



General Assembly

Distr.
GENERAL

A/AC.109/1999/SR.4
19 December 2000
ENGLISH
ORIGINAL: RUSSIAN

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 4th MEETING

Held at Headquarters, New York,
on Tuesday, 22 June 1999, at 3 p.m.

Chairman:

Mr. DONIGI

(Papua New Guinea)

CONTENTS

ADOPTION OF THE AGENDA

QUESTION OF WESTERN SAHARA

Hearing of petitioners

REQUESTS FOR HEARINGS

QUESTION OF EAST TIMOR

Hearing of petitioners

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

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.109/1999/11)

2. The CHAIRMAN drew attention to the working paper on Western Sahara prepared by the Secretariat (A/AC.109/1999/11).

Hearing of petitioners

3. The CHAIRMAN recalled that, at its 3rd meeting, the Special Committee had decided to grant a request for a hearing received from a representative of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO).

4. At the invitation of the Chairman, Mr. Said (Frente POLISARIO) took a place at the petitioners' table.

5. Mr. SAID (Frente POLISARIO) said that the question of the decolonization of Western Sahara had been on the Committee's agenda for more than 30 years. Since 1975, the Territory had been illegally occupied by Morocco. Contrary to the opinion of the occupying Power, the Special Committee considered that the decolonization of the Territory had not yet occurred and it therefore rejected Morocco's policy of the fait accompli.

6. The Frente POLISARIO had long resisted the Moroccan occupation with all available military and political means, and, as a result of that resistance, together with the support of the international community, the strategy of the fait accompli had failed to achieve its ends in either the military or the foreign-policy spheres.

7. Since the late 1980s, the United Nations had been seeking with redoubled energy to resolve the question of the decolonization of Western Sahara. In 1988, joint proposals had been prepared by the United Nations and the Organization of African Unity (OAU) on the holding of a referendum on the issue of self-determination. As was well known, because of obstruction by Morocco, the United Nations Mission for the Referendum in Western Sahara had been unable to carry out the tasks entrusted to it by the Security Council, and substantial changes had been made to the peace plan at Morocco's insistence with the aim of turning the aforementioned referendum into a popular consultation legitimizing the occupation of the Territory. The implementation of that plan, which had begun in April 1994, had been suspended in 1995 because of the difficulties encountered by the Identification Commission.

8. In September 1997, at the conclusion of negotiations between the Frente POLISARIO and Morocco under the auspices of the Secretary-General's Personal Envoy, the Houston agreements had been signed and the peace process had entered

/...

a decisive phase. As a result of those agreements, the United Nations had completed the identification process in August 1998, and 84,000 Saharans had been recognized as having the right to vote in accordance with the peace plan and the Houston agreements. The identification of persons belonging to so-called "contested" tribes had remained to be completed, and Morocco had attempted, in violation of the Houston agreements, to force the United Nations to accept applications from a further 65,000 persons belonging to that category. As a result, the identification process had once again reached an impasse and had not moved forward until June 1999.

9. In late November 1998, the Secretary-General had visited Western Sahara and neighbouring countries and had presented to both sides proposals for the settlement of that new dispute. The Frente POLISARIO had fully supported those proposals, whereas Morocco had expressed a number of reservations and had not finally accepted those proposals until May 1999, after certain amendments had been made. By agreeing to those amendments, the Frente POLISARIO had demonstrated once again its readiness to cooperate with the United Nations with a view to overcoming the obstacles blocking the referendum.

10. The identification process had been resumed on 15 June, and the United Nations now faced two main tasks, which it must resolve before announcing the commencement of the transitional period. First, the identification of the 65,000 persons belonging to "contested" tribes must be completed. Second, there was a need to provide for a right of appeal for those who did not satisfy the requirements established by the United Nations for participation in the referendum. It was entirely likely that Morocco would seek to exploit that right for the purpose of securing the participation in the referendum of those persons who, in the opinion of the United Nations, did not have the right to vote. If Morocco resorted to such tactics, the entire process would be gravely undermined and it would be impossible to hold the referendum in July 2000, as envisaged in a recent Security Council resolution.

11. The task of decolonizing Western Sahara had yet to be realized, and, in order to assume fully its responsibility in that regard, the United Nations must employ more appropriate methods with a view to ending the procrastination by Morocco. It was surprising that a problem as simple as decolonization was still unsolved after almost 35 years. Thus, the opportunity represented by the current process to decolonize that Territory once and for all must not be lost. The question of Western Sahara, like the question of East Timor, was the yardstick against which the effectiveness and consistency of the international system's actions would be measured. The referendum in Western Sahara could and should be held, and the United Nations must not miss its chance.

12. Mr. Said withdrew.

13. The CHAIRMAN suggested that the Special Committee should continue its consideration of the question at its next session, subject to any directives that the General Assembly might give at its fifty-fourth session, and that, in order to facilitate the consideration of the item by the Special Political and Decolonization Committee (Fourth Committee), it should transmit to the Assembly all relevant documentation.

/...

REQUESTS FOR HEARINGS (aide-mémoire 8/99/Add.1)

14. The CHAIRMAN drew attention to the additional requests for hearings concerning the question of East Timor (aide-mémoire 8/99/Add.1). He took it that the Committee decided to accede to those requests.

15. It was so decided.

QUESTION OF EAST TIMOR (A/AC.109/1999/10)

16. Mr. LEGOWO (Indonesia) said that his delegation strongly objected to the discussion of the question of East Timor in the Special Committee. In the light of the new and important developments with respect to the situation in East Timor, the discussion served no practical purpose. It must also be borne in mind that the question could be resolved only within the framework of the agreements signed on 5 May 1999.

17. The CHAIRMAN drew attention to the working paper on East Timor prepared by the Secretariat (A/AC.109/1999/10).

Hearing of petitioners

18. The CHAIRMAN recalled that, at its 3rd and 4th meetings, the Committee had decided to grant a series of requests for hearings on the item in question.

19. At the invitation of the Chairman, Mr. Tanter (Kyoto East Timor Association) took a place at the petitioners' table.

20. Mr. TANTER (Kyoto East Timor Association) said that the Government of Indonesia had not fulfilled its obligations under the various agreements signed on 5 May 1999 in New York by Indonesia, Portugal and the United Nations (A/53/951-S/1999/513, annexes I-III). The Indonesian armed forces had not only ignored those obligations, but had unleashed a campaign of terror with the aim of subverting the ballot scheduled for 8 August. However, while in the past that terror had been carried out under the direction of former President Suharto, the current campaign was being conducted by the Indonesian armed forces in defiance of the political course chosen by President Habibie.

21. Another important question that arose in connection with the issue of the 8 August poll was whether the next president, who would come to power in November 1999, would be able to control the Indonesian military. In his opinion, it was highly likely that the next President of Indonesia would act under the orders of the military.

22. There would be no democracy, no stability in Indonesia so long as terror reigned in East Timor. The ability of the Indonesian military to act independently of the will of the President was explained by the fact that, over the past three decades, the Indonesian public coffers had been filled from two main sources: oil revenue and foreign economic aid. Domestic revenue accounted for a small proportion of the State budget, and for that reason the Suharto dictatorship had not in any way considered it necessary to negotiate with the main social groups in the country. After the fall of the Suharto regime, little

/...

had changed in that regard, and the Indonesian State, particularly its armed forces, were entirely dependent on the good will of international creditors.

23. Thus, the only effective means of influencing the Indonesian military was to make further disbursements of financial aid conditional upon full compliance by Indonesia with its international obligations. Specifically, that meant comprehensive compliance with the provisions of the May agreements on security and neutrality; the fulfilment by the Indonesian military and police of all their obligations towards the country's citizens under domestic and international law; the permanent disarming of the East Timorese militias; and the prosecution of the persons responsible for the murder and intimidation of Timorese civilians.

24. Such an intervention in the affairs of Indonesia by its donors would not only be practical, but would also be in the interests of every party concerned. First, if the new administration in Indonesia proved to be somewhat hostage to the military, the whole world would realize that terror and violence remained the norm in Indonesian politics. Second, a coerced referendum in East Timor would provoke a new wave of resistance, leading to even deeper polarization of society. As for Indonesia's neighbours, the holding of the referendum under pressure by the Indonesia military would mean increased instability and mistrust in the region and further militarization. For the creditor countries and international donor organizations, it was virtually the only chance to lay the political foundation required for economic recovery and to restore international investment confidence in Indonesia. Economic recovery was dependent on social stability, which could not be achieved if the Indonesian army continued its current practices in East Timor. Finally, for the United Nations itself, there was a danger of being drawn into a tainted referendum process. Unless some means of curbing the lawlessness of the Indonesian military was found very quickly, the Secretary-General would face a terrible dilemma, since holding the ballot in an atmosphere of intimidation would produce a tainted result, but delaying the ballot might be interpreted as acquiescing to terrorism.

25. Making the disbursement of foreign loans conditional on effective control of the actions of the Indonesian military was the best means for the world's Governments to strengthen the hand of the incoming President and improve the chances for economic recovery and the establishment of political democracy in both Indonesia and East Timor.

26. Mr. Tanter withdrew.

27. At the invitation of the Chairman, Mr. Miller (Hobart East Timor Committee) took a place at the petitioners' table.

28. Mr. MILLER (Hobart East Timor Committee) referred to the issue of the payment of reparations to East Timor. Between 1941 and 1945, Japan, Australia, the Netherlands, the United States of America and the United Kingdom had conducted military operations in its territory. A strong case could be made for repatriations on the basis that all five belligerent parties had knowingly violated the neutrality of Portuguese Timor, all five States had carried out military operations without due care for the safety and well-being of the civilian population, and none of them had paid any official compensation to East

/...

Timor in the post-war period, while Portugal, as a neutral country, had been excluded from the discussions on reparations. The responsibility of those five nations were still not acknowledged officially, and their debts to the people of East Timor remained unpaid.

29. Between 1975 and 1999, one nation, Indonesia, had conducted a war against the people of East Timor with diplomatic, economic and military support from a variety of States Members of the United Nations. For 24 years, Indonesia had occupied East Timor in violation of Security Council resolutions 384 (1975) and 389 (1976) and other instruments, repeatedly carrying out military operations without due care for the safety and well-being of the East Timorese people and in contravention of the Geneva Conventions of 1949, and thus far it had paid no reparations to the East Timorese people for the murder, torture, pillage and other misdeeds inflicted on them. At least 300,000 people were estimated to have perished in East Timor as a result of Indonesian actions since 1975.

30. The reluctance of some to acknowledge their past wrongdoings did not deprive a people of their right to receive compensation for loss and suffering, and the United Nations must bear that fact in mind in connection with the current tragic situation in East Timor. Following the massacre in Dili, there had been only one trial involving a murder committed by an officer of the Indonesian army, which showed how difficult it would be to force Indonesia to acknowledge the harm it had caused, let alone pay compensation.

31. The United Nations itself had noted that the desire to accelerate the end of colonialism had found its highest expression in the adoption by the General Assembly in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Yet, 39 years after the adoption of that Declaration, the record of the United Nations with respect to the decolonization of East Timor left much to be desired. The members of the General Assembly and of the Special Committee must acknowledge that not only had the decolonization process been largely neglected between 1960 and 1975, but also through its inertia the Organization had allowed Indonesia to keep the Territory isolated from the outside world since late 1975 and to restrict access to certain parts of the country. United Nations efforts to conduct a free and fair referendum were in many ways a reminder of the Organization's failure to fulfil its obligations to the people of East Timor over the previous 39 years.

32. It was not being suggested that the United Nations should pay reparations as some States ought, but rather that the Organization as a whole should offer its sincere apologies to the people of East Timor for its failure to give them the care and attention which, by the Organization's own admission, they had been entitled to receive since 1960.

33. Mr. Miller withdrew.

34. At the invitation of the Chairman, Mr. Scheiner (East Timor Action Network/United States) took a place at the petitioners' table.

35. Mr. SCHEINER (East Timor Action Network/United States) said that his organization had more than 9,000 members and 26 local groups across the United

/...

States, and that representatives of the organization had addressed the Committee every year since 1992.

36. In the six weeks since the signing of the May agreements, the United Nations had achieved tremendous progress in its efforts to allow the people of East Timor to realize their legal and moral right to self-determination. However, elements of the Indonesian Government and armed forces were continuing to impede those efforts. The President and the Minister for Foreign Affairs of Indonesia had done nothing to make the forthcoming ballot free and fair. Military and police officials were conniving with murderers belonging to the militias and rewarding them with appointments to official posts.

37. A popular consultation on self-determination had been scheduled for 8 August 1999. A delay of a few weeks might be necessary in order to improve the security situation. Having finally taken on the task of moving East Timor towards that goal, the United Nations must see it through. For every day added to the 23-year-long occupation brought new victims.

38. A few days earlier, the leaders of the National Council of Timorese Resistance had signed another peace agreement with pro-integration advocates. While that was a useful step, the main armed pro-integration group was the Indonesian military, which was present illegally in East Timor. Of course, the United Nations could not confront the Indonesian army militarily. However, as the official spokesman of the United Nations Mission in East Timor (UNAMET) had said in his first public statement in Dili, words alone were not enough.

39. The UNAMET presence in East Timor must be greatly enlarged. The Mission must not only take responsibility for its own safety, but also give strong assurances to the East Timorese that they too would be protected. The Indonesian army and police could not be relied upon as impartial guarantors of security. In order to strengthen the UNAMET effort, the International Federation for East Timor was sending 200 non-partisan volunteers from non-governmental organizations from all over the world to observe the consultation process. Like the people of East Timor, his organization was placing its trust in the flawed process defined by the May agreements. Like the United Nations, it was placing its trust in the ability of the Indonesian Government to implement those agreements and its commitment to so doing.

40. Describing recent developments in the United States relating to East Timor, he said that in July 1998 the Senate had unanimously endorsed the holding of a referendum in East Timor, and the House of Representatives had adopted a similar position. In February, the Secretary of State had visited Xanana Gusmão in Jakarta, and many members of Congress had called for his release. The United States continued to restrict shipments of American weapons to the Indonesian Government. The Senate was that week discussing other means of convincing the Indonesian armed forces and police to stop supporting paramilitary violence in East Timor.

41. Over the past year, the United States Government, in concert with the United Nations, had taken many steps to bring the long national nightmare of East Timor to an end. Although neither the United States nor the United Nations had responded adequately a quarter of a century earlier to the Indonesian

/...

invasion of East Timor, they were now on the right track. His organization was struggling to ensure that that track did not lead to yet another bloody disaster for the people of East Timor.

42. Mr. Scheiner withdrew.

43. At the invitation of the Chairman, Ms. Kawaharada (Free East Timor Japan Coalition) took a place at the petitioners' table.

44. Ms. KAWAHARADA (Free East Timor Japan Coalition) said that, despite the signing on 5 May under United Nations auspices of agreements between Portugal and Indonesia, violence and terror continued in East Timor.

45. In April, while meeting with members of her organization, an East Timorese leader had told of the murder of more than 20 East Timorese by paramilitaries backed by the Indonesian army in his brother's home in Dili. In May, four East Timorese women appearing in Japan at the invitation of the Coalition had spoken of the sexual violence to which the female inhabitants of East Timor were subjected by the Indonesian military; the problem of children born to women who had been victims of such violence; the dramatic increase in cases of violence and murder perpetrated by paramilitary groups; and the threats and obstacles faced by human-rights organizations.

46. The situation in East Timor had not changed for the better; indeed, it had become much worse. In order to protect the rights of the East Timorese and to ensure the holding of a free and fair ballot on 8 August, the Free East Timor Japan Coalition was asking the United Nations to convince the Indonesian Government to punish those responsible for the paramilitary attacks on the East Timorese population; to ensure the safety of citizen groups and human-rights organizations; to give permission immediately for those organizations to monitor the ballot; and to establish an environment in which independent observers could freely observe the consultation process.

47. Ms. Kawaharada withdrew.

48. At the invitation of the Chairman, Mr. Leite (International Platform of Jurists for East Timor) took a place at the petitioners' table.

49. Mr. LEITE (International Platform of Jurists for East Timor) noted with satisfaction the Indonesian Government's change of position, which had led to the signing of the tripartite agreements. His organization was concerned, however, that the Government seemed unable to control its armed forces in East Timor.

50. He recalled that his organization's objectives were the ending of the Indonesian occupation of East Timor and the establishment of conditions allowing the Timorese to exercise their inalienable right to self-determination. It did not, however, favour any of the results of the exercise of that right and maintained a position of neutrality.

51. That position did not prevent his organization from strongly condemning all violations of international law committed by Indonesia in East Timor: from the

/...

illegal invasion and occupation to the recent acts perpetrated in that Territory by the Indonesian administration and military, as well as by the pro-integration militias backed by them. Recent statements by the United States Department of State and UNAMET bore witness to such acts. By supporting the paramilitaries, the Indonesian army was violating General Assembly resolution 1541 (XV), as well as article 3 of the main Agreement, article 1 of the agreement on security arrangements and part G of the agreement of 5 May 1999 on the modalities for the popular consultation.

52. In 1993, he had described to the Special Committee his organization's position concerning the trial of Xanana Gusmão. Seven years later, however, Mr. Gusmão remained a prisoner of Indonesia. By refusing to free him before the ballot, the Indonesian authorities were again breaching the New York agreements, specifically paragraph (c) of part E of the agreement on the modalities for the popular consultation. The International Platform of Jurists for East Timor welcomed the statement by the United States Department of State, in which the Indonesian Government was strongly urged to allow Timorese, including José Ramos-Horta and Xanana Gusmão, to return to East Timor and participate in the consultation.

53. Many other actions by the Indonesian authorities also constituted serious violations of the legal norms governing decolonization and of the New York agreements. There had been credible reports of the recent arrival in the Territory of members of the infamous Kopassus special forces disguised as policemen. Jakarta was transforming the murderous militias into a civil-defence corps and had announced that it intended to use them to carry out policing duties during the consultation. Fearing for their lives, many pro-independence campaigners were in hiding and were thus unable to participate in the consultation. Trials had continued up to the current time and were being used to intimidate pro-independence campaigners. The Indonesian Minister for Foreign Affairs was stubbornly refusing to allow Timorese leaders in exile to return to the Territory. Many thousands of East Timorese had become internally displaced, while as many as 40,000 persons were being held by the paramilitary groups in kinds of concentration camps. In many parts of the Territory, those groups were subjecting the population to continuous brainwashing in order to convince them to vote for integration. It appeared that members of the administration and even the pro-Indonesian Governor were participating in the pro-autonomy campaign, which was prohibited by the New York agreements. The Indonesians were blocking the free use of the mass media.

54. In conclusion, he said that his organization urged the Committee to put pressure on the Indonesian Government to address the security situation in East Timor and to bring the paramilitaries under strict control; if that goal was not attained in the next few weeks, to request the Security Council and the Secretary-General to envisage the deployment of peacekeeping forces in the Territory, whether under Chapter VI or Chapter VII of the Charter; to obtain the release of Xanana Gusmão and all other detained East Timorese; and to ensure that the Indonesian authorities complied in good faith with their obligations under the New York agreements.

55. Mr. Leite withdrew.

/...

56. At the invitation of the Chairman, Mr. Cresswell (Canadian Action for Indonesia and East Timor) took a place at the petitioners' table.

57. Mr. CRESSWELL (Canadian Action for Indonesia and East Timor) said that the signing on 5 May by the Governments of Indonesia and Portugal of agreements providing for a vote in East Timor to determine the political status of the Territory was a tremendous step forward, and noted with satisfaction the establishment of a United Nations presence in East Timor and the commencement of preparations for the ballot.

58. Nevertheless, a number of serious problems remained. As stipulated in paragraph 1 of the agreement on security arrangements, the Government of Indonesia had committed itself to providing "a secure environment devoid of violence or other forms of intimidation", the absolute neutrality of the Indonesian armed forces and the Indonesian police being essential in that regard. One of the most blatant violations of that provision was the appointment of Eurico Guterres as the head of the civil-defence corps of Dili. Guterres was well known as the head of the Aitarak militia, and several hundreds of its members would be joining that corps, which would be carrying out policing duties. Given that Aitarak was campaigning aggressively in favour of autonomy and against independence, the appointment of Guterres clearly contravened the provisions of the agreement, and must therefore be rescinded immediately. According to many eye witnesses, on 17 April 1999 Eurico Guterres had urged Aitarak members to kill independence supporters, thereby contravening the provisions of the memorandum on security of 4 May, which provided for the arrest and prosecution of persons inciting violence. Eurico Guterres must therefore be arrested immediately.

59. As stipulated in the agreement on the modalities for the popular consultation, supporters and opponents of the autonomy proposal would campaign ahead of the vote in a peaceful and democratic manner during the period designated for that purpose. UNAMET personnel and journalists had witnessed at least one large pro-autonomy rally in Sarmara village, although the designated period had not yet begun. According to the information available, other such rallies were taking place in other parts of the Territory, particularly around Liquiça, and it had frequently been reported that paramilitary groups were forcibly compelling people to participate in them. That region was also where the largest number of Timorese had been driven from their homes by paramilitary activity. Until those people could return safely to their homes, comprehensive voter registration in that area would be impossible.

60. In accordance with the agreement, East Timorese Government officials might campaign in their personal capacity. All such campaigning was to be carried out strictly according to the Code of Conduct without use of public funds and Government resources or recourse to pressure of office. There was reliable documentation showing that the provincial Government had attempted to use public funds to finance the pro-autonomy campaign. UNAMET must continue to be extremely vigilant and forestall any attempts to use public funds to finance pro-autonomy campaigning.

61. The activities of the Indonesian Government's recently opened media centre in Dili also gave cause for concern. The agreement stated that the United

/...

Nations would devise the means to provide equal opportunity for the two sides to disseminate their views to the public, yet, contrary to the claims of the media centre's staff, the Indonesian Government was not a neutral party. If the centre was to continue to operate, the United Nations should at the very least facilitate the establishment of a similar media centre run by the Government of Portugal or the National Council of Timorese Resistance.

62. In the memorandum on security, Indonesia had agreed to bring armed civilian groups under strict control and discipline, but no action had been taken against any of the leaders of such groups, who were openly active. Nor had any serious effort towards disarmament taken place. Both sides must be pressed to disarm under the control of UNAMET, rather than the Indonesian army or police, since they were not neutral parties and must not be considered as such. The disarmament of the paramilitaries and of the East Timor National Liberation Armed Forces (FALINTIL) must be accompanied by the withdrawal of the Indonesian military to their barracks, or, preferably, their complete withdrawal from the Territory. UNAMET must carefully investigate the reports of killings attributed by the Indonesian Government to FALINTIL and bring the perpetrators to account.

63. Notwithstanding the provisions of the memorandum, which required free access to the mass media for the United Nations, as well as both sides in East Timor, the Indonesian Government had refused to allow UNAMET to broadcast on television and radio unless it was given the right to veto the contents of the programmes. Moreover, the pro-independence campaigners had thus far been denied access to the mass media.

64. It was thus very clear that Indonesia was not fulfilling its obligations under the agreements, which was demonstrated in particular by the inability or unwillingness of the Indonesian police and armed forces to create a secure environment for the ballot.

65. Under those circumstances, the United Nations must substantially increase its presence in East Timor. It would be desirable for the Organization to take responsibility for security in the Territory before, during and for several weeks after the vote. In any event, there must be a substantial and visible United Nations presence in every part of East Timor. It was to be hoped that, through other initiatives, additional human resources would be allocated to assist the Organization's personnel. In order to ensure a free and fair vote, the United Nations and the Indonesian Government should support the project of the International Federation for East Timor, which planned to provide such resources, as well as other initiatives.

66. Mr. CRESSWELL withdrew.

67. At the invitation of the Chairman, Mr. Senna (Providence Journal Editorial Board) took a place at the petitioners' table.

68. Mr. SENNA (Providence Journal Editorial Board) said that Indonesia had recently offered the people of East Timor a referendum to decide whether East Timor would remain the 27th province of Indonesia, become an independent country or build an autonomous relationship with Indonesia. The advocates of all three options had strong cases.

/...

69. The anomalous political status of the Territory was a direct consequence of the unjust colonial rule by Portugal and the Netherlands. As a result of the occupation by those countries of Indonesia and East Timor, Indonesians had lost their sense of belonging to a common nation, national institutions promoting cultural and social unity had been suppressed, and the benefits derived from exploiting Indonesia's resources had been diverted by the colonial Powers. While it was too late to return the expropriated resources, it was not too late to consider ways of reversing the process of internal division and factionalism among the Indonesian people.

70. The desire to overcome centuries of separation from their kith and kin had driven the Indonesian movement for independence and nationhood. The delegates to the Second Indonesian Youth Congress in Jakarta had pledged allegiance to the slogan "One country, one nation, one language". That same idea of unifying peoples who found themselves divided as a result of colonial rule had been expressed in the statement by President Sukarno of Indonesia at the Bandung meeting of the Asian-African Council in April 1955.

71. Nearly everywhere, colonial Powers had acted in accordance with the principle "Divide and rule". The question in that regard was whether it was acceptable for the international community to recognize and endorse that colonial doctrine by institutionalizing divisions fraught with the potential for regional political instability, economic problems and armed conflicts. After the Portuguese colonial authorities had withdrawn from East Timor in 1975, the process of reintegrating the East Timorese with their compatriots on a basis of complete fraternity and equality had begun, and there were no grounds for maintaining that Indonesia's control over East Timor amounted to a foreign colonial occupation. The inhabitants of East Timor were not a subjugated racial or ethnic caste whose lands were being expropriated by an occupying colonial Power, as was true of the aboriginal peoples of Australia, French-occupied New Caledonia and New Zealand. Some advocates of East Timor's independence from Indonesia wrongly compared the East Timorese rebels with American patriots at the time of the American Revolution. It would be more accurate to draw a parallel between the current situation in East Timor and the conflict in Northern Ireland or the separatist movement in the French-speaking Canadian province of Quebec.

72. After Indonesia had achieved independence, it had faced numerous rebellions, so the situation in East Timor was by no means unique for Indonesia. Today, the question was whether the factionally divided East Timorese could survive economically as an independent State without massive and continuous foreign aid and without mass migration of East Timorese workers and repatriation of their income. It was clear that, as far as the economy was concerned, the inhabitants of East Timor would be condemned to stagnation. Furthermore, independence would intensify factionalism, exacerbating regional instability and civil strife.

73. As for autonomy, although it would not repair the divide created between the Indonesian peoples by Portugal, it would at least be a first step towards the eventual unification of the two parts of the island. Portugal's role in the current negotiations must be secondary to the role of Indonesia and must be

/...

directed towards facilitating the integration of East Timor into Indonesia's sphere of influence and control.

74. Today, developing countries were responding positively to the trend towards globalization and were striving to integrate themselves into the international economic order. Further fragmentation of developing countries into unviable micro-States would deprive them of the potential benefits of globalization. For that reason, East Timor must remain part of Indonesia.

75. Mr. Senna withdrew.

76. At the invitation of the Chairman, Ms. Scharfe (Parliamentarians for East Timor) took a place at the petitioners' table.

77. Ms. SCHARFE (Parliamentarians for East Timor) said that she was representing an international parliamentary organization with more than 1,100 members and supporters from 41 countries. Its aims were to draw the attention of policy makers to the ongoing human rights violations in East Timor and to explore with national parliaments all possible means of promoting the inalienable right of the Timorese to self-determination.

78. 1999 would be a decisive year for the people of East Timor and their political future. In order for a free and fair act of self-determination to take place, there must be an atmosphere of calm, free from intimidation. However, the fact that the situation of human rights in East Timor had not improved since the signing of the May agreements and that the militias continued to commit acts of violence, murder and intimidation with the support and sometimes even the direct involvement of the Indonesian army, while the Indonesian police turned a blind eye, raised serious doubts regarding Indonesia's ability to provide the necessary security.

79. The 280 unarmed police officers who were to be sent to East Timor would not be enough to stabilize the situation, and the Secretary-General should therefore consider the possibility of increasing their number. It might be necessary for the United Nations to first assume complete control over security in East Timor prior to the ballot.

80. An essential element of the ballot was the participation in the campaign of East Timorese from both sides of the political spectrum, which assumed the unconditional release and return to the Territory of Xanana Gusmão and all political prisoners. Representatives of the East Timorese diaspora must also be free to return to East Timor in order to participate in the pre-ballot campaigning. However, without dramatic changes to the security apparatus currently in place, no such campaign could take place. The Governor of East Timor had approved funds for the formation of civil-defence units. Some of them incorporated paramilitaries whose activities threatened to derail the ballot. The Special Committee must make it clear to Indonesia that such actions were not in keeping with the spirit of the agreements signed under United Nations auspices and with the Committee's mandate.

81. With respect to the ballot itself, the number of observers provided for in the May agreements was insufficient, which gave rise to concerns that the

/...

Timorese would be unable to vote freely and without fear. In addition, without adequate monitoring of the poll, there was a very real risk of ballot tampering. She was therefore proposing that the Committee should send observers prior to the ballot, and that such observers should consider remaining in the Territory until the results were officially announced.

82. If in a free and fair vote the majority of East Timorese rejected Indonesia's proposal to grant East Timor special autonomous-region status and East Timor was recognized as a Non-Self-Governing Territory, Parliamentarians for East Timor would ask the Committee not to abandon East Timor after the ballot, but to play an active part in the life of the Territory during the transition period in order to complete the decolonization process once and for all.

83. Ms. Scharfe withdrew.

84. At the invitation of the Chairman, Ms. Patrião Gouveia (Member of the Portuguese Parliament, Social Democratic Party) took a place at the petitioners' table.

85. MS. PATRIÃO GOUVEIA (Member of the Portuguese Parliament, Social Democratic Party) said that the New York agreements on East Timor had been the result of efforts undertaken for more than 20 years by many interested parties and by the international community, and, above all, of the struggle of the East Timorese people for their freedom, which gave reason to hope that the process under way would be successfully completed. However, the reports from East Timor aroused concern with regard to the conditions in which the popular consultation would take place, since paramilitaries were continuing to commit acts of political violence against unarmed advocates of East Timorese independence. The majority of the leaders of the movements campaigning for independence had fled Dili or gone into hiding. Information was emerging of large groups of refugees, numbering up to 45,000 persons, many of whom were dying from hunger and disease.

86. There was evidence that the Indonesian army and police were not maintaining absolute neutrality, as they had promised, and were harbouring persons guilty of breaches of law and order in the Territory. The Indonesian Government must be pressed to fulfil the obligations it had undertaken towards the East Timorese people. In the interests of reconciliation, the Commission on Peace and Stability must be re-established. Another important condition was the release of Xanana Gusmão and all Timorese political prisoners.

87. Portugal would recognize any decision taken on the basis of the result of the consultation, which must be conducted in accordance with the political conditions stipulated in the agreements. In any event, there was much work to be done in East Timor in order to achieve reconciliation, establish organs of government, develop the economic infrastructure and enhance the spheres of health care, social security and education, and the international community must do everything within its power to help. The Portuguese Parliament was unanimous in its approach to the question of East Timor, and would support any choice by the East Timorese people, as determined by the result of the popular consultation.

88. Ms. Patrião Gouveia withdrew.

/...

89. At the invitation of the Chairman, Mr. Cervan (Member of the Portuguese Parliament, Social Democratic Centre-Popular Party) took a place at the petitioners' table.

90. Mr. CERVAN (Member of the Portuguese Parliament, Social Democratic Centre-Popular Party) emphasized that, at the current stage of the self-determination process, the search for someone to blame was less important for the people of East Timor than the peaceful resolution of a problem that had dragged on for decades. The aims of Portuguese diplomacy in that connection could be summed up in the following way: the recognition by Indonesia of the right of the people of Timor to self-determination; the assignment to the United Nations of a mandate to conduct a consultation and to follow the entire process through to its conclusion; and Indonesia's agreement to a permanent United Nations presence in East Timor, including after the consultation.

91. East Timor never had been and never would be a problem in the relationship between the Portuguese and Indonesian peoples or in the relationship between Portugal and Indonesia. It was a question of the primacy of human rights, and both Portuguese and Indonesians were campaigning in their defence. The forthcoming referendum would be of great importance in that respect. However, the crux of the matter was the attainment of freedom for East Timor, but that was not possible with Indonesian forces continuing to support the militias, and with no guarantee of a free consultation.

92. Mr. Cervan withdrew.

93. At the invitation of the Chairman, Mr. Gonçalves (Member of the Portuguese Parliament, Socialist Party) took a place at the petitioners' table.

94. Mr. GONÇALVES (Member of the Portuguese Parliament, Socialist Party) said that the events currently taking place gave reason to hope that the question of East Timor would be successfully resolved. That hope was inspired by the signing on 5 May in New York, under the auspices of the Secretary-General, of agreements between Portugal and Indonesia. Those agreements addressed the main aims pursued by Portugal with respect to the problem of East Timor. Portugal had strived constantly to draw the international community's attention to that problem, and recently those efforts had begun to yield encouraging results. Portugal was ready to fulfil all its obligations under the New York agreements, and would respect any decision taken by the Timorese as a result of the democratic consultation. For the people of East Timor, 8 August 1999 should become the day on which they attained their freedom.

95. However, the question of whether the popular consultation could be free and democratic, whether it could take place in calm and peaceful conditions, and whether order and security could be maintained in the Territory and freedom of expression guaranteed was cause for some anxiety. According to United Nations information, Indonesia had repeatedly allowed actions that had led to breaches of stability, freedom and security, although the maintenance thereof was stipulated in the New York agreements. As a result of attacks by paramilitaries, which were being committed with impunity even after the signing of the agreements, mass forced displacement of the population was occurring, and not only the local authorities but also journalists and non-governmental

/...

organizations were at risk. Indonesia must take all necessary measures to stop those developments, which were jeopardizing the popular consultation. In that connection, the progress made in implementing the guarantees given by Indonesia concerning the early release of political prisoners, which was an important condition for the holding of the democratic consultation, was disappointing. Without doubt, the release of Xanana Gusmão would be a manifestation of fairness and would make an important contribution to the cause of peace and reconciliation.

96. Mr. Gonçalves withdrew.

97. At the invitation of the Chairman, Mr. Corregedor da Fonseca (Member of the Portuguese Parliament, Communist Party) took a place at the petitioners' table.

98. Mr. CORREGEDOR DA FONSECA (Member of the Portuguese Parliament, Communist Party) said that, for more than two decades, the people of East Timor had lived under terrible conditions imposed upon them in violation of the Charter of the United Nations and international law by a powerful State that had conducted a bloody invasion of their territory. On several occasions, the Security Council had adopted resolutions demanding that Indonesia should withdraw its troops from East Timor and that Portugal, as the administering Power, should cooperate fully with the United Nations in efforts to enable the people of East Timor to exercise freely their right to self-determination. The people had never ceased their fight against foreign occupation. Prior to the invasion, the population of the Territory had numbered almost 800,000 persons; 200,000 of them had been killed immediately. They had never maintained an army; Indonesia, with its population of more than 180 million and a strong military apparatus, had initiated a campaign of political repression in the Territory.

99. Today, 24 years later, political efforts were under way that might enable the people of East Timor to freely choose their destiny and escape the yoke of foreign occupation. All that would be possible as a result of the popular consultation planned for August 1999. A number of doubts remained, however, concerning the maintenance of the necessary security. There was good reason to fear the activities of the militias who favoured integration with Indonesia, which was providing generous support to them. The fact that the Indonesian authorities had entrusted control of the local security forces to one of the militia leaders was a cause for still greater anxiety. In that connection, it was difficult to understand why the agreements concluded contained no explicit provision requiring the release of the president of the National Council of Timorese Resistance, Xanana Gusmão. Another worrying factor was the lack of free access for Timorese to the Territory in order to take part in that important event. There was a need to create conditions of trust so that the people of East Timor could perform their civic duty and freely determine their future.

100. Understood fairly, compliance with the agreements entailed the following: the release of Xanana Gusmão; the disarmament of the militias; access for all Timorese to the Territory; and the maintenance of security so as to enable the popular consultation to be held in conditions of complete freedom. In that connection, there was a need to strengthen the security component in order to

/...

instil in all Timorese the confidence necessary to register at electoral centres with dignity and freedom and to participate in the vote.

101. Mr. Corregedor da Fonseca withdrew.

102. At the invitation of the Chairman, Mr. do Nascimento took a place at the petitioners' table.

103. Mr. DO NASCIMENTO said that, had Indonesia not invaded East Timor, violating the right of its people to self-determination, East Timor could have been an independent State and a Member of the United Nations. For the past 24 years, the inhabitants of East Timor has endured enormous suffering and had been confronted with violence on a daily basis. Throughout that time, they had lived under conditions of terror, torture and murder. That situation had persisted up to the present time. Following the Indonesian President's offer to East Timor of two options for achieving a political solution to the problem, the Indonesian army had intensified its campaign of terror supported by militias established with its assistance. Often, the persons recruited to such groups were inhabitants of West Timor.

104. Currently, the inhabitants of East Timor were being attacked on two fronts: in the towns and villages, they were being terrorized by militias, while, in the jungles and hills, they were being hunted by the Indonesian army. Both groups had committed numerous kidnappings and murders, used torture and forced people to flee, and he himself had witnessed many such occurrences. Reports of the escalation of violence in East Timor continued to be received, including from the United Nations representatives there. Peace and justice could be restored in East Timor only through cooperation and understanding among all the parties to the conflict and respect for the rule of law. In that connection, Indonesia must comply fully with all the relevant United Nations resolutions, and the Special Committee could bring that about by putting the necessary pressure on Indonesia.

105. Mr. do Nascimento withdrew.

106. At the invitation of the Chairman, Mr. Soares Cabral took a place at the petitioners' table.

107. Mr. SOARES CABRAL, a native of East Timor, said that in the 1990s he had joined the East Timor Youth Liberation Front, and he had survived the massacre of 12 November 1991 in Dili. East Timor had been occupied by the Indonesian army in 1975 and annexed to Indonesia as its 27th province in 1976. The United Nations did not recognize the occupation and regarded East Timor as a Non-Self-Governing Territory administered by Portugal. The people of East Timor had yet to exercise their right to self-determination.

108. The international community was no doubt aware of the injustice that had befallen the Timorese people for the past 24 years, during which it was estimated that more than 200,000 Timorese had been killed. Twenty-four years after the occupation, the Indonesian military continued to deny the people of East Timor their inalienable right to self-determination and to commit murders and other crimes with complete impunity.

/...

109. On 8 August 1999, a vote on the future status of the Territory was to take place in East Timor, and it was deeply worrying that the maintenance of security during the ballot would be entrusted to the same army that had committed crimes against the Timorese people.

110. Today, for the first time in 23 years, the United Nations flag had been raised in East Timor, marking a historic opportunity for the commencement of peace-building there. He was confident that the United Nations would take measures to ensure that the Indonesian Government complied fully with all the United Nations resolutions. In order to achieve a peaceful settlement in East Timor, the following conditions must be met: the United Nations must call on the Indonesian Government to withdraw its troops from the Territory; United Nations peacekeepers must immediately disarm the militias; the Organization must demand the immediate release of Xanana Gusmão and all East Timorese political prisoners; a peaceful atmosphere must be established by allowing all the parties to discuss, under United Nations supervision, the advantages and disadvantages of the autonomy package.

111. In conclusion, he urged the Special Committee to continue to put pressure on the Indonesian Government in order to ensure that it cooperated fully with the United Nations and all parties to the conflict in the search for a peaceful resolution of the question of East Timor.

112. Mr. Soares Cabral withdrew.

113. At the invitation of the Chairman, Mr. Clark (International League for Human Rights) took a place at the petitioners' table.

114. Mr. CLARK (International League for Human Rights) said that the League had been the first non-governmental organization to speak on the question of East Timor at the United Nations. That had been in November 1978, but 30 years earlier, in 1949, representatives of the League had campaigned energetically in a number of United Nations organs in defence of the right to self-determination of the Indonesian nationalists, who were fighting against Dutch colonial rule. That example showed that, in some cases (Indonesia), issues of self-determination could be resolved in a relatively short time, while others (Namibia, East Timor) took longer. The United Nations had long supported the struggle of the East Timorese people, and soon, it was to be hoped, a popular consultation would be held in the Territory.

115. In its 1978 petition, the League had focused on General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV) and their relevance to the situation in East Timor. It was pleasing to see that in the first preambular paragraph of the agreements on the question of East Timor signed by Indonesia and Portugal on 5 May 1999 the provisions of those three resolutions were used as the basis for the popular consultation that was to take place in East Timor in August.

116. Resolution 1514 (XV) set out the right of all non-self-governing peoples to choose freely their future political status. The people of East Timor had not yet been able to exercise that right. Resolution 1541 (XV) defined the principles by which Non-Self-Governing Territories could achieve a full measure

/...

of self-government, with principle IX providing for the option of integration with an independent State, which was particularly relevant in the case of East Timor. It appeared that the arrangements among Indonesia, Portugal and the Secretary-General had been crafted to comply with that principle. It was particularly pleasing that the United Nations was actively participating in that process, including in the conduct of the information campaign and the consultation itself. The campaign must, however, be carried out in all the languages of the Territory so as to ensure that the population properly understood the situation. The only element that gave cause for concern in the implementation of principle IX was security. There had been alarming reports of paramilitary activities and of many recent deaths. It was to be hoped that Indonesia would be able to move the security issue forward.

117. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States further elucidated the concept of self-determination and freedom and independence in relations among States as well as developing the idea of maintaining a distinct international status for Non-Self-Governing Territories until their peoples exercised their right to self-determination. That concept of East Timor's distinct international status was the basis of the May agreements. There was a need to leave to one side the claims of Indonesia and Portugal to sovereignty over the Territory and to ascertain the views of the people, who would have to choose between unification with Indonesia and independence.

118. Mr. Clark withdrew.

119. At the invitation of the Chairman, Mr. Oliviera (University of Aveiro Students Union and Foundation of Portuguese Universities) took a place at the petitioners' table.

120. Mr. OLIVIERA (University of Aveiro Students Union and Foundation of Portuguese Universities) said that, according to recent information, during the run-up to the August ballot in East Timor a carefully orchestrated campaign of terror and intimidation was continuing, perpetrated by militias favouring integration with Indonesia. That campaign had resulted in many deaths and substantial material damage, particularly in Liquiça, Dili and Suai. Approximately 40,000 persons had been forced to flee their homes. There was strong evidence that militias, such as, Pancasila, were being armed and trained by the Indonesian army.

121. In those conditions, it was vital to call for United Nations representatives and international and local organizations to be allowed access to all regions of East Timor in order to monitor respect for human rights. The United Nations must call for continuous analysis of the political and security situations in the Territory; a full and impartial investigation of the recent human rights violations and the punishment of those responsible; and for pressure to be brought to bear on the Indonesian Government to take steps to achieve the immediate disarmament of all militias in East Timor and to release Xanana Gusmão and all remaining Timorese political prisoners. Mr. Gusmão was playing a key role in the international negotiations to end the lengthy conflict, and his release would contribute to the creation of a safe and peaceful atmosphere for the run-up to the ballot.

/...

122. The United Nations should carry out comprehensive and complete monitoring, as well as an overall review of the consultation. He was confident that the United Nations would not turn its back on the East Timorese and that it would not take another massacre to bring world attention to their plight.

123. Mr. Oliviera withdrew.

124. At the invitation of the Chairman, Mr. Hutagalung took a place at the petitioners' table.

125. Mr. HUTAGALUNG said that he was an Indonesian who was currently studying at a United States university. Despite its many shortcomings, the Indonesian Government had done significant work to build and develop East Timor.

126. The popular consultation scheduled for 8 August 1999 marked a critical point in the long and complicated efforts to find a just and peaceful solution to the East Timor debate. He respected the Indonesian Government's decision to allow the people of East Timor to decide their own fate by either accepting or rejecting Indonesia's offer of greater autonomy for the region. The presence of UNAMET was also very important, but the Mission must maintain its neutrality. The same was true for the Indonesian Government and its armed forces: it was time to step back and let the people of East Timor decide for themselves.

127. The conclusion on 18 June in Jakarta between the pro-independence and pro-integration parties of an agreement on peaceful participation in the ballot and, more importantly, on the disarmament of all militias was an important step towards achieving peace.

128. He was convinced that the future of East Timor lay in the hands of its people. He was confident that all the parties involved would respect the outcome of the ballot. If the inhabitants of East Timor voted for the Territory to remain a part of Indonesia, he would look upon them as his brothers and sisters, and, if they voted for independence, Indonesia and East Timor should be the best of neighbours.

129. Mr. Hutagalung withdrew.

130. At the invitation of the Chairman, Mr. Padang took a place at the petitioners' table.

131. Mr. PADANG said that he was Indonesian by birth, but had worked for 28 years at the United Nations.

132. He expressed concern at attempts to discredit the efforts of the international community to implement fully the agreements of 5 May. Those who had followed developments concerning East Timor since the mid-1970s could not but be struck by the sincerity of the efforts of the international community to induce the Governments of Indonesia and Portugal to resolve their differences and find a just solution to the problem facing the people of East Timor. The agreements signed on 5 May 1999 by Indonesia and Portugal under the auspices of the Secretary-General were a sterling diplomatic achievement. After referring briefly to certain provisions of the main Agreement, in particular articles 5

/...

and 6, he said that nothing could be more shattering to the hopes of the people of East Timor than to argue that the provisions of the Agreement did not correspond to the wishes of the international community.

133. As for Indonesians, who had freed themselves from a politically repressive regime and had recently conducted the first free elections in more than 30 years, they were looking forward to a new chapter in their history as a nation. They believed that Indonesia's initiative in giving their East Timorese brethren the opportunity to express their genuine wishes was a courageous step. Indonesians were pleased to see that their Government was doing its utmost to discharge its responsibilities under the Agreement, and, in particular, that it had agreed to a request by the Secretary-General to deploy liaison officers in the Territory.

134. The people of East Timor had achieved a great deal since 1975, when the Portuguese Government had left the Territory. Through hard work and with significant support from the Government and the international community, the East Timorese had been able to raise the literacy rate and achieve progress in the fields of culture and education. While elementary and secondary schools in the Territory had numbered only in the tens prior to 1975, today there were hundreds, and even several colleges, some of which were staffed by East Timorese.

135. Certainly, tragic incidents had taken place during those years. Nevertheless, it was pleasing to know that the Indonesian Government had not shied away from taking military disciplinary measures against those responsible.

136. The socio-economic achievements of the East Timorese and the scale of the assistance provided by the Government to the Territory had often caused many Indonesians in other parts of the country to feel envy, which was tempered by the knowledge that their East Timorese brethren deserved special treatment, since they had to accomplish much more in a significantly shorter period.

137. In the midst of civil strife, which had adversely affected life in East Timor, the island's people had nevertheless moved forward. Today, they were being given the opportunity to express themselves freely and openly under full international supervision.

138. Indonesians, including those living abroad, looked forward to the speedy implementation of the May agreements. It was their sincere wish that the August session of the newly elected Consultative Assembly would become a landmark in the history of diplomacy, since the decisions taken by the people of East Timor would be approved at that session.

The meeting rose at 6.05 p.m.