



## General Assembly

Distr.  
GENERAL

A/AC.109/SR.1489  
1 July 1999  
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 1489th MEETING

Held at Headquarters, New York,  
on Wednesday, 1 July 1998, at 3 p.m.

Chairman:

Mr. RODRÍGUEZ PARRILLA

(Cuba)

CONTENTS

QUESTION OF EAST TIMOR (continued)

---

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.

QUESTION OF EAST TIMOR (continued) (A/AC.109/2111)

1. The CHAIRMAN recalled that at its 1487th and 1488th meetings the Special Committee had decided to grant requests for hearings of petitioners.

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

3. Mr. TANTER (Kyoto East Timor Association) said that the new administration in Indonesia had acknowledged the need for change in the policy towards East Timor. At a time of profound economic and political crisis in Indonesia, it had become clear to all how little Indonesia had to lose by a properly orchestrated withdrawal from East Timor. It was doubtful whether there were any legitimate interests that could not be negotiated to a reasonable compromise or that were threatened by a democratic process of self-determination in East Timor. Referring to the security considerations which disturbed Indonesia, he said that East Timorese diplomacy under Xanana Gusmão had always been a combination of strategic tenacity and tactical flexibility. Indonesia was also concerned that an independent East Timor would encourage separatist movements, especially in the provinces of Aceh and Irian Jaya. Those provinces had, however, historically been part of the colony of the Netherlands East Indies, whereas East Timor had not. The invasion and occupation of East Timor had been a perversion of the objectives of the national revolution in Indonesia. Self-determination in East Timor would open up the possibility for a less militarized response by the Indonesian armed forces and the Government as a whole to the real social and economic problems of those provinces.

4. On the question of Indonesia's economic interests, the most important issue would be the renegotiation of the agreements between Indonesia and Australia for the exploitation of the oil deposits in the Timor Sea, since an independent East Timor would prefer to receive all oil rights in the area. A more complex matter from the political standpoint was the question of the status of Indonesian investments in East Timor. However, in the current climate of criticism of monopolies, claims to such investments would be less defensible. As for the fate of the tens of thousands of Indonesian settlers in East Timor, Xanana Gusmão had already given assurances that they would not be immediately expelled. There was, however, also a need for assurances from the Timorese side that the Indonesian migrants would be protected after the Indonesian forces had withdrawn. Indonesia could not be expected to abandon its citizens to anarchy and revenge.

5. With regard to diplomatic "face-saving" for Indonesia, it should more properly be thought of as building the foundations of long-term coexistence between Indonesia and East Timor. The economy of an independent East Timor would of necessity, be closely linked to that of Indonesia. After two decades of war in which thousands of Indonesian soldiers had been killed and given the profound uncertainty about the direction of the country, there was a danger that the spectre of "defeat in East Timor" would bring about a return to the old ways. In the current circumstances, however, not only was a return to the old

/...

ways not viable, but the crippled Indonesian economy could not afford the indulgences of disgraced generals.

6. The States Members of the United Nations should now renew their approaches to the representatives of Indonesia and East Timor with a view to establishing a two-phase transition to a process of self-determination in East Timor. The participation of the United Nations would involve the following activities: monitoring of an immediate suspension of hostilities, the suspension of the application of the Indonesian Anti-Subversion Act to East Timor, and the observance by all Indonesian government organizations of the provisions of the Criminal Code; the organization of a representative forum to develop transitional institutions and policies; monitoring of a subsequent phased withdrawal of Indonesian troops and the simultaneous establishment of transitional East Timorese security and police forces; and the organization and monitoring of a referendum on self-determination within three to five years.

7. Mr. BAPTISTA (Indonesia), speaking on a point of order, said that the speaker had exceeded his time limit.

8. The CHAIRMAN called upon the petitioners to observe the time limit.

9. Mr. TANTER (Kyoto East Timor Association), resuming his statement, said that the Indonesian occupation of East Timor was a monstrous relic of the cold war. Some years previously, the Minister for Foreign Affairs of Indonesia had called East Timor "a pebble in Indonesia's shoe". Rather it was an albatross which the former Suharto administration had hung around its own neck. Now was the moment when the friends of Indonesia might be able to help it to open a door to hope.

10. Mr. Tanter withdrew.

11. At the invitation of the Chairman, Mr. Bano (British Coalition for East Timor and East Timorese community in the United Kingdom) took a place at the petitioners' table.

12. Mr. BANO (British Coalition for East Timor and East Timorese community in the United Kingdom), speaking first on behalf of the British Coalition for East Timor (BCET), said that BCET organized public information campaigns on the question of the right of the East Timorese people to self-determination and the abuse of human rights in East Timor. In addition, BCET sought to influence the policy of the United Kingdom Government on East Timor. A European Union Troika had visited East Timor from 27 to 30 June 1998. Once it had received the report on the findings of the mission, BCET would be able to exert continuing pressure on the United Kingdom Government and the European Union. BCET hoped that the visit would contribute to greater efforts by the European Union towards supporting all those working for a peaceful solution. The initial steps taken by the Government of President Habibie could provide a solid basis for a resolution of the problem of East Timor. The coming year therefore afforded a timely opportunity for the Special Committee to fulfil its responsibilities and take the necessary measures to complete the decolonization of East Timor and finally permit its people to achieve genuine self-determination.

/...

13. Each year during the Special Committee's hearings reference was made to the deterioration of the human rights situation in the Territory; unfortunately, the current year was no different. The efforts of the international financial institutions to shore up Indonesia's ailing economy had not produced positive results for East Timor. The East Timorese were again being required to pay for the mismanagement and corruption which permeated the Indonesian economy. Severe food shortages had been identified in Atauro Island and parts of the mainland.

14. The resignation of President Suharto had opened a window of opportunity for Indonesia to improve its standing before the international community. President Habibie and his Government had indicated that they were willing "generously" to concede extended autonomy to East Timor. However, BCET believed that that was not a satisfactory solution nor was it in line with the common position on East Timor adopted by the European Union in June 1996. A long-term solution required respect for the fundamental right of the East Timorese people to decide their future for themselves through a referendum. In effect, the Timorese people had already made their wishes clear. At a meeting at the Governor's office on 6 June the demand for self-determination had been restated. Unfortunately, the Indonesian Government appeared to be oblivious to it.

15. BCET therefore urged the Special Committee to make the Government of Indonesia understand that international public opinion required it to take serious and concrete steps to find a solution to the issue, a solution which was inseparable from an act of self-determination exercised in accordance with international law. The Apostolic Administrator of Dili had stated that an enlarged autonomous status for East Timor might be acceptable provided that it was part of a transitional measure, but never as a final solution to the issue. The Vice-President of the National Council of the East Timorese Resistance, who was a joint winner of the Nobel Peace Prize with the Apostolic Administrator, classified recent offers by the Indonesian Government to extend an autonomous status to East Timor as totally unacceptable and had accused Indonesia of trying to make the release of Xanana Gusmão conditional upon recognition by the United Nations and Portugal of its sovereignty over East Timor. The National Council of the East Timorese Resistance believed that a solution could only be found when the East Timorese people were able to participate directly in the process.

16. BCET wished to draw the Special Committee's attention to the report of the Special Rapporteur on violence against women, which had been submitted to the Commission on Human Rights at its fifty-fourth session. The report described the precarious situation of Timorese women, who were subjected to rape, sexual harassment and forced prostitution and were used as "sex slaves" by the Indonesian military. BCET was alarmed that women had been largely omitted from peace initiatives. For example, to date there were only 3 women participants in the All-Inclusive Intra-East Timorese Dialogue, which was part of the Secretary-General's initiatives, as opposed to 33 men. BCET was firmly convinced that peace-building efforts could only be effective if all the Timorese people, irrespective of their gender, were able to participate directly.

17. BCET wished once again to reiterate its belief that the next six months would be crucial for the work of the Special Committee in fulfilling the responsibilities entrusted to it with regard to East Timor. Although it would appear to be difficult to meet the goal set by the United Nations for the

/...

eradication of colonialism by the beginning of the next century, the Special Committee was clearly in an ideal position to ensure that Indonesia's neocolonial stance over East Timor was brought to an end by that date.

18. Speaking on behalf of the East Timorese community in the United Kingdom, he expressed deep concern at the lack of political will from the new Indonesian regime and the continuing violations of the fundamental rights of the people of East Timor in their struggle for self-rule in their own country. During the 23 years of the brutal Indonesian occupation, 200,000 East Timorese - one third of the population of East Timor - had lost their lives.

19. The East Timorese community in the United Kingdom believed that, with the end of the Suharto era and the political and economic reforms in Indonesia, the right of the East Timorese people to self-determination might be realized. It believed that it was time for the East Timorese leaders from the National Council of the East Timorese Resistance, including its President, Mr. Gusmão, and its Vice-President, Mr. Ramos Horta, to be directly involved in the talks for a resolution of the conflict in East Timor.

20. The demands of the Indonesian people for political and economic reforms included calls for a government dedicated to total reform. Such a government should not include anyone who could be held responsible for the invasion of East Timor and the genocide of its people. It was a matter of deep concern that Yunus Yosfiah, the man who had been accused of the murder of five Western journalists in 1975 and who was responsible for the massacre of thousands of East Timorese in the early years of the invasion, was now Minister of Information of Indonesia.

21. Mr. Bano withdrew.

22. At the invitation of the Chairman, Mr. Surjadinata (East Timor Alert Network/Canada) took a place at the petitioners' table.

23. Mr. SURJADINATA (East Timor Alert Network/Canada) said that two Canadians had visited East Timor in 1997. They had witnessed many instances of poor health, including cases of wasting, tuberculosis, malaria and skin disorders. Military and police forces were omnipresent in all the areas that they had visited. A Timorese contact had told them that food shortages and rising food prices had forced the Timorese to use tree bark and sap for food.

24. An aid worker had also told them about the population's health and food problems. In addition, he had told them about the violence inflicted in November 1997 on students at the University of East Timor, many of whom had been shot. Instances of the rape of East Timorese women by Indonesian soldiers continued to occur. East Timorese young people were dropping out of high school, since students were taught in Bahasa Indonesia and were taught lies; moreover, many students left school early in order to work. Pressure was put on students to act as informers. Furthermore, it was clear from what aid workers had said that there was widespread hunger in East Timor.

25. More recent testimony suggested that conditions had only worsened. Repression, poverty and hunger coexisted with open and frequent violations of

/...

human rights, including arbitrary arrest, torture, "disappearance" and extrajudicial execution. It was known that there had been some easing of tension since President Suharto's resignation, but on 12 June, in Dili, there had occurred the apparently arbitrary arrest of José da Costa and on 16 June Herman Dasdores - a relative of one of three East Timorese living in Canada - had been shot dead by two soldiers.

26. So far the new Indonesian Government had been almost as inflexible as the previous one. The offer of "special status" had been essentially meaningless; it would, as in Aceh and Yogyakarta, be no more than symbolic. A peaceful demonstration in Jakarta by East Timorese and some of their Indonesian supporters had been violently broken up by the security forces. That was no way to move towards a peaceful solution.

27. He welcomed the release of a few East Timorese prisoners and the dropping of charges against students at the University of East Timor. Many other people, however, remained in prison on political charges. Since President Suharto's resignation, the Canadian Minister for Foreign Affairs had called for the release of all political prisoners. The East Timor Alert Network joined in that call, along with many other Canadian organizations and individuals. Xanana Gusmão should be immediately and unconditionally released and he should be able to take his proper place as the representative of East Timor in talks between Indonesia and Portugal sponsored by the United Nations.

28. In November 1997, six months before his resignation, President Suharto had visited Canada. Protests from coast to coast had focused primarily on the issue of East Timor. Many Canadian organizations and individuals had also called for a free and fair referendum on the status of East Timor. If the new Government was serious, it would extend to the East Timorese the opportunity to realize their right to self-determination. As a means of preparing for such a peaceful and democratic solution, the Indonesian Government should immediately withdraw its troops and agree to an internationally supervised ceasefire. An East Timorese who had spoken to the two Canadians had said that his people would never accept an Indonesian presence. That individual, and many others like him, would continue to insist on their right to determine their own future. East Timor Alert Network supported the East Timorese in their demand.

29. Mr. Surjadinata withdrew.

30. At the invitation of the Chairman, Mr. de Araujo (Indonesian Association of British Alumni of East Timor) took a place at the petitioners' table.

31. Mr. de ARAUJO (Indonesian Association of British Alumni of East Timor) said that it was 23 years since Portugal had fled East Timor, leaving the Territory in a state of civil war. Luckily, the Indonesian Government had sent its forces to help the people who were being subjected to ill-treatment by the Revolutionary Front for the Independence of East Timor (FRETILIN). Portugal's failure and the arbitrary and extrajudiciary actions of FRETILIN, however, had never been taken into account by certain groups of the international community, which continued to blame Indonesia for not allowing the decolonization process to take place in East Timor.

/...

32. FRETILIN had never considered decolonization or even the holding of a referendum because it thought that it had a firm grip on power. It was the Indonesians who had saved innocent people from dying in the fratricidal FRETILIN war. Some groups, however, only condemned Indonesia and supported FRETILIN and Portugal, raising the question of legitimacy as the main issue in the case of the integration of East Timor into Indonesia on the basis of General Assembly resolution 1514 (XV).

33. He wondered what was the meaning of legitimacy in East Timor, given the savagery of the acts carried out by FRETILIN. It was not fair to wage a negative campaign against the saviours of the Timorese people and to praise the killers, to justify acts of killing by accusing the saviours of lacking legitimacy. The fact was that the United Nations had failed to decide where it should stand and the administering Power had failed to fulfil its obligations under Article 73 e of the Charter of the United Nations, hiding behind the word "legitimacy".

34. The Indonesian Government was, however, currently trying to open a new page in the history of East Timor by proposing special status for the Territory. It was the only and, so far, the best way to resolve the problem of East Timor and it was the only compromise that could unite all the interested parties. He therefore invited all those involved to adopt the compromise solution as a starting point to discussions on a political format for the future of East Timor.

35. There were, however, political charlatans in East Timor who did not accept the proposal and tried to influence the people of East Timor to reject it by calling for an immediate referendum and independence. They also tried to influence the East Timorese to reject the fundamental principles of the East Timor National Liberation Armed Forces (FALINTIL), which were aimed at a peaceful settlement through dialogue and consensus.

36. Experience had shown that a referendum did not guarantee peace. The only and best solution to any conflict was compromise, under which there were no losers and no winners. He pointed out that Portugal had never conducted a referendum in any of its former colonies and it was therefore ridiculous for it to demand one for East Timor. He drew attention to the statement by Mr. Soares, founder of the Associação Popular Democrática de Timor (APODETI), that those who opposed the idea of a special status for East Timor did not want to see the East Timorese live in peace and unity.

37. He appealed to members of the Committee not to be misled by such charlatans, for they did not have a genuine commitment to the search for a just, comprehensive and internationally acceptable settlement to the question of East Timor. He also appealed to the Committee to focus attention on the proposal of the Government of Indonesia to grant special status to East Timor. Those living in the Territory were ready to do their best to help the United Nations to remove the item from its agenda for ever and give the people of East Timor a better future.

38. Mr. de Araujo withdrew.

/...

39. At the invitation of the Chairman, Mr. Murken (Pax Christi International) took a place at the petitioners' table.

40. Mr. MURKEN (Pax Christi International) said that his organization was in regular contact with the East Timorese people, both resident and in exile, and with East Timor support groups in Europe and other parts of the world from which it received first-hand information regarding the situation in East Timor.

41. There were four problems which constituted the essence of the conflict in East Timor. Firstly, the East Timorese experienced economic discrimination in relation to access to resources, work opportunities and profits. Indonesia systematically stripped the island of its natural assets, and many cash crops were completely under the control of transnational corporations.

42. The second problem was the continued presence in the Territory of many different military units. The problem of East Timor could not be resolved while the people lived under occupation.

43. Thirdly, there were continued human rights violations. The East Timorese people were still being made the victims of oppression, ill-treatment and torture, and were also denied the right of lawful assembly and political activity. He drew particular attention to the law forbidding criticism of State policy, which was mainly used against activists fighting for the cause of East Timor.

44. The fourth problem was the unsatisfactory situation in the social sphere, particularly in relation to health. Many people were dying of malaria and suffering from diarrhoea and intestinal infections, and hardly any health education work was being carried out in the Territory.

45. Pax Christi International therefore recommended that the Special Committee should initiate action to reverse the annexation of East Timor by Indonesia. The following initial steps could be taken: the setting up of an independent human rights commission in Dili to safeguard all basic human rights in the Territory; the immediate release of all East Timorese political prisoners; the guaranteeing of access to the Territory for representatives of the specialized agencies of the United Nations to carry out a comprehensive programme of environmental restoration and other activities; the appointment of a Resident Representative of the Secretary-General in East Timor who would be responsible for the implementation of all United Nations activities in the Territory; an appeal to the Government of Indonesia requiring it to broaden its agenda to include good governance, human rights issues, development and respect for the cultural and linguistic distinctiveness of the indigenous people of East Timor; a drastic reduction in the size of the occupation forces leading eventually to their complete withdrawal, the cessation of all military activity in East Timor and the removal of all heavy weapons and military equipment.

46. Mr. Murken withdrew.

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

/...



48. Ms. KIMURA (Free East Timor Japan Coalition) said that the Second Asia-Pacific Conference on East Timor had been held in Malaysia in 1996. Participants had expressed their firm support for the people of East Timor, although the Malaysian authorities had forcibly stopped the Conference and all foreigners taking part in it had been deported. Members of Malaysian non-governmental organizations who had organized the Conference had been arrested and put in prison. In spite of that, her own organization was continuing the struggle in Japan for the freedom of East Timor, conducting propaganda among the public and calling on the Japanese Government to devote particular attention to human rights violations. It was necessary to disseminate information regarding the situation in East Timor as widely as possible throughout the world. That way decisive changes could be brought about.

49. Ms. Kimura withdrew.

50. At the invitation of the Chairman, Ms. Soares (East Timor Cultural and Ethnic Research Centre) took a place at the petitioners' table.

51. Ms. SOARES (East Timor Cultural and Ethnic Research Centre), noting that in the past year there had been a number of events which had had a significant influence on the situation in East Timor, drew attention to the meeting held in Krumbach, Austria, in October 1997, within the framework of the All-Inclusive Intra-East Timorese Dialogue, as a result of which, despite attempts to use the meeting for personal political purposes, an open discussion had been held on practical issues, and the Krumbach Declaration (A/AC.109/2111, annex) had been adopted. The fact that after three rounds of the All-Inclusive Intra-East Timorese Dialogue no concrete results had been achieved was a reflection of a lack of political will on the part of some of the key players in the solution of the question of East Timor. Such a solution could not be achieved without first "Timorizing" life in East Timor, depressurizing the Territory politically and militarily and creating a climate of social stability.

52. In view of the political transformations which had taken place in Indonesia in the past few months, the international community had been devoting greater attention to the question of East Timor. It was worth noting that the new President of Indonesia, Mr. Jusuf Habibie, had made a decisive departure from the traditional practice of absolutely refusing to discuss the question of East Timor; he had promised to withdraw substantial numbers of troops from East Timor, and had offered to confer the status of a special region on the Territory, release political prisoners and return the life of the East Timorese community to normality. Those initiatives could prompt the Governments of Portugal and Indonesia to start to seek a solution to the question of East Timor through negotiations under the auspices of the Secretary-General. Recent events in East Timor confirmed that the radicalization of political positions, advocating either the holding of a referendum or the maintenance of the status quo, would merely lead to the continuation of the political instability; that would not make it possible to achieve peace, well-being and harmony for the people of East Timor.

53. Twice in the current century the people of East Timor had missed out on opportunities. The immaturity and political inexperience of their leaders had

/...

led to the tragic events of August 1975 when civil war had broken out. The serious consequences faced by the people of East Timor ever since served as a reminder that it was necessary constantly to analyse all opportunities that might lead to the safeguarding of the country's future existence. The Government of Portugal, the Secretary-General of the United Nations, the Special Committee and all other interested parties were urged to take into consideration the measures currently proposed by Mr. Habibie so that the people of East Timor could be given another opportunity to live in peace and justice.

54. Ms. Soares withdrew.

55. At the invitation of the Chairman, Mr. de Araujo took a place at the petitioners' table.

56. Mr. de ARAUJO, speaking on his own behalf, proposed one possible way of solving the problem of Timor, which would consist in establishing real and complete autonomy for the Territory. Such autonomy would involve the following: legalizing the existing political parties in Timor; setting a reasonable period of time for preparations for the holding of free elections; giving the political party receiving the largest number of votes the opportunity to rule Timor through a president of a regional government which would be answerable to a regional parliament; giving the regional government the power to control that part of the budget which would be given to the autonomous region by the central government and to control the police forces; allocating to the central government the power to administer justice, to collect taxes, to control the armed forces and to deal with questions of external relations on behalf of the autonomous region in international forums.

57. In terms of its colonization, Timor had had nothing to do with the history of the Republic of Indonesia; during the 450 years of Portuguese colonization, Timor had always been separated from Indonesia politically, culturally, socially and economically. In that context, the solution of the problem of Timor through the establishment of complete and genuine autonomy should not be regarded as something unusual for the Constitution of the Republic of Indonesia. Moreover, it could not serve as a reason for creating new problems in relation to other regions or provinces. The granting of such autonomy meant strong support for the use of the Portuguese language side by side with the Indonesian language; that would serve as a basis for an understanding of the cultures of the two peoples and ensure respect for the Catholic faith held by the people of Timor.

58. Mr. de Araujo withdrew.

59. At the invitation of the Chairman, Mr. Traub took a place at the petitioners' table.

60. Mr. TRAUB, speaking on behalf of Ms. Lowey, a member of the United States Congress, recalled that the Declaration on the Granting of Independence to Colonial Countries and Peoples stated: "Immediate steps shall be taken ... to transfer all powers to the people of those territories [remaining under colonial rule], without any conditions or reservations, in accordance with their freely expressed will and desire". Nevertheless, the people of East Timor had lived for 22 years under a repressive regime which had ignored that principle and

/...

other fundamental principles of democracy, human rights and international law. Although the media had reported statements indicating the willingness of President Habibie of Indonesia to discuss the question of granting a certain level of autonomy to East Timor, his brief tenure in office had been marked by sharp changes of mind, ambiguous policy pronouncements and allusions to positive changes which were not accompanied by concrete action. Most troubling of all was the fact that the Indonesian authorities had recently seemed once again to be resorting to military repression and violence against East Timorese protesters.

61. In order to effect real and lasting change, it was necessary to ensure that the people of East Timor exercised their right to self-determination through a referendum supervised by the international community. The United States Congress supported the efforts of the Special Committee and had included in the Foreign Aid Bill for the current fiscal year provisions stipulating that any sale of weapons from the United States to Indonesia should be conditional on a requirement that they would not be used in East Timor, and expressing support for international efforts to find a just and viable solution to the problems in East Timor. Resolutions had been proposed in the House of Representatives and the United States Senate supporting the holding of a referendum under international supervision to determine the political status of East Timor. Those resolutions emphasized that the time had come for the people of East Timor to determine their own political future.

62. Mr. Traub withdrew.

63. At the invitation of the Chairman, Mr. Carrascalão (Timorese Democratic Union) took a place at the petitioners' table.

64. Mr. CARRASCALÃO (Timorese Democratic Union), emphasizing that the Timorese national resistance was fully independent and accountable only to its own people, said that at the same time as President Habibie was making his promise of granting special autonomy status to East Timor, the innocent inhabitants of East Timor continued to lose their lives at the hands of Indonesian soldiers. In the past 23 years, more than 250,000 inhabitants of East Timor had perished before the bullets of Indonesian soldiers; that figure represented more than one third of the population of East Timor. The responsibility for the loss of those people's lives lay with the international community. Further to its previous recommendations, the Timorese Democratic Union was calling for the unconditional release of Xanana Gusmão and for the condemnation of Indonesia for crimes against humanity committed in East Timor.

65. The question of East Timor had a complex history and did not fall within the competence of the present forum. In such circumstances it was a case of the Security Council and the United Nations seeking to enforce their resolutions. In light of the fact that Indonesia was facing the most serious economic, financial and political crisis in its history, the newly installed President possibly realized that there was now a window of opportunity for Indonesia to withdraw from East Timor with honour and dignity. For that purpose, the Timorese Democratic Union had prepared a decolonization plan which he proposed should be attached to the text of his statement as an official document. He doubted whether the eradication of all forms of colonialism would be achieved by

/...

the year 2000, firstly because of the enormous and complicated tasks that lay ahead and the disguised forms of neocolonialism practised by Indonesia, and secondly because the Special Committee's role did not end with the achievement of independence for Non-Self-Governing Territories but presupposed that they would need assistance to ward off social, cultural and economic colonialism.

66. Mr. Carrascalão withdrew.

67. At the invitation of the Chairman, Mr. Guterres (Revolutionary Front for the Independence of East Timor (FRETILIN)) took a place at the petitioners' table.

68. Mr. GUTERRES (Revolutionary Front for the Independence of East Timor (FRETILIN)) said that his organization had participated in the discussions of the question of East Timor in the Special Committee since 1975. During that time, members of his organization had, at enormous cost, resisted the invasion and occupation of their country. Ninety per cent of its national leadership and thousands of members had died or been imprisoned, tortured and persecuted by the Indonesian army. During those years, the political environment in the world had changed: empires had been destroyed and new countries had emerged on the international scene. The Baltic States and Eritrea had regained their independence, South Africa had become free and democratic and in Indonesia itself, a democratic process was taking place.

69. In East Timor, however, the situation remained fundamentally unchanged. The country was living under occupation, and its people had not yet exercised their right to self-determination and independence, despite the many resolutions of the General Assembly and the Security Council. His organization believed that Members of the United Nations, in particular the permanent members of the Security Council, should have done more to implement their decisions. The only permanent member of the Security Council that had played a major role in the debate on the question of East Timor in 1975 and 1976 and during the vote in the General Assembly in 1982 had been China. He appealed to the Governments of China, Japan and Australia, the Association of South-East Asian Nations (ASEAN) and the South Pacific Forum to help the United Nations Secretary-General to bring peace and freedom to East Timor. He also appealed to the summit meeting of the Movement of Non-Aligned Countries, which would meet in South Africa, to take all necessary measures to help the people of East Timor in their struggle for freedom. The visit by the delegation from the European Union had given a window of opportunity for the East Timorese people to demonstrate peacefully their demands for freedom. Unfortunately, some incidents had occurred, as a result of which some Timorese had died. The perpetrators of the violence and killing should be brought to justice.

70. The economic and social situation of East Timor had been seriously affected by the dramatic economic and financial crisis in Indonesia and by the continuing military occupation. Despite claims by Indonesian authorities that massive development projects were being conducted in East Timor and that investment surpassed that of the Portuguese colonial period, two important indicators released by the United Nations Population Fund in 1996, before the beginning of the current economic crisis, showed that life expectancy for the Timorese was one of the lowest among the 30 least developed countries: 48.4 years for women

/...

and 46.7 years for men. The infant mortality rate was in fact the worst: 135 per thousand live births. Once self-sufficient in rice production, East Timor currently depended on rice imports. Such factors as deforestation for military purposes, destruction of the environment, the lack of sound incentives to farmers and rigid military control of circulation of the people had resulted in most of the Timorese living below the poverty line. He therefore welcomed the initiative by the Prime Minister of Portugal to allocate substantial financial resources to non-governmental organizations operating in East Timor. Concerning the more urgent needs of the people of East Timor, he supported the minimum conditions presented by Nobel Peace Laureate Bishop Belo to Indonesian President Habibie in order to improve everyday life, in particular those referring to free circulation and settlement. He encouraged President Habibie to continue his efforts and to use the present historic opportunity to rectify the extreme injustice committed against a brother country and people. He firmly believed that the implementation of those demands would help in improving the atmosphere for the continuation of dialogue and mutual understanding between Timorese and Indonesians.

71. FRETILIN had unilaterally declared independence for East Timor on 28 November 1975 as a result of the impossibility of continuing negotiations among all parties and the inability of Portugal to defend the territorial integrity of East Timor against the Indonesian invasion. Fifteen countries had then recognized the Democratic Republic of East Timor. But since the United Nations had not recognized the Republic, FRETILIN, in order to abide by international law and United Nations resolutions, had accepted the holding of a referendum in order to allow all Timorese to exercise their sacred right of self-determination and independence under United Nations supervision. At the same time, FRETILIN firmly rejected the idea of any definitive solution without the participation of the Timorese people, whether special status within the Indonesian Republic, autonomy or association with Portugal. FRETILIN would never accept any transitional status that would imply the recognition of Indonesian sovereignty over East Timor.

72. Although statements had been made referring to the need to maintain the presence of the Indonesian army in order to prevent a civil war and to guarantee peace and security in East Timor, during the recent riots there, not a single Indonesian had been killed, nor had the private property of Indonesians been destroyed. During 24 years of war, not a single Indonesian civilian had been a military target. He firmly believed that the Timorese could create a society of tolerance and could use their freedom to enhance peace and fraternity. As for the allegations of human rights violations committed by FRETILIN, for example the accusations made by Indonesian delegates at the most recent session of the Commission on Human Rights, he had addressed a letter to the High Commissioner for Human Rights suggesting the creation of an international commission of inquiry to investigate those and other allegations, since his organization believed that human rights must be respected by all individuals, organizations and States.

73. Regarding the other allegations against FRETILIN, his organization had never encouraged the destruction or overthrow of the Indonesian State. The fears among the Indonesian military that a referendum would have a contagious effect, leading to the dismemberment of Indonesia, were groundless. He firmly

/...

believed that a strong, democratic and stable Indonesia was in the interests of the East Timorese people, as well as of the ASEAN countries, Australia and the world.

74. The time had come for the East Timorese, Indonesian and Portuguese Governments and the United Nations to engage in a serious discussion on the substantive issues. FRETILIN would continue to make every effort to maintain an atmosphere conducive to a peaceful resolution of the question. He would encourage the members of his organization to continue to participate in the dialogue within East Timor and advise them to maintain the spirit of reconciliation and fraternity in Timorese society. FRETILIN would continue to cooperate with the United Nations Special Representative on East Timor. It would do whatever it could to seek, with its Indonesian brothers and sisters, possible compromises in order to respect the mutual legitimate concerns of security and strategic interests. In order to achieve that goal, it would be necessary to initiate informal talks about possible avenues for common policies in the areas of foreign affairs, defence, the monetary system and the economy, taking into account the realities of the modern world of interdependence and globalization.

75. Mr. Guterres withdrew.

76. At the invitation of the Chairman, Mr. Alkatiri, Eduardo Mondlane University, took a place at the petitioners' table.

77. Mr. ALKATIRI (Eduardo Mondlane University) recalled that, when Indonesia had invaded East Timor on 7 December 1975, the international community had regarded that act as a violation of the inalienable right of the East Timorese people to self-determination and independence. It was commonly understood that a situation resulting from illegal takeover of territory could not be settled by measures that created the illusion of a solution without taking into account the deeply rooted reasons for the conflict; in the end, that would only lead to legitimizing the occupation and denying the people of the occupied territory their right to self-determination.

78. The Security Council and General Assembly had adopted a whole range of resolutions demanding the withdrawal of the Indonesian occupying forces, recognizing Portugal as the legal administering Power and reiterating the right of the East Timorese people to self-determination and independence. In its resolution 37/30 of 23 November 1982, the General Assembly had requested the Secretary-General to initiate consultations with all parties directly concerned with a view to achieving a comprehensive settlement of that problem. That had led to the tripartite talks among Portugal, Indonesia and the United Nations, but the representatives of the people of East Timor had never been directly involved in that process because of the refusal of Indonesia to accept the participation of the East Timorese resistance. Thus, the talks had reached a stalemate.

79. Until recently, it was often stated that Indonesia's refusal was linked to the nature of its regime. The situation had changed and there was no longer any reason why East Timor - the party with the greatest interest in the solution to the conflict - should not take part in the negotiating process.

/...

80. The solution to the question of East Timor must include the unconditional release of all East Timorese political prisoners; recognition by Indonesia of East Timor's right to self-determination and independence; direct participation of the Timorese National Resistance Council in the talks under the auspices of the Secretary-General; the withdrawal of Indonesian armed forces from East Timor; and the organization of a universal, direct and secret consultation of the people of East Timor (by means of a referendum or other form of universal balloting).

81. The solutions proposed by Indonesia, of offering East Timor a "special status" and "extended autonomy", had been decisively rejected by the East Timorese themselves. From their point of view, by making that proposal, Indonesia was attempting to achieve its own aims. In the first place, it was a question of political manoeuvres intended to convey the impression that the Government of President Habibie was more flexible and produce that the East Timorese resistance and Portugal were inflexible, to create false expectations among the international community, thereby demobilizing international support for self-determination for East Timor; and to postpone a solution to that question. Moreover, Indonesia intended to use a "divide and rule" strategy to justify the idea that a solution to the problem could be found without the agreement of the people of East Timor.

82. In order to achieve a just solution, the following measures should be adopted: negotiations without preconditions and with the direct participation of the Timorese National Resistance Council, Portugal and Indonesia under the auspices of the Secretary-General; unrestricted debate on all issues regarding East Timor within the framework of the intra-Timorese dialogue; and refusal of any offer of political status for East Timor unless it arose from consensus achieved through the negotiation process in full respect for international law. The Indonesian Government must refrain from any kind of violent action against the majority of the people of East Timor and respect the lives and property of individuals. Those conditions would guarantee a peaceful solution to the conflict.

83. Mr. Alkatiri withdrew.

84. At the invitation of the Chairman, Ms. Sissons (Hobart East Timor Committee) took a place at the petitioners' table.

85. Ms. SISSONS (Hobart East Timor Committee), quoting Articles 10 to 12, 14, 39, 41 and 42 of the Charter of the United Nations, said that the Organization had mechanisms that could be used to help the people of East Timor. Instead, however, in 1976 the United Nations had permitted Indonesia to place a comprehensive blockade on East Timor. The Security Council had played a positive role in Indonesia's achieving independence by setting up a conference in The Hague in 1949 at which the charter transferring sovereignty was drawn up. The United Nations had also sent military observers to oversee the orderly withdrawal of Dutch troops from Indonesia. The Security Council could have resolved the issue of Indonesia's withdrawal from East Timor, but had consistently failed to do so. Peacekeeping had become a major part of United Nations operations by 1975, when Portugal had requested a peacekeeping operation; however, its request had been ignored by the United Nations and

/...

effectively sabotaged by Australia and the United States. If the United Nations had taken its peacekeeping responsibilities more seriously, the Indonesian invasion of East Timor might have been averted altogether.

86. Referring to Article 96 of the Charter, she noted that neither Indonesia nor any of the bodies with access to the International Court of Justice had ever requested an advisory opinion from it about East Timor's status. Indonesia's claim to East Timor had no legal basis. By not showing its authority in the matter of Indonesia's breach of international law, the United Nations had damaged its own credibility and encouraged the violation of international law by other States.

87. Since the formation of the United Nations, more than 70 colonies had gained nationhood, although in recent years few had achieved independence with the help, encouragement and support of the Special Committee. It seemed likely that East Timor would gain its independence through the tenacity, courage and determination of its people rather than through any positive action by the Special Committee. Nevertheless, the Special Committee could and should actively assist in the orderly and peaceful achievement of self-determination in East Timor. To prevent the further suffering of the East Timorese people, her organization urged the Special Committee to aid in the repatriation of all East Timorese prisoners held in Indonesian jails; to facilitate consultations and develop a close working relationship with all Timorese communities in exile; to send an observer team to East Timor that could make useful recommendations on the possible deployment of a United Nations peacekeeping force; to develop a plan to oversee the orderly withdrawal of Indonesian troops; to consult with all relevant bodies in East Timor on the problem of the many Indonesian families that had entered East Timor without the permission of the legal administering Power; and to consult with all relevant organizations in East Timor on the return of East Timorese families.

88. The Special Committee could continue to put out occasional reports and briefing papers, or it could play an active and positive role in overseeing a peaceful and orderly "transfer of sovereignty" in East Timor so that the United Nations and its Member States could truly be seen "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small".

89. Ms. Sissons withdrew.

90. At the invitation of the Chairman, Mr. Magno took a place at the petitioners' table.

91. Mr. MAGNO, speaking in a personal capacity as an inhabitant of East Timor, said that after the integration of East Timor into Indonesia living conditions in the province had improved significantly. For the inhabitants of East Timor, integration had been a way of expressing their inalienable rights to self-determination after they had been abruptly abandoned by the Portuguese, who had left behind them poverty, backwardness and the isolation of East Timor from the outside world. Integration had helped put an end to the civil war that the Portuguese unleashed, a war that had cost the lives of thousands and forced many of the inhabitants to flee their homes and seek refuge in neighbouring

/...



Indonesia. After the Portuguese left, there was a food crisis and disorder erupted all over, but the Portuguese had done nothing to help the East Timorese.

92. Nevertheless, the East Timorese in their hour of need had not been left to their fate: their brothers from West Timor, who had been separated from them by an artificial frontier drawn by colonial administrators in Europe who had no idea of the realities of life in Timor, had come to their aid. The West and East Timorese had a single culture and history and considered each other brothers. Therefore the integration of East Timor was a natural and irreversible historic act.

93. The East Timorese were grateful for the opportunities that life in a dynamically developing country was opening up for them. Over the years since East Timor had become the twenty-seventh province of Indonesia, the Indonesian Government had given special attention to the needs of the East Timorese people despite the many problems the Indonesian people itself was encountering. That special attention was still being felt even as Indonesia was undergoing serious economic difficulties.

94. In East Timor, over the 23 years since integration, there had been significant progress in the economic and also the social and cultural fields. East Timor's past had consisted in a lack of basic medical and sanitation services, a lack of educational opportunities, and racial discrimination in employment; the East Timorese wanted to wipe those years from their collective memory. At the same time, the culture of East Timor, like many elements of Portuguese culture, was now being supported more effectively than at any time before. Historic monuments, forts and other ancient Portuguese structures were being restored, Portuguese street names were left unchanged and the role of the traditional chiefs had been maintained. The Catholic church was taking part on an equal footing in the development of the province, church holidays were being observed and financial support for the church was being encouraged.

95. He drew attention to the petition from the representatives of the so-called National Council of East Timorese Resistance. From his point of view, those representatives had no right to speak on behalf of the people of East Timor as they did not express that people's interests. The people of East Timor had chosen integration with Indonesia not only because of their hopes for economic prosperity but also because of their deep conviction of the need to maintain the fraternal bonds that linked them with the Indonesian people. He therefore called on the Special Committee to acknowledge the fait accompli: integration was final.

96. Mr. Magno withdrew.

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

98. Ms. RAMOS (International Platform of Jurists for East Timor) said that her organization was a non-governmental organization with headquarters in the Netherlands; it brought together jurists interested in a settlement of the question of East Timor based on the principles of international law and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

/...

The East Timorese people needed implementation of one of their fundamental rights - the right to self-determination, without coercion or foreign interference - under United Nations observation.

99. She called on the Special Committee to adopt a critical stance towards the arguments of a country occupying a Territory that had recently been awarded "special status" that the legitimate demands of the Timorese people and of General Assembly resolutions should not be fulfilled. The new Indonesian Government would deserve the international community's trust only if it acknowledged East Timor's inalienable right to self-determination, began withdrawal of its forces and handed over all power to the legitimate representatives of the Timorese people.

100. Twenty-three years after the occupation of East Timor in 1975, the international community was presented with a horrifying picture of systematic human rights violations, reprisals, population displacement and also rising discontent in Indonesia itself. Thus, the time had come to take specific steps towards decolonization. The refusal by a number of countries to supply military matériel, weapons and assistance to Indonesia would help in that connection.

101. Solving the problem of East Timor would be easier if there were good will on all sides. She favoured continuance of the talks between Portugal, Indonesia and the Secretary-General and suggested that representatives of the Timorese people, including resistance leaders, should be invited to them. In that connection she called on the Indonesian Government to free all political prisoners, as that would help establish a climate of confidence between the parties. She also expressed the hope that the United Nations would establish a working group to develop fundamental principles for conducting a referendum on self-determination on the basis of General Assembly resolution 1514 (XV).

102. Lastly, she called on the Secretary-General and the Chairman of the Special Committee to use their good offices to help achieve the immediate liberation of Xanana Gusmão and all the remaining fighters for implementation of the inalienable right of the East Timorese people to self-determination.

103. Ms. Ramos withdrew.

104. At the invitation of the Chairman, Mr. Waisapy (Indonesian Youth Solidarity) took a place at the petitioners' table.

105. Mr. WAISAPY (Indonesian Youth Solidarity) said that his organization's main objective was to promote unity and solidarity amongst young people in Indonesia, and that it strongly supported President Habibie's statement that East Timor would remain a part of Indonesia.

106. He expressed astonishment at the many and completely groundless allegations against Indonesia, which he viewed as part of a well-planned campaign aimed at using the Special Committee to spread malicious lies against his country in the service of narrow political interests.

107. In its ethnic and cultural variety, Indonesia was unmatched in the world. The Indonesian people knew from its own experience that colonialism was the

/...

worst kind of violation of human rights, as it meant plunder of the natural resources of an indigenous people, exploitation of its human resources and their abject poverty. Indonesians knew the true meaning of human rights: the right to be free from want, ignorance, social injustice and economic backwardness. In the case of East Timor, Portuguese colonialism had left deep scars that were felt up to the present day. That was because, first, the colonial Power had abandoned East Timor suddenly, leading to a power vacuum; second, because civil war had broken out; and third, because East Timor had been left with almost no infrastructure.

108. He therefore found it incredible to hear that Indonesia was depriving the East Timorese of their human rights. On the contrary: after East Timor had achieved independence, the Indonesians and the East Timorese had worked in partnership on reconstruction and had made every effort to ensure that the people of East Timor enjoyed the full exercise of their rights as Indonesian citizens.

109. History could not be rewritten, but the efforts of the people of East Timor as Indonesian citizens to exercise their inalienable right to development and become self-sustaining could be facilitated. The East Timorese deserved support and assistance in their desire to speed up the development of East Timor as part of Indonesia, which extended its fullest support to East Timor in achieving that noble goal.

110. Mr. Waisapy withdrew.

111. Ms. NEVES (Portugal) said that some speakers had attempted to present matters in such a way that it looked as if Indonesian colonialism was better than Portuguese colonialism. While not defending Portuguese colonialism, she felt it necessary to point out that one of the most horrifying genocides in history had taken place in East Timor during the Indonesian occupation.

112. Mr. SOERYO LEGOWO (Indonesia) said that he would exercise his right of reply to the previous statement at a later stage.

The meeting rose at 6.05 p.m.