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REPORT OF THE SECRETARY-GENERAL IN PURSUANCE OF  
SECURITY COUNCIL RESOLUTION 389 (1976)

1. In the course of its further discussion of the item entitled "The situation in Timor" at its 1908th to 1915th meetings, held between 12 and 22 April 1976, the Security Council considered the report of my special representative (S/12011), which I had submitted to the Security Council in pursuance of resolution 384 (1975).
2. At its 1914th meeting on 22 April 1976, the Security Council adopted resolution 389 (1976), in paragraph 3 of which the Council requested me to have my special representative continue the assignment entrusted to him under paragraph 5 of Security Council resolution 384 (1975) and pursue consultations with the parties concerned.
3. My special representative, Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office at Geneva, made it immediately known that he was available to continue consultations with the parties concerned. I asked him to keep me informed of the progress of his consultations and to submit a report to me in due course.
4. On 22 June, my special representative submitted to me a written report, the text of which is reproduced in the annex. His report provides an account of his contacts with the parties concerned, and I hope it will assist in the Council's further consideration of the question.

Annex

Second report by the special representative of the Secretary-General appointed under Security Council resolution 384 (1975) addressed to the Secretary-General on 22 June 1976

1. On 22 April 1976, having considered your report on the situation in East Timor contained in document S/12011 of 12 March 1976, the Security Council adopted at its 1914th meeting resolution 389 (1976), in the third paragraph of which the Council:

"Requests the Secretary-General to have his special representative continue the assignment entrusted to him under paragraph 5 of Security Council resolution 384 (1975) and pursue consultations with the parties concerned."

2. In pursuance of that request, and having in mind that in the concluding paragraph 8 of your report of 12 March 1976 you had indicated that the parties concerned had expressed their readiness to continue consultations with your special representative, I met in Geneva on 26 April and again on 21 May, at their suggestion, with representatives of the "Provisional Government of East Timor" (G. M. Gonçalves, M. Carrascalão and T. P. Soares on the first occasion; M. Carrascalão and T. dos Santos Baptista on the second). On 3 May, Ambassador Anwar Sani, the Permanent Representative of Indonesia to the United Nations in New York, called on me after having met Foreign Minister Adam Malik in Paris. I had a second meeting with Ambassador Sani on 21 May.

On 7 May, Ambassador J. M. Galvão Teles, the Permanent Representative of Portugal to the United Nations in New York, came to see me, together with Ambassador A. de Carvalho, the Permanent Representative of Portugal to the United Nations in Geneva, with whom I subsequently had further conversations.

I made it known that I was available to continue consultations with representatives of all the parties concerned. Although a meeting could not be arranged with representatives of FRETILIN, I received from them various communications by letter and cable on behalf of the "Government of the Democratic Republic of East Timor", most of them sent from Australia.

3. In my separate conversations with the representatives of Indonesia and the "Provisional Government of East Timor", I made reference to paragraph 2 of resolution 389 (1976) calling upon the Government of Indonesia to withdraw without delay all its forces from East Timor. In response, the Indonesian Permanent Representative reiterated his statements to the Security Council at its 1909th and 1915th meetings, when he had declared that "Indonesian volunteers" were "in the process of leaving East Timor" and that it was expected "that the process would be completed within a short time". The representatives of the "Provisional Government" said, on 21 May, that repatriation of the volunteers had been taking place since February but that certain units still remained in some areas also to assist in reconstruction work, together with Indonesian civilian experts.

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4. The reaffirmation by the Security Council of the inalienable right of the people of East Timor to self-determination in accordance with General Assembly resolution 1514 (XV) was one of the main themes of the consultations.

I indicated to the representatives of the "Provisional Government" the possible usefulness of meetings with the leaders of the different Timorese groups before final decisions were to be reached on the appropriate process of self-determination. It was evident that an act of free choice could be valid only if all Timorese, whether living in disputed regions or abroad, had the guarantees necessary to enable them to participate fully in the process and to canvass support for their respective views unhampered. In that context, I asked the representatives of the "Provisional Government" to clarify the statements which they had made to the Security Council, when they had said that the "Provisional Government" was considering a procedure in line with Law 7/75 of July 1975 promulgated by the Government of Portugal (S/PV.1908, p. 73) and that preparations for a "People's Assembly" based on consultations and tradition had reached an advanced stage (Ibid., p. 71, and S/PV.1915, p. 28).

5. At our meeting of 21 May, the representatives of the "Provisional Government" delivered to me their English version of Act No. I/A.D. 1976 on the formation of the "Conselho Popular Assemblies" and the supplementation of the "Regional Popular Assembly" (see appendix).

The representatives of the "Provisional Government" added that the text had been agreed upon by the "Deliberative Council" on 2 April 1976, prior to their attendance at the Security Council, but had been promulgated only after their return at the end of April.

The law made provision for the local choice in rural areas of representatives, not necessarily tribal chiefs, from all 13 districts (conselhos) of East Timor. Elections were to be held on a one-man/one-vote basis in the city of Dili. It was expected that the consultation procedures in rural areas would be completed by 24 May, and the elections in Dili were planned to take place on 25 May. On 31 May, a first assembly was to be convened in Dili. I was also advised that an appeal had been issued as follows:

"To the people of East Timor who have not participated in the formation process and struggle of the Provisional Government of East Timor and are now in hiding in the country and abroad: Those who are in hiding in the country are urged to report to the closest conselho township, and those who are abroad are urged to return home to East Timor to exercise their right for the determination of the voice of the people of East Timor to be implemented shortly. Your safe conduct and personal security will be guaranteed by the Government."

I was informed that this appeal had been made public in East Timor and broadcast abroad. Furthermore, Timorese abroad, while guaranteed safe conduct

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should they wish to return, were not obliged to come in person to cast their votes but could be included on electoral rolls and participate in the election by mail or cable.

6. The "Provisional Government" of East Timor maintains that its authority now extends to all 13 districts of the Territory and that the Indonesian volunteers are being withdrawn. This is also the position of the Indonesian Government.

In their statements to the Security Council (S/PV.1908, p. 76, S/PV.1909, p. 48 and S/PV.1915, p. 31), the representatives of the "Provisional Government" had suggested that your special representative should visit East Timor again. In the course of our subsequent meetings in Geneva, they confirmed that suggestion and advised that invitations to visit East Timor would be addressed also to the Security Council and to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Committee of 24), so that they could gain first-hand knowledge of the situation in the Territory and of the wishes of its people. It was later learned that the Security Council, the Committee of 24 and the Secretary-General would be invited specifically to attend the first meeting of the "People's Representative Council of East Timor", to be held in Dili on 31 May (see para. 5 above).

"The Provisional Government" proceeded with establishing a "People's Assembly" in accordance with the Act of 2 April 1976 mentioned above. That "Assembly" resolved, on 31 May, that East Timor should be integrated with Indonesia. On 7 June, a petition expressing that decision was presented to the President and Parliament of Indonesia. The Indonesian Government and Parliament have responded by deciding to send a mission for the purpose of making an on-the-spot assessment of the wishes of the people of East Timor, as formally expressed in the petition, to be integrated with Indonesia (letter from the Permanent Representative of Indonesia in Geneva dated 12 June 1976, ref. 019/DB/76).

I received, on 12 June, an invitation from the Permanent Representative of Indonesia in Geneva, on behalf of his Government, to visit East Timor on 24 June, concurrent with the visit of the mission to be sent by the Indonesian Government. I was informed that similar invitations had been extended on 10 June to the Security Council, the Committee of 24 and the Secretary-General.

In both the case of this last invitation and that of the preceding one, it was decided that it would not have been appropriate for your special representative to respond to them, in view of the fact that my mandate derived specifically from Security Council resolutions 384 (1975) and 389 (1976), and taking into account the decisions which were taken by the Security Council and the Committee of 24 with respect to the similar invitations addressed to them.

Since both the Security Council and the Committee of 24 did not accept the invitations extended to them by the "Provisional Government" and the Indonesian

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Government, no United Nations organ has been involved in these proceedings (documents S/12104 and A/AC.109/526 and 527).

7. From the FRETILIN side, communications were received requesting, without referring to any specific area, that I proceed to East Timor from Australia as a matter of urgency by way of a vessel sponsored by Australian trade unions. However, given the fact that FRETILIN did not identify any areas, and taking into account the circumstances which had prevented me from visiting FRETILIN-controlled areas last February (para. 31 of the annex to your report to the Security Council (S/12011) of 12 March 1976), I did not find myself in a position to accept this request.

8. Under the circumstances outlined above, it was not possible to assess accurately the prevailing situation in East Timor, particularly as regards the implementation of Security Council resolutions 384 (1975) and 389 (1976).

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Appendix

Act Number 1/A.D. 1976 of "Provisional Government of East Timor"  
in the English version delivered to the special representative  
by representatives of the "Provisional Government"

Article 1:

The fate and future of the people of East Timor are in the hands of the people of East Timor. The right of self-determination according to the principles of democracy is recognized as inalienable and undisputable.

Article 2:

This basic democratic right is to be implemented in accordance with the traditions and identity of the people of East Timor, meaning a representative system by means of consensus and consent.

Article 3:

To constitute a representative body for the whole of East Timor the existing representation of the region of East Timor, designated the Deliberative Council of East Timor, established at the same time with the Provisional Government of East Timor, needs to be complemented with representatives from all conselhos.

Article 4:

Conselho Popular Assemblies comprising 13 conselhos, complementing the regional East Timor representation, are to be formed in conformity with the principles of consensus and consent.

Article 5:

Solely for the capital city of Dili the representatives for the Conselho Popular Assemblies and the Regional Popular Assembly will be elected in accordance with the one-man/one-vote.

Article 6:

These Popular Assemblies on their respective levels and in their respective areas of jurisdiction have popular sovereign powers.

Article 7:

Every Popular Assembly in administrative conselhos/regions comprise 15 to 20 members in accordance with the number of residents of the area.

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Article 8:

At the latest, one month after the promulgation of this act the formation of the Conselho Popular Assemblies and the perfection of the Regional Popular Assembly of East Timor should be implemented.

Article 9:

(a) The members of the Popular Assembly are elected from the people residing in the administrative postos/conselhos/region concerned in accordance with the principles of consensus and consent and with consideration of the traditional and cultural values prevailing and developing in the area. (b) The Regional Popular Assembly, besides being represented by prominent citizens of East Timor, is complemented by representatives from the conselhos, comprising two or three members, and should also include representatives of the tribal chiefs/kings and representatives of the religious groups.

Article 10:

This act is drafted legally on the second day of April 1976 and is sanctioned by the Deliberative Council of the Region of East Timor.

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