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SUMMARY RECORD OF THE 19th MEETING

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Chairman: Mr. ROA-KOURI (Cuba)

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The meeting was called to order at 11.10 a.m.

TRIBUTE TO THE MEMORY OF HIS EXCELLENCY MR. LEONID ILYICH BREZHNEV, PRESIDENT OF THE PRESIDUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND GENERAL SECRETARY OF THE CENTRAL COMMITTEE OF THE COMMUNIST PARTY OF THE SOVIET UNION

1. The CHAIRMAN said that members had learned with profound grief of the death of President Brezhnev, who had served his homeland brilliantly and with great dedication during the great patriotic war and subsequently during the period of post-war reconstruction, when he had held high posts in both party and State during the process of building a developed socialist society. During the past 18 years, at the helm of both party and State, he had developed the Leninist policy of peace in the international field. His passing had robbed the world of one of its most renowned statesmen and would be deeply felt not only by his own people, whom he had served with such distinction and dedication, but by the entire international community. He wished to convey the deepest condolences of the Committee to the delegation of the Soviet Union and, through it, to the Government and people of the Soviet Union as well as to the members of President Brezhnev's family.

2. On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of His Excellency Mr. Leonid Ilyich Brezhnev, President of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and General Secretary of the Central Committee of the Communist Party of the Soviet Union.

3. Mr. ALAWI (Democratic Yemen), on behalf of the Group of Asian States, expressed their deepest condolences to the delegation of the Soviet Union and through it to the Soviet people, on the occasion of the death of President Brezhnev who, with great dedication and sincerity, had struggled for international peace and security. His death at a time of deepening international tensions was a great loss to the international community. He felt sure that the Soviet people would overcome difficulties and would continue to follow the peaceful path which had been traced by the late President.

4. Mr. OBUNYASI (Kenya), on behalf of the Group of African States, expressed the deepest condolences of the Group to the delegation of the Soviet Union and, through it, to the Soviet Government and people. President Brezhnev, as leader of his country, had been a man of action who had devoted particular attention to assisting the countries of Africa in their long struggle for independence from colonial oppression.

5. Mr. RICARDES (Argentina), on behalf of the Group of Latin American States, conveyed the condolences of those States to the delegation, Government and people of the Soviet Union on the death of President Brezhnev, who had made a great contribution to the cause of decolonization and to the uprooting of apartheid and all forms of colonial oppression in pursuit of the objectives of General Assembly resolution 1514 (XV).

6. Mr. GOULDING (United Kingdom), on behalf of the Group of Western European and Other States, asked the delegation of the Soviet Union to pass the condolences of the countries he represented to the Soviet people in the great loss which they had sustained.

7. Mr. YOSSIPHOV (Bulgaria), speaking on behalf of the Group of Eastern European States, said that President Brezhnev had dedicated his life to developing the economy and culture of the Soviet Union and its Eastern European neighbours as well as to the causes of international peace, security and co-operation among peoples. He had followed a policy of resolute support for the causes of détente and disarmament.

8. Mr. LOULICHKI (Morocco), on behalf of the Group of Arab States, said that not only the Soviet people but the entire international community had sustained a great loss in the death of President Brezhnev. He asked the Soviet delegation to pass the condolences of the countries he represented to its Government.

9. Mr. ISSINALYEV (Union of Soviet Socialist Republics) expressed the gratitude of himself and his delegation to the Chairman and members of the Fourth Committee for their expressions of condolence on the death of President Brezhnev, who had concentrated great efforts on furthering peace and international understanding and preventing nuclear catastrophe.

#### AGENDA ITEM 32: QUESTION OF NAMIBIA (continued)

##### Hearing of a petitioner (A/C.4/37/4)

10. At the invitation of the Chairman, the Reverend Michael Scott (International Fellowship of Reconciliation) took a place at the petitioners' table.

11. The Reverend Michael SCOTT (International Fellowship of Reconciliation) said that South Africa's seemingly successful hoax of the United Nations and its conning, with legal sophistry, of some eminent judges of the International Court of Justice had had a demoralizing effect on the Organization.

12. He wished first to draw attention to a doctoral dissertation by Mr. Tunguru Huaraka, which had been the first academic study to have subjected the entire issue of Namibia to a rigorous legal analysis from a Namibian point of view. The study had been carried out between 1975 and 1978, and had drawn on official British documents for the period 1944 to 1947 which had then become available to public scrutiny. The author had stated, inter alia, that he had been able to establish that, in one instance, South Africa had presented fabricated evidence to the International Court of Justice in the cases relating to South-West Africa.

13. It was clear that the current President of the International Court attached importance to Mr. Huaraka's study, which raised important questions of history and law; because of their implications, such questions could not be ignored. They related to the competence of the Court and that of the applicant States, Ethiopia and Liberia; it had been decided, by a casting vote of the President, that those States had had no special right and interest in making their application for

(Rev. Michael Scott)

compulsory jurisdiction. Other questions related to the conduct of the plaintiff's case and the reliance placed by their counsel on his own assumption that the axiom "separate and equal" was unacceptable in international law. The question therefore arose as to how far that assumption might have led to a weakening of counsel's presentation of the facts of apartheid in South African law as applied to Namibia. Moreover, on one issue, the Law Journal of Australia had disagreed with the Australian judge. Failing any appeal from the decision of the International Court of Justice, it was to be hoped that Mr. Huaraka's thesis would stimulate an authoritative review of the whole series of cases relating to South-West Africa.

14. Of greater urgency was a thoroughgoing investigation into the seeming collusion of certain great Powers with South Africa. Such collusion had appeared to those Powers to be to their economic and strategic advantage, despite the political corruption that had flowed from South Africa's relentless pursuit of its policies, even to the point of destabilizing newly independent African States. There had also been active interference in politics, the mass media, the social life and even the sporting standards of the rest of the world. According to published allegations which had never been refuted, there had also been infiltration of non-governmental organizations and the use of bribery and corruption of politicians and institutions. Such dangerous trends should be investigated and dealt with in ways that would command the support of Member States but without prejudice to the good work that was being done in many political and social fields.

15. Abundant evidence was available to show that one of the most powerful influences in the entire South Africa apartheid syndrome had been the gold and diamond monopoly of South Africa's Anglo-American Corporation and the De Beers' interests and the related mining industries, including the uranium industry, which were of political and strategic importance. Some indication of the powerful influence of those South African monopolies could be gained from the fact that the heads of the two most important United Kingdom intelligence agencies had been seconded to key posts in South Africa at a time when new concessions were being negotiated, notwithstanding efforts to assert United Nations jurisdiction in the matter of mining concessions. The agreements sought in respect of South Africa's diamond monopoly with the Soviet Union and China indicated the magnitude of the enterprise of those South African groups. So far as the United States was concerned the question arose as to how much truth there was in allegations made in the 5 November 1982 issue of the British journal New Statesman to the effect that the representative of that country to the United Nations had accepted an undisclosed gift from the South African Government.

16. Within the United Nations itself there was a need to investigate charges of the misappropriation of some \$100,000 intended for the education of Namibians. There were grave problems of corruption in the United Nations and in non-governmental organizations. It was important that in such matters the United Nations should be seen to be above reproach. An appropriate body should be set up to which those who felt they had legitimate complaints could appeal and rely on the complaints being investigated without harm to the good work of the organization concerned through adverse publicity or what might prove to be misdirected criticism. It might sometimes serve the purpose of political agents of ill will

(Rev. Michael Scott)

to devise grounds for such criticism to be made precisely with the object of damaging a cause to which they were opposed. Governments must ensure that there was proper supervision of the use of funds raised for charitable purposes, especially when they had been raised for the purpose of assisting refugees and those threatened by starvation. Otherwise there was a demoralizing effect on fund-raising in general.

17. The question of Namibia must be seen against the background of some of the wider implications of that situation. Exceptional foresight and courage were needed to identify the true causes of the manifest defects of the United Nations in the pursuit of justice and peace. It would only compound human faults and follies to place all reliance on such a structure to support the burden of great issues confronting mankind. The world had all too abundant evidence of the political abuse of physical power to negate civilization, including the use of state power to destabilize neighbouring States and the systematic extermination of refugees. Action programmes must be undertaken to show people of every race and religion the hollow hypocrisy of cold-war slogans claiming the monopoly of right and righteousness for any State, group of States or revolutionary movement. Regional and international action must be undertaken by non-governmental organizations to help bring about the rule of law and the reign of reason in the conduct of human affairs. Self-appointed juntas and dictatorships financed by transnational monopolies of gold and diamond trading must be challenged, as in the case of the apartheid regime; there must be a world-wide movement of emancipation from man-made tyrannies. Future ages would find it difficult to understand the political ineptitude whereby no means could be found of co-operating to avert or alleviate massive human tragedies, especially when understanding was possible in spheres where common economic interests were at stake, such as the secret agreements between the Soviet Union, South Africa and the United Kingdom regarding the production, sale and price of gold and diamonds and the grain trade.

18. There was no effective constitutional means by which matters of internal oppression and the growth of military dictatorships could be resolved without resort to weapons. The ever-more sophisticated weaponry required by freedom movements not only diminished their independence but intensified the trend towards polarization between rival Power blocs. The statesmanship of countries should be directed towards finding co-operative ways of dealing with what were essentially problems of underdevelopment and deprivation of rights and means of livelihood.

19. Although the power of veto by great Powers on matters of international security was clearly necessary for the United Nations, the veto had extended far beyond the sphere of military security into that of internal politics and too often prevented the conscience of the civilized world from being brought to bear upon problems of gross violation of human rights. It was also stifling initiative and action by non-governmental organizations and United Nations agencies, as had been seen in the blocking of sanctions against South Africa and recently in the action of the International Monetary Fund in granting a substantial loan to South Africa. The role of non-governmental organizations should be encouraged; a permanent tribunal could be established by non-governmental organizations to which appeals by common people could be made with the capability of offering mediation or other forms of assistance to parties at variance.



20. Mr. Scott withdrew.

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(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 (continued)

(b) REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 96: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/37/23 (Part III) and (Part III)/Add.1, A/37/113, 501)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) 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 (continued)

AGENDA ITEM 97: QUESTION OF EAST TIMOR (continued) (A/37/23 (Part V), A/37/113 and 538; A/C.4/37/2 and Add.1, A/C.4/37/6 and Corr.1, A/C.4/37/L.8; A/AC.109/715)

(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 (continued)

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(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 (continued)

(b) REPORT OF THE SECRETARY-GENERAL (continued)

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Question of East Timor: draft resolution A/C.4/37/L.8

21. Mr. MONTEIRO (Portugal) paid tribute to the memory of Mr. L. I. Brezhnev. Introducing draft resolution A/C.4/37/L.8 on behalf of the sponsors, he said that it represented a new approach to the question of East Timor, and that some countries would be able to reconsider their positions.
22. A new preambular paragraph stressed the importance of the humanitarian aspects involved in any occupation by foreign forces. Reference was made to resolution 1982/20 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the adoption of which had reflected the increasing awareness of the international community of the need to improve the conditions and alleviate the difficulties of the people of East Timor.
23. The objective of the four operative paragraphs was to avoid any suggestion of hostility or confrontation and establish specific ways of resolving the problem of East Timor through the use of the machinery of the Charter to ensure respect for the rights and duties set forth therein. The sponsors felt that the request made to the Secretary-General to initiate consultations with all parties directly concerned corresponded to the need to revitalize the principles and machinery of the Charter, which were the best means available to the international community for ensuring peace and stability. In carrying out his task the Secretary-General would be able to rely upon the support 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. Paragraph 3 called upon specialized agencies and other organizations of the United Nations system to continue their commendable work to help the people of East Timor within their respective fields of competence; although that appeal had been made in previous resolutions on the subject, the sponsors hoped that the specialized agencies would achieve more tangible results and would devise new and imaginative courses of action to include in their programmes of activities which would help relieve the sufferings of the people of East Timor.
24. The sponsors hoped that, by the thirty-eighth session of the General Assembly, real progress would have been achieved in accordance with the legitimate interests of all the parties concerned and above all of the people of East Timor, who deserved the respect and support of the entire international community.
25. Portugal was co-sponsoring a draft resolution on East Timor for the first time. In previous years Portugal had felt that, as administering Power, it was difficult for it to support draft resolutions which skirted the main issue, that of the effective resumption of administration of the Territory with the sole objective of ensuring for the people of East Timor the free exercise of their right to self-determination, as had happened in the case of all the other non-self-governing Territories administered by Portugal which had become members of the international community.



(Mr. Monteiro, Portugal)

26. His delegation had always actively supported resolutions which the United Nations had felt would better protect the rights of the people of East Timor, but the successive resolutions adopted had not yielded positive results. The question was in an impasse. Portugal was unable to fulfil its functions as administering Power, and it had therefore decided to respond to the appeals made to it, particularly by the inhabitants of the Territory themselves, to safeguard the legitimate and inalienable interests and rights which it was its duty to defend on both moral and constitutional grounds. It had done so by associating itself with a draft resolution calling for a peaceful and negotiated solution to the problem, which involved a process of understanding among all the parties concerned. It was to be hoped that the spirit of conciliation underlying the draft resolution would be welcomed by Members of the United Nations. The sponsors hoped that the draft resolution would offer real possibilities for the people of East Timor to exercise freely the right to decide their own future.

Question of Western Sahara: draft resolution A/C.4/37/L.6/Rev.1

27. Mr. GONZALEZ (Mexico), introducing draft resolution A/C.4/37/L.6/Rev.1 on behalf of the sponsors, said that the wisdom, responsibility and political maturity of the Government of the Saharan Arab Democratic Republic in deciding not to participate in the next session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU) in order to overcome the difficulties that were frustrating the normal functioning of OAU, had prevented domestic and outside interests from breaking the solidarity which was essential for genuine anticolonial struggles.

28. As a sponsor of the draft resolution, his delegation was in no doubt as to the legitimacy of the struggle of the Saharan people for self-determination and independence. The background was clearly set forth in the draft resolution, in particular in its reference to General Assembly resolution 1514 (XV). It would be noted that the revised draft resolution omitted paragraph 3 of the original draft, to enable it to gain wider support. Those countries which had had reservations concerning the original draft could now support a people who had shown a spirit of sacrifice and responsibility and the will to exercise their right of self-determination.

29. As was clear from the last preambular paragraph and operative paragraphs 4, 6 and 7, there was no conflict between acceptance of the recommendations of the Implementation Committee concerning a referendum, and respect for the letter and spirit of OAU decisions or for the principles of the Charter. All that the draft resolution sought was a political solution to the conflict, based on the law, the principles of the Charter and the tenets of non-alignment, which would facilitate direct contact between the two parties concerned with a view to achieving a cease-fire as an essential condition for ensuring a general referendum and ultimately a just and lasting peace in the region.

30. In that connection he quoted from the statement made by the Mexican Minister for Foreign Affairs at the Sixth Conference of Heads of State or Government of Non-Aligned Countries, announcing his Government's recognition of the Saharan Arab

(Mr. Gonzalez, Mexico)

Democratic Republic within the frontiers of the former Spanish Sahara and appealing to Morocco to allow the inhabitants to exercise the right of self-determination in the part of the territory which it still occupied.

31. With regard to paragraph 6, he said that the time had come for the United Nations to play a more decisive role. Respect for the concerns of a regional body did not absolve the United Nations system from its responsibilities on an issue that was doubly within its competence, in that it concerned decolonization and the settlement of a conflict which threatened international peace and security.

General debate (continued)

32. Mr. WOOLCOTT (Australia) expressed condolences to the delegation, Government and people of the Soviet Union on the death of Mr. Brezhnev. His delegation wished to be associated with what the United Kingdom representative had said on behalf of the Group of Western European and Other States.

33. Australia had a creditable record in support of decolonization. Its policy in the Cocos (Keeling) Islands was to bring about conditions, as speedily as possible, which would enable the people of the Territory to exercise their right of self-determination, in accordance with the relevant General Assembly resolutions and the Charter. To that end his Government continued to promote the political, social, economic and educational advancement of the people in accordance with its obligations under the Charter. The working paper prepared by the Secretariat (A/AC.109/693) provided valuable background information on recent developments.

34. With regard to the political situation, the Cocos (Keeling) Islands Council established in 1979 continued to exercise important responsibilities in the conduct of the community's affairs. The highly satisfactory way in which the Council had operated, which reflected the community's deep interest in its own affairs, augured well for the future political development of the Territory.

35. His Government recognized the importance of promoting and diversifying the economy of the Islands. Activities undertaken by the Cocos Islands Co-operative Society included copra production, building construction and maintenance and the provision of stevedoring and lighterage services. The animal quarantine station opened in November 1981 provided work through its demand for general support services, care of the animals and the cultivation of forage crops. However, in view of the infertile nature of the Cocos Islands soil, the Government was exploring ways of diversifying and strengthening economic activities.

36. Education, which was funded entirely by the Australian Government, included seven grades at the primary level and an integrated programme at the secondary level. In October 1981 secondary school students had taken part in a four-week educational tour of Western Australia which had enhanced their academic development and increased their awareness of the Australian community. At both primary and secondary school levels the Cocos Malay language was taught and the curriculum included information on the international community, including the United Nations and the specialized agencies. A bursary scheme would be introduced in 1983 to

(Mr. Woolcott, Australia)

enable secondary students to further their education in Western Australia. The adult education programme introduced in December 1979 had been expanded and was now the responsibility of the Cocos (Keeling) Islands Council.

37. The Government maintained a health service, including a Malay-speaking resident nursing sister and visiting medical, dental and eye services.

38. Four Cocos community leaders would be visiting Australia during the current month at the Government's invitation for general discussions concerning the Territory, to include examination of educational facilities and primary production methods.

39. The Australian authorities had recently been holding discussions with local leaders with a view to ascertaining how best to proceed towards the next stage in the evolution towards self-determination. Certain unique features of the Islands would need careful handling by Australia as the administering Power, in particular the very small size of the population. Australia would be seeking the full co-operation of the United Nations in observing any process of self-determination and would keep in mind the need for a further visiting mission.

40. Mr. NISIBORI (Japan) expressed the condolences of the Government and people of Japan to the family of Mr. Brezhnev and to the delegation, Government and people of the Soviet Union.

41. He reaffirmed his country's support for the speedy achievement of independence by Non-Self-Governing Territories and stressed the need for the administering Powers to respect their obligations under international agreements and in co-operation with the United Nations. Self-determination and independence should be achieved peacefully, through realistic measures designed to meet the particular conditions of the areas concerned and ensure the welfare of the people.

42. In East Timor, however, the administering Power had been unable to prevent the outbreak of civil war among political groups. Indonesia had subsequently become deeply involved in East Timor's decolonization process: since 1976, the Territory had been effectively governed by Indonesia and the people of East Timor enjoyed the same constitutional rights and obligations as their fellow Indonesians. His delegation believed that, by taking into account the recent history and the current situation of East Timor, the Committee would be able to direct United Nations efforts to the achievement of peace and stability in the Territory and to the advancement of the people's interests.

43. His Government commended the efforts of the International Committee of the Red Cross (ICRC) - to which it had contributed - the Indonesian Red Cross and other organizations, including the United Nations Children Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR). His delegation acknowledged the efforts made by the Indonesian Government for the welfare of the people and for the social and economic development of the Territory and urged that the Committee should study the views of the Indonesian Government contained in document A/C.4/37/6 relating to the Secretariat working paper (A/AC.109/715).

44. Mr. CORREA DA COSTA (Brazil), referring to the question of East Timor, said that his Government had joined the sponsors of draft resolution A/C.4/37/L.8 because it was confident that the Government of Indonesia - a non-aligned and peace-loving country with which Brazil maintained friendly relations - would willingly co-operate to ensure the realization of the legitimate aspirations of the people of East Timor. His delegation believed that adoption of the draft resolution, which sought to establish a channel of communication between the parties concerned, would contribute to peace and justice.

45. Brazilians shared a common political past with the Maubere people of East Timor. Their country, along with five African nations with the same cultural background and speaking the same language, had become independent States and were now responsible members of the international community. They wished the same freedom for East Timor and regarded the creation of conditions enabling the people to decide their own destiny to be a matter of urgency. Adoption of draft resolution A/C.4/37/L.8 could be a small step toward that goal, and the opportunity should not be lost.

46. Mr. BEREZOVSKY (Union of Soviet Socialist Republics) expressed his delegation's sincere appreciation to the representatives of Portugal, Australia and Japan for their condolences on the death of Chairman Brezhnev. Their messages would be conveyed to the family of Chairman Brezhnev and to the Government and people of the Soviet Union.

The meeting rose at 1.05 p.m.