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*Official Records\**



FOURTH COMMITTEE  
10th meeting  
held on  
Tuesday, 20 October 1981  
at 10.30 a.m.  
New York

SUMMARY RECORD OF THE 10th MEETING

Chairman: Mr. SCHRÖTER (German Democratic Republic)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 93: QUESTION OF EAST TIMOR (continued) (A/36/448; A/C.4/36/2Add.8)

- (a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES
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Request for a hearing

1. The CHAIRMAN recalled that at its 8th meeting the Committee had granted the request for a hearing submitted by Mr. Richard Falk (A/C.4/36/2/Add.8).
2. At the invitation of the Chairman, Mr. Falk (Professor of International Law, Princeton University) took a place at the petitioner's table.
3. Mr. FALK (Professor of International Law, Princeton University) emphasized the importance of the work being done by the Permanent People's Tribunal, an independent body receiving no official support from any Government, which had been established five years previously to defend the rights of peoples in international forums when Governments and international institutions could not or would not do so. The purpose of the Permanent People's Tribunal was to ensure that entities capable of taking positive steps gave serious consideration to situations involving flagrant violation of human rights.
4. At its session on East Timor, held in Lisbon from 18 to 21 June 1981 (A/36/448), the Tribunal had stressed the scandalous passivity of the international community with regard to the evolution of the situation in East Timor and the failure of the United Nations to protect the rights of the people of the non-self-governing territories, and had denounced Indonesia's continuing violation of the rights of the people of East Timor.
5. The Tribunal had carefully examined the statements, evidence, reports and documents submitted and had given the Governments of Portugal and Indonesia an opportunity - of which they had not availed themselves - to explain their respective positions. On the basis of that examination the Tribunal had reached the unanimous conclusion that the Indonesian forces had invaded the territory of the Democratic Republic of East Timor without legal justification or provocation. Many people had been victims of that act of aggression, which had resulted in the displacement of one-third of the population of East Timor. The General Assembly and the Security Council had

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(Mr. Falk, Princeton University)

repeatedly condemned such acts, which violated the principle of non-use of force against the territorial integrity of a State embodied in the United Nations Charter and constituted a threat to international peace and a serious violation of the right of the people of East Timor to self-determination.

6. The Indonesian forces had likewise violated the most elemental rules of the humanitarian law of war, carrying out mass bombings of villages and brutally torturing the people. However, the most serious crime had been that of genocide. Mass killings had been carried out, and in addition efforts had been made to deny the people their own cultural identity by prohibiting teaching of the native language and interfering in religious practices.

7. With regard to the responsibility of other Governments, the Permanent People's Tribunal had drawn attention to the fact that bilateral relations between the United States and Indonesia had been stepped up as the date for the invasion of East Timor approached, to the political and diplomatic support given to Indonesia by the United States Government since 1975, and to the increase in military aid, especially anti-guerilla weapons. Mention should also be made of the responsibility of the Australian Government and the Government of other industrialized countries that were members of the Inter-governmental Group of Indonesia (IGGI), which gave Indonesia military and financial assistance that the Indonesian Government used directly or indirectly in its aggression against East Timor.

8. The Permanent People's Tribunal had decided that the entry of Indonesian troops into, and their presence in, the territory of the Democratic Republic of East Timor was an act of aggression prohibited under Article 2, paragraph 4, of the United Nations Charter, that the Government of Indonesia was guilty vis-à-vis the Maubere people of East Timor of the violation of article 5 of the Universal Declaration of the Rights of Peoples, concerning the right to self-determination, and of war crimes and the crimes of genocide, and that the United States Government and the Government of Australia were guilty of complicity in that act of aggression. Consequently, it was the responsibility of international institutions, particularly the United Nations, to do all they could to remedy that situation. The credibility of the United Nations and in particular of the Fourth Committee would depend on their ability to tackle the situation in East Timor in a serious manner. Moreover, there was an acute need to supply the people of East Timor with medical and food aid. A relatively small effort on the part of the international community would suffice to reverse the situation.

9. Mr. Falk withdrew.

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10. Mr. da LUZ (Cape Verde) said that, during its long history of colonial oppression, the people of East Timor had enjoyed only a few months of freedom under the leadership of FRETILIN. While the colonial period had been one of humiliation, domination and obstructed development, the current period of Indonesian domination was, in addition, characterized by every form of savage cruelty and attempts to annihilate the people of East Timor.

11. It was important to remember that FRETILIN was the only movement that represented the true desire for self-determination and independence of the Maubere people, which it had clearly indicated to the former colonial Power. The other groups, which were neither heeded nor accepted by the people, had sought to perpetuate Portuguese colonial domination or advocated integration with Indonesia. When the former option had been ruled out by the events in Portugal in 1974, the opportunists, with the backing of the Indonesian army, had thought they could stifle the Maubere people's will for independence and enjoy the results of their betrayal in peace.

12. Resolution 1515 (XV) clearly defined the principle of self-determination, the essential element of which was the opportunity for a people freely to express its will. There was no foundation for the Indonesian argument that, with the integration of East Timor in its territory, the process of de-colonization had been completed, since the people had exercised its right to self-determination, in accordance with its traditional democratic system. In the first place, the essential element of popular will was lacking in the "integration," as was clear from the violent war still raging in the region. In the second place, all the manoeuvres aimed at presenting integration as a fait accompli had evoked a strong reaction in the international community, which considered it to be a shocking violation of international law and had condemned it in successive General Assembly and Security Council resolutions.

13. Another argument Indonesia used to justify "integration" was the ethnic identity of the peoples of the island. However, that was not a sufficient reason to impose union. In addition, the different systems of Portuguese and Netherlands colonization had given rise to two different social and cultural situations, two independent entities, each of which sought to assert its identity in different ways. In stating on several occasions that it had no territorial claims whatsoever over Timor, the Indonesian Government had recognized that situation. Moreover, international law stipulated that, when countries acceded to independence, they were to maintain their former colonial frontiers.

14. The people of East Timor had already paid too dearly for its heroic struggle to expel the invader from its territory and to recover its independence. The tragic suffering of the Maubere people could not be evaluated accurately, because the Indonesian Government prohibited access to the Territory. However, in addition to the war victims there were untold numbers of people in prison and victims of famine and disease, which had resulted from the Indonesian invasion.

(Mr. da Luz, Cape Verde)

According to well-informed sources, by the end of 1980 a population of 656,000 inhabitants had been reduced to some 400,000. The international community must condemn the systematic genocide of the Maubere people, which violated all the principles of the Universal Declaration of Human Rights; failure to do so would implicate it in that genocide.

15. Essentially, that problem was one of contemporary colonization. Paradoxically, the year 1975, which had been a landmark in the struggle of peoples against colonial domination and in the process of decolonization, had also been the year when East Timor had again been colonized.

16. When the international community was asked to compel Indonesia to desist from its policy of aggression and illegal occupation of East Timor and to observe the rules of international law and the relevant General Assembly and the Security Council resolutions, the intention was not only to pay a tribute to the heroic Maubere people but also to prevent the national independence and survival of the weakest nations from being threatened in the future.

17. His country appealed to all States Members of the United Nations not merely to condemn Indonesia but also to adopt all the necessary measures to end its occupation. He also thanked Portugal for having offered to assume its responsibilities as the administering Power, and he praised the struggle for national liberation being waged by the people of East Timor.

18. Mr. NISIBORI (Japan) stressed that the Declaration on the Granting of Independence to Colonial Countries and Peoples had served as a driving force in movements for national independence, and he drew attention to the success of United Nations efforts in the field of decolonization. He also welcomed Vanuatu and Belize, which had recently acceded to independence, as new members of the United Nations.

19. Japan firmly supported the peaceful accession to independence of the Non-Self-Governing Territories, in accordance with the principle of self-determination, by means that ensured to the fullest extent possible, the welfare of the peoples concerned. He also drew attention to the importance of ensuring that the administering Powers fulfilled their obligations under international agreements and in co-operation with the United Nations. Those criteria were also applicable to the case of East Timor.

20. He reviewed the events that had occurred in East Timor from the time when a coalition of diverse political groups, excluding the FRETILIN, had declared independence in 1974 up to the formal request for independence and integration with Indonesia presented by the provisional Government in 1976. Indonesia, which had become deeply involved in the decolonization of East Timor, with which it shared close ethnic and geographical ties, had accepted that request.

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(Mr. Nisibori, Japan)

21. The process of decolonization in Non-Self-Governing Territories varied, according to the circumstances. What was most important was that the will of the majority was respected and realized.

22. In addition, the Committee should give due consideration to the fact that Indonesia was effectively governing the Territory. Japan hoped that, taking into account the recent history and the current situation in East Timor, the United Nations would be able to bring about peace and stability in the Territory and advance the interests of the population, for that was the ultimate objective of decolonization.

23. One of the most urgent tasks was to provide humanitarian assistance to the people of East Timor, the innocent victims of bitter political rivalry. In that connexion, his delegation highly commended the work of the International Committee of the Red Cross (ICRC) and its counterparts in Indonesia. Many countries and organizations had made generous contributions in cash and in kind. Japan, for its part, had contributed goods and medicines in 1979 and 1980. He also paid tribute to the Office of the High Commissioner for Refugees for its humanitarian work in reuniting families by repatriating persons from East Timor to Portugal.

24. In conclusion, he acknowledged the efforts made by the Indonesian Government to promote the welfare and social and economic development of the people of East Timor and expressed the hope that those efforts would be strengthened in future.

The meeting rose at 11.40 a.m.