Moroccan territory. That preposterous scheme, whose authors could be counted on one hand, meant that the issue of the decolonization of Western Sahara should not be resolved on the basis of the right to self-determination according to United Nations principles. In order to justify that new course, which was indefensible and offensive to the dignity and the rights of the Sahrawi people, surprising reports of the Secretary-General of the United Nations to the Security Council had appeared in December 1999 and in February and May 2000. Those reports had focused on

the idea that, in view of the numerous appeals brought by Morocco, the referendum could not be held in less than three years and that, in any case, Morocco could not be compelled to accept its outcome.

8. The Frente POLISARIO believed that, if the United Nations upheld its commitment to a referendum, the appeals issue could be resolved. Technically, those appeals could be processed within seven months. The lack of settlement plan provisions ensuring the compliance of any recalcitrant party with the outcome of the referendum should not be portrayed as an insuperable difficulty. In fact, the United Nations Charter authorized the Security Council to take necessary measures in order to ensure implementation of any outcome of a United Nations operation carried out under the Council's authority with a view to safeguarding international peace and security. Under such circumstances, the Council could rely on Chapter VII of the Charter.

9. The meeting between the Frente POLISARIO and Morocco held in June 2000 in London under the auspices of the Secretary-General's Personal Envoy had confirmed that the afore-mentioned devious course had been deliberate. The extensive press campaign encouraged by Morocco to highlight the advantages of the so-called "third way" had created confusion over the attitude of the United Nations and the Frente POLISARIO. The Frente POLISARIO's position had been formulated clearly in a memorandum that had been transmitted at that time to Mr. Baker and a copy of which would be supplied to the Committee. That position was as follows: the question of Western Sahara was a decolonization issue falling within the scope of General Assembly resolution 1514 (XV). A number of General Assembly and OAU resolutions and the International Court of Justice advisory opinion of 16 October 1975 had confirmed that the Sahrawi people were entitled to self-determination and independence and should exercise that right through a fair and free referendum. The Security Council could decide to withdraw the United Nations Mission for the Referendum in Western Sahara (MINURSO), an instrument for implementing the settlement plan drawn up by the General Assembly, but had no legal authority to alter the nature of the issue, which constituted a decolonization problem that would persist until such time as the Sahrawi people exercised its right to self-determination. Significant progress had been made in implementing the settlement plan, and in particular the

key stage of voter identification had been completed. As a result there were more reasons to advance rather than to regress. Any problems impeding a speedy conclusion of the process could be resolved through appropriate United Nations action. Accordingly, the Frente POLISARIO reaffirmed its support for the settlement plan and rejected any approach other than its strict implementation.

10. The settlement plan provided a unique opportunity for resolving the Western Sahara conflict fairly and definitively. Since United Nations had already devoted 11 years of continuous effort and spent more than US\$600 million to that end, the Organization's credibility was at stake in that issue. There was still time to put the settlement plan back. The United Nations should ensure that efforts were made to have the plan implemented.

11. *Mr. Boukhari withdrew.*

12. **The Chairman** said he took it that the Committee decided that the consideration of the agenda item had been completed and that the relevant documents should be transmitted to the General Assembly in order to facilitate the consideration of the question by the Fourth Committee.

13. *It was so decided.*

#### **Question of East Timor (A/AC.109/2000/12)**

14. **Mr. Santana** (Observer for Portugal), noting that that Committee meetings during the 24-year long illegal occupation of East Timor's by Indonesia had boosted support for self-determination and drawn attention to the human rights violations and suffering experienced by the population, thanked the petitioners who in that period had helped to raise the international community's awareness of the difficult situation of the East Timorese, thereby decisively contributing to achieving a political solution to the question.

15. Although prevented by the territory's illegal occupation in 1975 from fulfilling its responsibilities as administering Power of East Timor, Portugal, persuaded that only a political solution reflecting legitimate East Timorese aspirations could end that long-lasting problem, had continuously cooperated with the Committee and participated in the negotiations sponsored by the United Nations. Portugal's position had steadily been based on the right of the East Timorese to self-determination, in line with

international law and various United Nations resolutions condemning the territory's illegal occupation.

16. In January 1999, ex-President Habibie had announced a radical change in Indonesian policy on East Timor, acknowledging that the people should be consulted with regard to the territory's future. East Timor's integration into Indonesia had thereby ceased to be unavoidable. Negotiations sponsored by the United Nations had advanced speedily and an agreement had been signed in New York on 5 May 1999, under which Portugal and Indonesia had accepted the organization of a referendum that would allow the people of East Timor to choose between special autonomy within the Republic of Indonesia and transition to independence under United Nations supervision.

17. The United Nations Mission in East Timor (UNAMET), established in June 1999 and deployed in the territory soon thereafter, had carried out its task with remarkable even-handedness and professionalism. Although the voting had taken place amidst tension, violence and intimidation caused by pro-integration militia supported by sections of the Indonesian armed forces, 98 per cent of registered voters had participated in the referendum, whose outcome had been clear, since approximately 80 per cent had opted for independence.

18. In view of, on one hand, the chaos and violence unleashed in reprisal for the pro-independence vote and, on the other, the related displacement of thousands of persons to Western Timor, the Government of Indonesia, apparently overwhelmed, had given in to international pressure and accepted the provision of assistance. Accordingly, by its resolution 1264 (1999), the Security Council had established the International Force in East Timor (INTERFET), which, led by Australia, had rapidly restored the security conditions necessary for the United Nations to continue to fulfil its role in the territory. By resolution 1272 (1999), the Security Council had established the United Nations Transitional Administration in East Timor (UNTAET) to administer the territory during the period of transition to independence.

19. Although the work accomplished by UNTAET under the competent leadership of Mr. Vieira de Mello, Special Representative of the Secretary-General for East Timor, had been largely successful (peace had

been kept and the humanitarian situation had significantly improved), the arduous task of rebuilding the infrastructure, revitalizing the economy and setting up appropriate political and social institutions for a modern democratic state still lay ahead.

20. To that end, the United Nations should reinforce its activities in East Timor, speeding up procedures to actively address the population's needs and aspirations through capacity building. Moreover, international donors should continue to disburse the financial contributions promised to UNTAET, the World Bank and other agencies of the United Nations system. In that connection, Portugal welcomed the outcome of the donors' meeting held in Lisbon in June 2000, namely, confirmation of the participants' resolve to contribute to the success of the process and their agreement on the need for strengthened coordination with the United Nations system, particularly through closer contacts and information exchange on the implementation of programmes. In addition to supporting the pursuit of a political solution, Portugal had made financial contributions to reconstruction through multilateral and bilateral arrangements (US\$52 million per year since 1999, over and above funds earmarked for military and security operations of UNTAET).

21. Portugal supported the idea - set forth during the discussions held by Mr. Vieira de Mello and Mr. Xanana Gusmão - that the East Timorese, who were currently represented only in the National Consultative Council (NCC), should participate more extensively in the executive branch and in public administration, since involvement of the people in the reconstruction and rehabilitation processes would allow the gradual transfer of responsibilities from UNTAET to the East Timorese to proceed smoothly.

22. Another priority was to set objectives conducive to the creation of a State based on the rule of law and on respect for human rights. That involved building all systems (related to education, health, justice, defence and security) that were necessary for adequate government; formulating a sustainable development strategy that would ensure economic stability and fiscal balance; speeding up the internal political process (reconciliation, creation of political parties and organization of free and fair elections); and establishing secure and well protected borders. UNTAET, the East Timorese and the international community should cooperate in all areas. Border security depended largely on Indonesia, and lingering

instability would disappear only if the militia were compelled to renounce violence and withdraw from East Timor.

23. A solution to the refugee problem and the prosecution of the perpetrators of atrocities committed in the preceding year were prerequisites for national reconciliation and necessitated Indonesia's cooperation. Portugal encouraged the efforts made by UNTAET, East Timor leaders and Jakarta in that area.

24. At the right time, the interested parties should set a date for elections and independence. There should be a compromise between the time required to achieve the necessary conditions of self-governance for the new State and the need not to prolong the role of the United Nations as the entity responsible for the territory's administration.

25. The Committee had contributed significantly to raising the international community's awareness of East Timor's right to self-determination. The East Timorese, the petitioners and various national representatives had also played an important role in that area. In the current ultimate stage, which should soon lead to independence, the international community must help to guarantee the success of the transition. Portugal would continue to support East Timor's efforts towards self-government in line with United Nations objectives.

26. *At the invitation of the Chairman, Mr. Scheiner (International Federation for East Timor) took place at the petitioners' table.*

27. **Mr. Scheiner** (International Federation for East Timor) said that in 1999 the Federation had sent to East Timor an international team, accredited by UNAMET, to monitor the election process. On the day of voting, Federation observers had been in every electoral precinct and watched 135 out of the 200 polling stations. The violence that had erupted in the aftermath of the pro-independence outcome could have been avoided, if the United Nations had heeded the Federation's advice and East Timorese warnings against assigning security to the Indonesian army, which had oppressed the population for 25 years. Although in October 1999 the Federation had requested the Fourth Committee to ensure that the United Nations would never again make the mistake of disregarding East Timorese views, such disregard was actually being institutionalized as a permanent feature of United Nations operations in East Timor.

28. Mr. Vieira de Mello's announcement to the Security Council about plans to assign a greater number of East Timorese to political and technical posts in UNTAET was welcome. In the past eight months, the population had mostly been confronted with international technocrats lacking relevant training and experience, ignorant about the territory, oblivious to the population's needs and loath to modify their preconceived notions, a situation compounded by the impression that East Timor was a relatively unattractive duty station.

29. The Federation and local governmental organizations (NGOs) had launched a project entitled "La'o Hamutuk" ("Walking together" in Tetum) with a view to strengthening relations between international organizations and the Timorese people, encouraging the participation of Timorese in the nation-building process, promoting democracy and transparency in the development process and improving communication between the East Timorese society and the international organizations assisting it. Another objective of those organizations was to urge the United Nations to incorporate members of the Armed Forces for the National Liberation of East Timor (FALINTIL) into the East Timor security and police forces in acknowledgement of those fighter's heroic abnegation during decades of colonization and of their restraint, which in 1999 had allowed UNAMET and INTERFET - and was currently allowing UNTAET - to act without coming between two fires. The Federation welcomed the assignment, by UNTAET, of humanitarian assistance responsibilities to FALINTIL.

30. More than 100,000 East Timorese refugees lived at the mercy of militia supportive of the status quo under Indonesian occupation, in Western Timor camps where the refugees had been compelled to move by the invaders. The view that the refugee situation constituted an internal problem was untenable, since - under international law - East Timor residents could not be regarded as Indonesian citizens. By allowing Indonesia to exercise sovereignty over a people subjugated by that country in a territory illegally occupied for 24 years, the United Nations was committing yet another fundamental error. The energetic statements made a week earlier to the Security Council by Mr. Holbrooke, Mr. Vieira de Mello and other officers were welcome but words were not enough. The international community and the Government of Indonesia should take decisive

measures to allow East Timorese to return to their place of origin, as the majority among them wished to do.

31. Prosecuting the perpetrators of crimes committed against the people of East Timor would help to resolve the refugee problem. The Federation and other organizations had delivered a letter to the Secretary-General urging him to recommend to the Security Council to take steps to establish an international tribunal for East Timor, as the only appropriate remedy for the serious human rights violations and the breach of international humanitarian law that had taken place in East Timor. Indonesia had failed to prosecute the perpetrators and to comply with the Security Council recommendation to institute, to that effect, rapid, broad and transparent proceedings in line with international legal standards and procedural guarantees. The Committee, the General Assembly and the entire international community should promote the establishment of an international tribunal because, until prosecuted for the crimes committed in East Timor, the Indonesian armed forces, civil servants and militia leaders who had been responsible would continue to perpetrate or allow crimes against the East Timorese in Western Timor. Moreover, without such legal measures, full reconciliation between pro-integration and pro-independence East Timorese would be impossible. Furthermore, a firm stance adopted by the international community would help the Government of Indonesia to assert its authority over some Indonesian military personnel who had treated Aceh, Papua and Maluku people in the same way as the East Timorese.

32. The United Nations, particularly the Member States sitting on the Security Council, shared the blame for complicity and inaction, up to the previous year, regarding the crimes committed in East Timor between 1975 and 1999. The Federation urged the all Governments to support the creation of an international tribunal and to provide East Timor with financial compensation to help the population to recover from 24 years of a brutal occupation that had culminated in a fortnight of systematic destruction.

33. On 4 July, the United States independence day, the East Timorese had held a peaceful demonstration across from that country's mission in Dili, asking for an objective assessment of historical facts and for Washington's apologies for its complicity in the deaths, suffering and destruction caused during the Indonesian

invasion and occupation. The Federation reiterated that request, extending it to those Member States that, as major powers, had until 1999 failed to take action to enable the East Timorese people to determine its own political future. The Federation thanked the Committee for having worked for years on the question of East Timor; and hoped that there would be no further need to hear petitions and that the Committee would use the current opportunity to bring its influence to bear on the problems described.

34. In view of the failure of United Nations action in East Timor for decades, the current period of transition offered the Organization a chance to redeem itself. That opportunity, however, was being squandered for lack of sensitivity and resolve to promote democracy, transparency and responsibility. The reputation of the United Nations and the future of East Timor depended on overcoming those problems.

35. *Mr. Scheiner withdrew.*

36. *At the invitation of the Chairman, Brother Harding - Mr. Ignacio Harding (Catholic Institute for International Relations) took place at the petitioners' table.*

37. **Mr. Ignacio Harding** (Catholic Institute for International Relations), after reviewing rights-related developments in East Timor in the past year (vote for self-determination, United Nations supervision of the process of transition to independence, and violence caused by elements supporting annexation), praised the East Timorese for their courage and tenacity during the 24 years preceding the referendum and the parties to the conflict for their willingness to negotiate. In view of the difficulties that the new stage entailed, it was crucial that the international community should continue to support East Timor.

38. In the donors' meeting recently held in Lisbon, the East Timorese and NGOs had requested that UNTAET should implement a consistent strategy, in whose formulation the Timorese people should be involved and which should ensure a transition without lapses in development assistance.

39. Special attention must be paid to the aspirations of East Timorese women in order to compensate for the oppression that they had endured during the colonial period and for gender discrimination within their own society. When violence had broken out in September 1999, women had contributed to social cohesion,

spearheaded community-based organization and documented human rights violations.

40. During the First Congress of Women of Timor, held on 14-17 June 2000, approximately 700 women had drawn up a platform for action, partly based on the Peking Platform for Action and aimed at enhancing gender equality; and - reaffirming the principles enshrined in the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child - had called upon East Timor to become a party to those instruments upon achieving independence.

41. In particular, East Timorese women wanted UNTAET and the transitional Government to allocate adequate resources to the advancement of women. They also pleaded for the creation of an international tribunal to prosecute war criminals and for new legislation protecting women who testified about rapes and other sexual offences.

42. Generally speaking, women were concerned over the culture of violence prevailing in East Timor and rooted in the lack of protection within the family. The Government and the community should support and assist such vulnerable groups as widows, orphans, disabled persons, victims of violence and the elderly.

43. In their platform for action, East Timorese had called for a society characterized by democracy, independence, critical debate, equity and the existence of representative bodies where they could voice their views; and for a rights-based Constitution that would serve as a framework for strengthening the indigenous culture and ensuring the participation of both sexes in building an equitable society.

44. UNTAET, the National Council of East Timorese Resistance (CNRT) and other political bodies in East Timor should promote gender mainstreaming, listen to East Timor women, help them to have access to financial and other resources, and respond to their needs in a flexible manner.

45. *Mr. Brother Harding - Mr. Ignacio Harding withdrew.*

46. *At the invitation of the Chairman, Mr. Fitzgerald (Commission for the Rights of the Maubere People) took place at the petitioners' table.*

47. **Mr. Fitzgerald** (Commission for the Rights of the Maubere People) said that during the transition period the United Nations should create the minimum conditions necessary for enabling the Timorese to build a sustainable nation. UNTAET should operate flexibly and within short time limits in line with the population's wishes and needs. As they moved towards independence, the East Timorese faced major hurdles and relied on the international community's support to overcome them. The most evident problems were the displacement of large population sections and the considerable material destruction that had occurred.

48. As many as 250,000 to 280,000 Timorese, approximately one third of the total population, had been displaced and had sought refuge in camps on Indonesian territory. Although 165,160 persons had returned to East Timor, 90,000 to 120,000 persons still lived in unacceptable conditions in Western Timor, guarded by pro-Indonesia militia. Many of those displaced persons had worked in the Indonesian public administration in East Timor. In the medium- and long-term, exile colonies (comprising 15 per cent of the population of East Timor) constituted a destabilization risk that should be urgently addressed. The international community should continue to press for the disarmament of the militia and their withdrawal from the refugee camps. In order to avoid destabilization attempts by the militia and the Indonesian army, Indonesian civil and democratic institutions should be strengthened. It was them that the international community should support - not the armed forces, as had been the case during the Suharto presidency. Prosecution of those responsible for abuses committed in East Timor was also crucial to bringing about change in Indonesia and promoting stability in the region.

49. It was regrettable that US\$522 million in financial assistance promised by the international community had yet to materialize. That undermined UNTAET activities and stability in East Timor, where unemployment affected approximately 80 per cent of the population.

50. Employers should acknowledge the legitimate rights to retirement and other benefits of former Timorese workers, regardless of whether the beneficiaries did or did not reside in Indonesia. However, in view of Indonesia's current difficulties, the international community should address that issue and formulate proposals within a reasonable time limit.

Lastly, the Timorese people should regain possession of their heritage (inter alia, archives and historical or cultural assets), which was essential to the country's identity but had been removed by the Indonesian army.

51. *Mr. Fitzgerald withdrew.*

52. *At the invitation of the Chairman, Ms. Ramos (International Platform of Jurists for East Timor) took place at the petitioners' table.*

53. **Ms. Ramos** (International Platform of Jurists for East Timor) said that the Committee and other United Nations bodies, including the General Assembly, the Commission for Human Rights and the Security Council, should continue to address the question of East Timor. The Organization could have avoided the deplorable events that had occurred after the referendum. Without any doubt, Indonesia could have controlled the militia and ensured the security and physical integrity of the entire population.

54. Peace and reconciliation would be possible only if justice were done and impunity ended in line with the rule of law and the peoples' right to self-determination and equality. It was Indonesia's responsibility to prosecute all those who had participated in massacres and reprisals killing 200,000 persons out of a population of approximately 800,000. Declaring amnesties instead of bringing human rights violators to justice gave cause for concern. The General Assembly should examine the situation of East Timor and consider establishing an international tribunal. In the interest of national reconciliation, the United Nations should demand from Indonesia immediate repatriation of Timorese refugees living in camps in Western Timor, access to displaced persons located in Indonesian territory and freedom to provide humanitarian assistance to refugees in those camps. Moreover, in defence of the inalienable right to self-determination and independence under resolution 1514 (XV), the United Nations should confer observer status to the East Timor delegation during the reconstruction period.

55. Failure to provide international assistance as promised was a key problem. At the donors' meeting held in Tokyo, the international community had committed itself to contributing US\$523 million but those funds had not yet been made available. UNTAED lacked the resources required to fulfil its mandate and needed a realistic budget in order to tackle the difficult task of rebuilding a nation from scratch. The United

Nations should be the main proponent of financial compensation for the destruction perpetrated in East Timor and ensure, during the transition period, that more Timorese nationals participated in the economic and reconstruction process and that the needs of FALINTIL were addressed. The Organization should furthermore see to the annulment of all treaties concluded by Indonesia that were detrimental to Timor's national integrity or natural resources, such as the Timor Gap treaty with Australia, or ensure the renegotiation of such treaties with legitimate representatives of the Timorese people.

56. Accordingly, the international community, the Governments and the NGO should demand, not only from Indonesia, but also from the Member States concerned, to facilitate the process of Timor's decolonization and independence, since self-determination of the peoples was a fundamental United Nations principle.

57. *Ms. Ramos withdrew.*

58. *At the invitation of the Chairman, Mr. Miclat (Asia-Pacific Coalition for East Timor) took place at the petitioners' table.*

59. **Mr. Miclat** (Asia-Pacific Coalition for East Timor) said that, despite East Timor's nominal independence, there were still urgent issues. Approximately 120,000 refugees, located in various places in Indonesia, had been practically forgotten. East Timor could not achieve sustainable peace as long as 15 per cent of its population was held in camps in Indonesia. Refugees should be able to return to their country freely and without fear. The United Nations should employ all available means to that end.

60. The United Nations should also ensure that those responsible for acts of violence in East Timor during the 24 years of illegal occupation or since the referendum were prosecuted. To that end, an international tribunal should be established to serve as a warning to potential oppressors and to heal the wounds of the Timorese people.

61. Regarding the participation of Timorese in the current Government, the Coalition welcomed steps taken by UNTAET to "fast track" the so-called "Timorization" of the transition authorities. Such positive measures should be strengthened through the participation of women and other interested groups. Decentralization and the participation of women and of



Timorese political leaders, such as Xanana Gusmão and José Ramos Horta, would be advisable.

62. Moreover, the United Nations, in coordination or cooperation with the Timorese, should address the issue of the dual economy: foreigners received high wages and enjoyed a wealthy life, while the local population was poverty-stricken and marginalized. In that connection, it was necessary to promote agricultural and rural development and meet the needs of the rural population. Humanitarian assistance should continue and subsidies should take the form of grants that would allow the new country to be born debt-free. Development assistance should be linked to Government action in favour of human rights, justice, peace-building and reconciliation.

63. Priority should be given to the needs of women and children. The United Nations could play a decisive role in combating discrimination against women. Furthermore, it was urgent to care for the thousands of Timorese orphans and traumatized children.

64. Moreover, the United Nations should formulate programmes and viable procedures for the preservation and protection of natural resources.

65. The United Nations should not miss the opportunity to promote democracy and pluralism in East Timor, thereby enabling that country to take its rightful place among the nations and its population to take control of its own destiny.

66. *Mr. Miclat withdrew.*

67. *At the invitation of the Chairman, Mr. Ananthan (Volunteers for International Solidarity) took place at the petitioners' table.*

68. **Mr. Ananthan** (Volunteers for International Solidarity) said that East Timor had been recently liberated from a brutal Indonesian regime, guilty of committing, for more than 20 years, horrific atrocities under President Suharto. Moreover, it was historically true that the Government of the United States had been an accessory to the crimes committed against the people of East Timor. In fact, in 1975, Mr. Henry Kissinger, Nobel Peace Prize laureate and Secretary of State of the United States in the Ford administration, had started the sale arms, which over 24 years had been used to kill more than 200,000 persons. Atrocities had continued under the Reagan and Clinton administrations until 1999. As a result of United States

military and financial support, one third of the population of East Timor had been eliminated.

69. In all those years, the East Timorese, although subjected to foreign domination, had maintained their cultural identity, a stable community-based social order, their traditional social fabric, and indigenous social and cultural practices.

70. The combat for liberation from the Indonesian oppressor had culminated in a referendum, held in August 1999 with a 98 per cent voter participation. Although, as a result of that vote, East Timor was currently a free nation, there were lingering social and economic problems and injustice. Moreover, more than 100,000 refugees who in 1999 had fled to Western Timor aspired to repatriation.

71. Despite United Nations financial assistance, East Timor was still beset by a 90 per cent illiteracy rate, high unemployment and generally inadequate health services. Additional resources were necessary for social reconstruction. The population should actively participate in drawing up and implementing the relevant programmes.

72. To rectify injustices caused by multinational enterprises in East Timor, the international community should understand the history of colonialism in that country. The United Nations should provide more extensive support for East Timor's social and economic development, protect the territory from invasions and attacks by its neighbours and uphold the rule of law so that the people could live in peace. United Nations assistance should aim at recognizing workers' rights; restoring the citizens' dignity; establishing a minimum wage in order to improve the quality of life; capping remunerations in order to curb entrepreneurial greed; and setting up programmes for free universal education and health care.

73. The United Nations should base assistance to East Timor on humanitarian principles, resisting pressures from superpowers that manipulated and exploited weak countries for financial benefit. Nation building and development in East Timor should aim at meeting the needs of the population of a new country that had opted for a democratic Government. Lastly, the Organization should transfer administrative and political authority to the people of East Timor as soon as possible.

74. *Mr. Ananthan withdrew.*

75. *At the invitation of the Chairman, Mr. Minson (Swedish East Timor Committee) took place at the petitioners' table.*

76. **Mr. Minson** (Swedish East Timor Committee) praised the role of the United Nations in the process of East Timor's decolonization. Eliminating the effects of the brutal Indonesian occupation and of the acts of violence that had followed the referendum held in August 1999 would take time. Support for the nation-building effort should entail in particular the elucidation of the acts of violence perpetrated in 1999 (and between 1975 and 1998, or perhaps since) and the repatriation of approximately 100,000 East Timorese refugees still in Western Timor. Setting up a tribunal in Indonesia to prosecute those responsible for the 1999 violence would boost the country's democratization. Recognition of that tribunal by the international community would guarantee the impartiality of the proceedings.

77. The Government of Sweden had condemned the atrocities in 1999, pleaded for an extension of the arms embargo enforced against Indonesia by the European Union, and provided East Timor, since the referendum of August 1999, with emergency and development assistance. The international community should support East Timor in the nation-building process.

78. *Mr. Minson withdrew.*

79. *At the invitation of the Chairman, Mr. Castanheira (Socialist Party of Portugal) took place at the petitioners' table.*

80. **Mr. Castanheira** (Socialist Party of Portugal) said that, in view of lingering political, economic and social instability, East Timor was a seemingly free territory on its way to complete self-determination. Guarantees for unconditional respect of human rights and the fulfilment of commitments made after the recognition of East Timor's independence and its liberation were prerequisites for that country's rehabilitation.

81. The price for East Timor's independence after 25 years of human and cultural devastation had been 300,000 lives and extensive housing and public infrastructure losses. The cost of survival had been enormous. Rebuilding East Timor was incumbent not only on the Timorese but also on the international community and the United Nations. While the Timorese were once again called upon to prove their

commitment to freedom, over and above the political struggle, and show national unity in view of economic and social development goals, the international community would have an opportunity to provide support for rebuilding the country. As the negative effects of globalization were currently discussed in international meetings, the East Timor case could serve as an example of support for peoples whose very existence was in jeopardy. The international community had a duty to build effective and efficient models for shared development based on solidarity, and the United Nations had become a pillar of development. Accordingly, the role of the Organization in East Timor, for whose administration it was responsible, could be decisive for the image of the United Nations worldwide.

82. The current process of transition required a series of specific measures, including the following: preparing and training FALINTIL personnel to be eventually part of a modern and effective national fighting force (at first, that personnel should be incorporated into the international police and military contingents deployed in the territory); fulfilling the generous financial assistance commitments that had been made with a view to rebuilding the country and creating a labour market and a productive labour force; identifying solutions to problems related to the implementation of World Bank and Asian Development Bank (ADB) projects that required a continuous flow of funds from donor countries (in that connection, the relatively significant achievements of the donors' meeting held at Lisbon would hopefully be reinforced as a follow-up to the G-7 Economic Summit at Okinawa); integrating immediately Timorese in the management and administration of their own affairs and creating appropriate conditions in view of full self-determination and self-government in the near future; building technical capacities and making know-how available in East Timor; and encouraging the Timorese to invest in their own products and in economically advantageous areas. Furthermore, in view of the Timorese leaders' renewed preference for Portuguese as official language, the United Nations should use in East Timor Portuguese-speaking officers.

83. The problem of Timorese refugees, who lived in unacceptable conditions, should be solved as soon as possible. Any suspension of humanitarian assistance or postponement of refugee repatriation could revive anti-independence tendencies. The United Nations should

join efforts with NGOs and the Indonesian Government to prepare the return of the refugees in question and their immediate social and economic integration. Repatriation, however, should be subject to the following conditions: refugees should recognize the status of East Timor as an independent nation; and all those responsible for offences should be brought to justice - in order to strengthen the rule of law - and publicly apologize for having participated in the destruction that had followed the referendum.

84. Portugal had taken up the cause of East Timor as if it had been Portugal's own and considered its population's love of freedom exemplary.

85. *Mr. Castanheira withdrew.*

86. *At the invitation of the Chairman, Ms. Carrascalão (Social Democratic Party of Portugal) took place at the petitioners' table.*

87. **Ms. Carrascalão** (Social Democratic Party of Portugal), of Portuguese and Timorese descent, said that she had a double responsibility to address the question of East Timor. For the process of decolonization of East Timor to be complete, the international community should be prepared to actively participate in building the new nation's future. Despite a number of positive indicators, some problems - such as relations between UNTAET and the Timorese, the degradation of social conditions, the status of FALANTILIL and the definition of private property - should be urgently addressed.

88. Although relations between UNTAET and the Timorese had slightly improved, it should be stressed that the governing and the governed must together pursue their common goals. The degradation of social conditions was partly due to exclusion, aggravated by the lack of work and means of subsistence. FALANTILIL, which had fulfilled a key role in relation to self-determination, deserved special treatment and should immediately start to form the core of the armed forces of the new State.

89. Hopefully, the international community, having acted swiftly in September 1999, would continue to be interested in the situation of East Timor and follow closely the related developments. The United Nations and the Secretary-General should not allow any foreign forces to intervene in efforts to build the East Timorese State, which should develop in accordance with the goals of the founders of the new nation.

90. *Ms. Carrascalão withdrew.*

91. *At the invitation of the Chairman, Mr. Anacoreta Correia (Popular Party of Portugal) took place at the petitioners' table.*

92. **Mr. Anacoreta Correia** (Popular Party of Portugal) thanked the Committee for its action in favour of self-determination and the independence of oppressed peoples. In April 2006, the East Timor follow-up parliamentary committee, which she chaired, had visited the territory in order to assess the situation on the ground, convey Portuguese solidarity with the Timorese and draw up a report to the various interested parliaments and national and international organizations.

93. In Dili and other communities, the delegation met with representatives of UNTAET and the population, and with diplomats, volunteer workers and other Portuguese living in Timor. The mission had found that wholesale destruction, carried out systematically in every part of the territory and visibly perpetrated by people certain of operating with impunity, had produced a deep psychological effect on the population. Social tensions had increased as a result of low purchasing power, high prices for goods and exorbitant unemployment. The security system had obvious inadequacies, including in particular the inadequate monitoring of the maritime border and the concomitant risk of incursions by armed militia. Public administration could not always cope. The Timorese did not sufficiently participate in it, while NCC hardly could be said to play the role of a parliament. Drafting of the statute of FALINTIL, which should form the core of the armed forces of Timor, was behind schedule. In that context, the Catholic Church, which had been the population's main source of encouragement in difficult times, had expressed concern over a possible discontinuation of international assistance.

94. The situation was changing swiftly and a series of urgent measures should be supported in Timor. They included setting a time limit for the presence of the United Nations in the territory and prioritizing the Organization's activities; drawing up the FALINTIL statute in order to avert its disintegration as a result of unsustainable material and human conditions; ending support for the militia and preventing their armed incursions and the transport of arms into East Timor; establishing corridors permitting access to the Oecussi

enclave; solving the refugee problems in Western Timor; defining and confirming rights to property; organizing the administration of justice; and launching effective programmes against tuberculosis and malaria.

95. Generally speaking, the passage from emergency humanitarian action to the reconstruction stage was difficult. In that connection, donors should be aware that any delay in providing the promised contributions could jeopardize the progress already achieved and that flexible international assistance procedures were necessary. Lacking sufficient revenue to finance its reconstruction and development, East Timor would predictably depend on the generosity of foreign donors for a long time. The international community should provide assistance promptly, flexibly and generously until Timor became self-sufficient.

96. *Mr. Anacoreta Correia withdrew.*

97. *At the invitation of the Chairman, Mr. Soares (Communist Party of Portugal) took place at the petitioners' table.*

98. **Mr. Soares** (Communist Party of Portugal) praised the Committee's action on East Timor, especially since that question had not been a priority for the international community, and stressed that the Organization's role in that issue was important and should continue into the near future. The people of East Timor were resolved to rebuild peace and achieve stability in their country. International assistance should be prolonged in order to encourage economic activity and build the economy in the aftermath of total destruction. Reconstruction would take longer than five years.

99. Activities aimed at rebuilding the country and its principal institutions and mechanisms should be sped up. The overall delay - attributable to UNTAET - in solving the related problems gave cause for concern, particularly since some of those issues could be resolved if more Timorese participated in administration. The Timorese should also play a key role in formulating the principles and ensuring the organization of the economic, social and political bodies of their future independent country. Fundamental decisions, such as those regarding the currency, the official language, security or the armed forces should be taken exclusively by the Timorese and not be based on predetermined standards or conditions. Special attention should be paid to FALINTIL's situation and future statute. Rules and a timetable

should be set for elections and the activities of political parties should be regulated. The Timorese viewed nation building as a task as difficult as resistance. As the United Nations had been instrumental in achieving the current situation, it was only natural that the Organization's future role in East Timor would be crucial.

100. *Mr. Soares withdrew.*

101. *At the invitation of the Chairman, Mr. Miller (East Timor Action Network) took place at the petitioners' table.*

102. **Mr. Miller** (East Timor Action Network) recalled that his organization had been petitioning since 1992, welcomed the fact that those efforts had contributed to a change in United States policy from arming and training the Indonesian military to supporting the rights of East Timor and praised Indonesia for permitting the referendum of 30 August 1999, organized by the United Nations. The people of East Timor had overwhelmingly voted for independence, despite acts of extreme violence that had compelled hundreds of thousands of persons to flee their homes and, inter alia, had caused an as yet unknown number of deaths.

103. The United Nations was supposed to prepare the territory for independence. However, as a result of such factors as arrogance or administrative incompetence, it was only recently that UNTAET had launched a process for administering the territory in cooperation with the people of East Timor. Hopefully, the Committee and the Member States would closely monitor United Nations action and, if necessary, would criticize UNTAET and the way it supervised reconstruction of East Timor. East Timor Action Network remained committed to the cause of East Timor and continue to urge the United States Congress and Government to also play a positive role.

104. East Timor could not be a real nation until the refugees who wished to return were allowed to do so. According to the findings of an investigation mission, organized in the spring by East Timor Action Network in the camps in Western Timor, repatriation was impeded by a climate of intimidation, created by some elements of the Indonesian Armed Forces (TNI) and the militia opposed to independence, and by misleading propaganda alleging deplorable living conditions in East Timor and abuses committed by the international forces in that territory. The assignment of the security and protection of international assistance staff to the

Indonesian police and army had discouraged refugees from speaking freely. Although mounting tensions between some refugees and the local population could induce the Indonesian Government to resolve the refugee problem, such action ran counter to the interests of some elements of the security forces. Repatriation could be accelerated only if militia leaders were arrested and an end were put to militia control over the camps.

105. Although security in East Timor had improved, militia incursions into the territory continued. If no specific measures were taken to drive militia members off Western Timor and prosecute them, militia attacks could resume in three years, once United Nations peacekeeping forces would withdraw. The best way to encourage refugee repatriation and guarantee East Timor's security was to continue to pressure the Indonesian military and to prosecute those presumed responsible for the 1999 violence.

106. The crimes committed in East Timor were of concern to the international community. In line with the wishes of the East Timorese and the recommendation of the International Commission of Inquiry on East Timor (ICIET), an international tribunal should therefore be set up to hear not only the offences that had occurred before and after the referendum, but also the acts of violence perpetrated in the territory since 1975. Punishing those responsible would put an end to the activity of any military, militia or other Indonesian or Timorese leaders who had a stake in undermining East Timor.

107. The question of East Timor was important to the United States which, as Mr. Holbrook had told the Security Council a week earlier, supported the population's wish for accelerating the transition to independence. In addition to contributing directly to rebuilding the territory, the United States Government had suspended, on 19 September 1999, military cooperation with Indonesia and a few months later Congress had enacted a law making resumption of that cooperation contingent on prerequisites such as refugee repatriation, accountability for past crimes committed in Indonesia and East Timor, and Indonesia's full cooperation with UNTAET. Those restrictions, which should be extended, and other similar acts of Congress would help to strengthen the position of Indonesian leaders wishing to place the armed forces under civilian authority.

108. The assertion that armed forces reform and the prosecution of personnel having committed crimes in East Timor were an internal Indonesian affair showed that external support for the Indonesian military could only strengthen its darker tendencies. United Nations support for the Indonesian armed forces, which for 25 years had fiercely opposed self-determination in East Timor, would be counterproductive. Indonesia would change into a truly democratic country if it fulfilled the agreements providing for East Timor's independence, thereby making possible genuine reconciliation between the peoples of the two countries.

109. The Committee should not stop paying attention to the problems that stood in the way of East Timor's independence, and the international community should continue to support East Timor after independence in order to ensure that peace would definitively prevail.

110. *Mr. Miller withdrew.*

111. **The Chairman** assured those present that, although some might have the impression that it was inactive, the Committee fully understood the problems brought up and tried to solve them in accordance with its own methods of work

112. **Mr. Tayeb** (Indonesia), speaking in exercise of the right of reply, said that he wished to rectify some misinformation that had been provided regarding Indonesia's role in East Timor and to inform the Committee about the situation on the ground. He would focus on the future rather than on the past. For instance, since the successful organization of the referendum in the face of formidable pitfalls, Indonesia had observed rigorously the commitments made in the Agreements of 5 May 1999, complied with the outcome of that vote by repealing relevant constitutional laws, and facilitated UNTAET's work in accordance with the resolutions of the Security Council. Moreover, it provided support with a view to the welfare of East Timorese and, although faced with a serious economic crisis, extended financial assistance to the refugees in East Nusa Tenggara.

113. In the area of security, the incident that had led the Office of the United Nations High Commissioner for Human Rights (OHCHR) to suspend its activities in three refugee camps had been regrettable. However, the violence had been swiftly controlled and had not affected any United Nations staff. Subsequent to an agreement on the implementation of security measures with the Governor of East Nusa Tenggara and various

refugee leaders, OHCHR had resumed work in the camps.

114. The return of about 165,000 refugees to East Timor since October 1999 showed that allegations about preventing refugee repatriation were baseless. Allegations regarding living conditions were equally unfounded, since both the central Government and the authorities of the province in question, one of Indonesia's poorest, were concerned about the refugees' welfare. When in May 2000 severe floods had devastated parts of the province, a state of emergency had been immediately declared in order to facilitate assistance to the victims in cooperation with humanitarian organizations.

115. Indonesia was fully aware of the complexities of refugee situation. On one hand, justified concern over a precarious future (food scarcity, inadequate basic services and unemployment) in East Timor had delayed repatriation; on the other hand, the humanitarian organizations' indefatigable efforts did not suffice to meet the refugees' current needs. Indonesia hoped that the international community would provide the assistance required, particularly for refugees that preferred to stay, and would thereby contribute to solving the problem swiftly.

116. In hopes of a fruitful cooperation with East Timor in the interest of both peoples, the Government of Indonesia had concluded agreements on borders, legal and judicial issues, civil servants in East Timor and students from East Timor who attended Indonesian institutions of higher education; and was examining the question of scholarships for students wishing to continue their studies in Indonesia. Cooperation with leaders of East Timor and UNTAET on other initiatives would follow.

117. Indonesia reaffirmed its commitment to cooperate with the people of East Timor on the difficult task of nation building and to help to pave the way to a stable and prosperous society. Instead of distracting attention with malicious stories regarding Indonesia's role vis-à-vis East Timor, efforts should focus on support for UNTAET's mandate during the transition process for the benefit of the peoples of East Timor.

*The meeting rose at 6.00 p.m.*