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Agenda item 97

QUESTION OF EAST TIMOR

Report of the Fourth Committee

Rapporteur: Mr. Victor G. GARCIA (Philippines)

1. At its 4th plenary meeting, on 24 September 1982, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its thirty-seventh session the item entitled:

"Question of East Timor:

" (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;

" (b) Report of the Secretary-General."

At the same meeting, the Assembly decided to allocate the item to the Fourth Committee.

2. At its 2nd meeting, on 11 October 1982, the Fourth Committee decided to hold a general debate covering agenda items 18, 96, 97, 99 and 12, 100 and 101, on the understanding that individual proposals on matters covered by those items would be considered separately. The Committee held the general debate on these items at its 9th to 11th, 13th to 15th and 17th to 23rd meetings, between 26 October and 15 November.

3. The Fourth Committee considered item 97 at its 9th to 11th and 13th to 23rd meetings, between 26 October and 15 November (see A/C.4/37/SR.9-11 and 13-23).

4. At the 9th meeting, the Rapporteur 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 made a statement in which he gave an account of the relevant activities of the Special Committee during 1982 and drew attention to chapter X of the report of that Committee relating to item 97 (A/37/23 (Part V)), 1/ as well as the relevant documentation of the Committee (A/AC.109/715).

5. The Fourth Committee also had before it the report of the Secretary-General relating to the item (A/37/538).

6. In connection with its consideration of the item, the Fourth Committee also had before it the following communications addressed to the Secretary-General:

(a) Note verbale dated 26 February 1982 from the Permanent Representative of Portugal to the United Nations (A/37/113),

(b) Note verbale dated 7 October 1982 from the Permanent Representative of Indonesia to the United Nations (A/C.4/37/6 and Corr.1).

7. In addition, the Fourth Committee had before it letters dated 14, 20 and 28 October and 1 and 8 November 1982 from the Permanent Representative of Indonesia to the United Nations addressed to the Chairman of the Fourth Committee (A/C.4/37/8 and Add.1 to 4).

8. The Fourth Committee granted the following requests for hearings in connection with its consideration of the item:

<u>Petitioner</u>	<u>Meeting at which request for hearing was granted</u>
Nina Shea, The International League for Human Rights (A/C.4/37/3)	3rd
José Ramos-Horta, Frente Revolucionária de Timor Leste Independente (FRETILIN) (A/C.4/37/3/Add.1)	3rd
Margo Picken, Amnesty International (A/C.4/37/3/Add.2)	6th
E. Gough Whitlam (A/C.4/37/3/Add.3)	6th
Susanne Roff, Minority Rights Group (A/C.4/37/3/Add.4)	10th
Ernst Utrecht, Permanent People's Tribunal in Rome (A/C.4/37/3/Add.5)	10th

1/ To be incorporated in Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 23 (A/37/23).

<u>Petitioner</u>	<u>Meeting at which request for hearing was granted</u>
Lord Avebury, House of Lords (A/C.4/37/3/Add.6)	11th
Michael A. Chamberlain, East Timor Human Rights Committee (A/C.4/37/3/Add.7)	11th
Gordon McIntosh (A/C.4/37/3/Add.8)	11th
Jacob Xavier, Movimento Nacional para a Libertação e Independência de Timor-Dili (MNLITD) (A/C.4/37/3/Add.9)	14th
J. A. Manusama (A/C.4/37/3/Add.10)	15th

9. The Fourth Committee heard statements of the petitioners as follows: Mr. Roger Clark, (The International League for Human Rights), Ms. Roff, Lord Avebury, Mr. Thomas Hammarberg (Amnesty International), Mr. Chamberlain and Mr. Ramos-Horta, at its 15th meeting, on 8 November; Mr. Whitlam, at its 16th meeting, on 9 November; Mr. McIntosh, at its 17th meeting, on the same day; and Mr. Utrecht and Mr. Manusama, at its 18th meeting, on 10 November. Mr. Xavier did not appear before the Committee. At the 16th and 17th meetings, Mr. Whitlam, Mr. Ramos-Horta and Mr. McIntosh replied to questions put to them by members.

10. At the 19th meeting, on 11 November, the representative of Portugal introduced a draft resolution (A/C.4/37/L.8), which was finally sponsored by the following Member States: Angola, Barbados, Belize, Benin, Brazil, Cape Verde, Grenada, Guinea-Bissau, Malawi, Mozambique, Nicaragua, Portugal, Sao Tome and Principe, Seychelles, Swaziland, Trinidad and Tobago, Vanuatu and Zimbabwe.

11. At the 23rd meeting, on 15 November, the Chairman informed the Fourth Committee that the Secretary-General had indicated that he did not foresee any financial implications in the implementation of draft resolution A/C.4/37/L.8 and that, should a change in the circumstances make it necessary to incur expenditure, he would, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions, seek the provision of those funds under the resolution on unforeseen and extraordinary expenses.

12. At the same meeting, the Fourth Committee adopted draft resolution A/C.4/37/L.8 by a recorded vote of 48 to 42, with 54 abstentions (see para. 13). <sup>2/</sup> The voting was as follows:

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<sup>2/</sup> Statements in explanation of vote were made by the following Member States: Australia, Germany, Federal Republic of, Guatemala, Iraq, Italy, Rwanda and United Kingdom of Great Britain and Northern Ireland.

In favour: Afghanistan, Albania, Algeria, Angola, Barbados, Benin, Brazil, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, China, Congo, Cuba, Cyprus, Democratic Yemen, Ethiopia, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Iceland, Ireland, Kenya, Lao People's Democratic Republic, Liberia, Malawi, Mali, Mauritius, Mexico, Mozambique, Nicaragua, Portugal, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Swaziland, Togo, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Vanuatu, Viet Nam, Zambia, Zimbabwe.

Against: Antigua and Barbuda, Argentina, Australia, Bahrain, Bangladesh, Canada, Chad, Chile, Comoros, Democratic Kampuchea, Egypt, El Salvador, Gambia, Honduras, India, Indonesia, Iraq, Japan, Jordan, Kuwait, Malaysia, Maldives, New Zealand, Pakistan, Papua New Guinea, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Arab Emirates, United States of America, Uruguay, Yemen.

Abstaining: Austria, Bahamas, Belgium, Bhutan, Bolivia, Botswana, Burma, Central African Republic, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominica, Dominican Republic, Ecuador, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Guatemala, Haiti, Hungary, Israel, Italy, Ivory Coast, Jamaica, Lebanon, Luxembourg, Mauritania, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Oman, Panama, Peru, Poland, Romania, Samoa, Senegal, Solomon Islands, Somalia, Spain, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Upper Volta, Venezuela, Yugoslavia, Zaire.

#### RECOMMENDATION OF THE FOURTH COMMITTEE

13. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolution:

#### Question of East Timor

#### The General Assembly,

Recognizing the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960, and other relevant United Nations resolutions,

Having examined the chapter of the 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 relating to East Timor 3/ and other relevant documents,

Taking note of the report of the Secretary-General on the question of East Timor, 4/

Taking note of resolution 1982/20 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 8 September 1982.

Having heard the statement of the representative of Portugal, 5/ as the administering Power,

Having heard the statement of the representative of Indonesia, 6/

Having heard the statements of the representative of the Frente Revolucionária de Timor Leste Independente 7/ and of various petitioners, as well as of the representatives of non-governmental organizations, 8/

Bearing in mind that Portugal, the administering Power, has stated its full and solemn commitment to uphold the right of the people of East Timor to self-determination and independence,

Bearing in mind also its resolutions 3485 (XXX) of 12 December 1975, 31/53 of 1 December 1976, 32/34 of 28 November 1977, 33/39 of 13 December 1978, 34/40 of 21 November 1979, 35/27 of 11 November 1980 and 36/50 of 24 November 1981,

Concerned at the humanitarian situation prevailing in the Territory and believing that all efforts should be made by the international community to improve the living conditions of the people of East Timor and to guarantee to those people the effective enjoyment of their fundamental human rights,

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3/ A/37/23 (Part V), chap. X.

4/ A/37/538.

5/ See A/C.4/37/SR.14.

6/ See A/C.4/37/SR.23.

7/ See A/C.4/37/SR.15-17.

8/ See A/C.4/37/SR.15-18.

1. Requests the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report thereon to the General Assembly at its thirty-eighth session;

2. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General with a view to facilitating the implementation of the present resolution;

3. Calls upon all specialized agencies and other organizations of the United Nations system in particular the World Food Programme, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees, immediately to assist, within their respective fields of competence, the people of East Timor, in close consultation with Portugal, as the administering Power;

4. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Question of East Timor".

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