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FOURTH COMMITTEE

17th meeting

held on

Tuesday, 9 November 1982

at 3 p.m.

New York

SUMMARY RECORD OF THE 17th MEETING

Chairman: Mr. ROA-KOURI (Cuba)

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A/C.4/37/2, A/C.4/37/6 and Corr.1, A/C.4/37/8 and Add.1-3; A/C.4/37/L.5-L.11; A/AC.109/682-686, 687 and Add.1-3, 688, 689, 691-695, 697, 698, 700, 708, 711, 713-715, 720; A/AC.109/L.1421 and L.1446 and Add.1)

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: draft decision A/C.4/37/L.5

1. Mr. KAMARA (Senegal), introducing draft decision A/C.4/37/L.5, said that the document did no more than bring up to date General Assembly decision 36/406 which had been adopted by consensus in the previous year and had reflected the position of OAU on the question of Western Sahara. The sponsors of the draft decision before the Committee hoped that it would meet with an equally favourable reception. The text began by recalling decision 36/406 which supplemented the resolution adopted by the Assembly of Heads of State and Government of OAU in June 1981 and requested the Secretary-General to give assistance to the Implementation Committee for Western Sahara in the discharge of its mandate. That request gave rise to the financial implications set out in document A/C.4/37/49. He asked delegations to support the efforts of OAU by adopting the draft decision by consensus.

Question of East Timor: hearing of petitioners

2. At the invitation of the Chairman, Mr. Whitlam took a place at the petitioners' table.

3. Mr. CASSANDRA (Sao Tome and Principe) recalled that he had asked Mr. Whitlam a number of questions at the previous meeting on the subject of the petition in which the members of the Labour Party in the Australian Parliament expressed their concern at the human rights situation in East Timor and reaffirmed their support for any steps taken by the United Nations to defend the right of the Timorese to self-determination. As those questions had not been fully answered, he would like to have more complete information on the petition.

4. Mr. McINTOSH read out the petition signed by the members of the Labour Party in the Australian Parliament. He felt that he had given all the necessary details concerning the signatories of that petition and saw no point in elaborating on the matter.

5. Mr. VAN LIEROP (Vanuatu), referring to the statement made by Mr. Whitlam at the previous meeting, from which it appeared that Portugal, not having carried through the decolonization process in East Timor had, for that reason, forfeited the right to be considered the Power administering the Territory, said that, while it was true that Portugal's decolonization policy had not been the same in South-East Asia as in Africa, there was at present a noticeable effort on the part of that country to overcome the difficulties of the past. Did Mr. Whitlam feel that the fact that the United Kingdom had been ineffectual with regard to the decolonization of Zimbabwe in 1965 had caused it to forfeit the right to be considered the Power administering the Territory which had then been called Rhodesia?



6. Mr. WHITLAM replied that the attitude of the United Kingdom with regard to Rhodesia in 1965 was not at all comparable with that of Portugal towards East Timor in 1975. The United Kingdom had consistently applied the sanctions imposed against Rhodesia and had respected the embargo against that country. The United Kingdom Government had taken steps to ensure that the question of the independence of Rhodesia remained on the agenda of the international community, whereas Portugal had not even bothered to bring the question of East Timor before the United Nations. Moreover, Portugal had, in 1975, pursued a contradictory policy since it had then reduced its military forces to 95 men and had left a large military arsenal in the Territory which had fallen into the hands of FRETILIN.
7. Mr. VAN LIEROP (Vanuatu) asked Mr. Whitlam whether, in spite of the absence of British troops in Rhodesia, he had never at any time during the period from 1965 up to the Territory's independence considered that the United Kingdom had forfeited its right to be considered the Power administering Rhodesia.
8. Mr. WHITLAM stressed the fact that, when Ian Smith had unilaterally declared the independence of Rhodesia on 11 November 1965, there had not been a single British soldier in Rhodesia and that the United Kingdom had immediately brought the question before the United Nations, whereas in early 1975, Portugal had had some 2,000 soldiers in East Timor and had moreover, lost interest in the Territory except for the 23 Portuguese soldiers held in East Timor as prisoners of war.
9. Mr. VAN LIEROP (Vanuatu) said that he did not clearly understand the distinction made by Mr. Whitlam between the attitude of the United Kingdom in 1965 towards Rhodesia and that of Portugal in 1975 towards East Timor. Since both Powers had apparently given up political and military control of their former colonial Territories, it was difficult to see why one had more right than the other to be considered an Administering Power. Moreover, the implicit comparison made in Mr. Whitlam's statement between the unilateral declaration of the Territory's independence by FRETILIN and the unilateral declaration of independence made by Ian Smith in 1965 was very much open to dispute given that Ian Smith had represented only a white minority in a country where the majority of the population had been unable to express itself while, in 1975, FRETILIN expressed the wishes of the indigenous population of East Timor.
10. Mr. WHITLAM said that Portugal had never recognized the representative status of any group in East Timor and had even rejected the unilateral declaration of independence by FRETILIN on 28 November 1975. Indeed, Portugal had never recognized FRETILIN as the Government of the independent State of East Timor. Only the former Portuguese colonies in Africa had recognized the Front, whereas the population of the Territory had never been consulted. Moreover, the fact that Portugal had considerably reduced its military forces in 1975 to the point where, in December of the same year, no more than 70 soldiers had remained in the Territory, proved that Portugal had been little concerned to guarantee the Territory's independence. On the other hand, the representative of Vanuatu would recall that it was troops sent by Papua New Guinea with the assistance of Australia who had guaranteed the independence of his country.

11. Mr. VAN LIEROP (Vanuatu) said that the case of his country had nothing in common with the resolution before the Committee. Furthermore, even if Mr. Whitlam's argument that Portugal had abdicated its responsibilities in the matter of decolonization in 1975 was accepted, he himself would like to know in what way the alleged culpability of Portugal eliminated the right of the people of East Timor to self-determination.
12. Mr. WHITLAM said he recognized that Portugal, on 25 April 1974, had found itself faced with a particularly difficult dilemma by reason of the change of Government. Portugal had been more concerned at that time with the fate of the thousands of Portuguese living in Angola and Mozambique than with the fate of East Timor. That did not, however, excuse the extraordinary negligence of leaving behind 1,500 rifles which FRETILIN had lost no time in appropriating. Those were the weapons which the Front had used to carry on a civil war that had lasted three years.
13. Mr. VAN LIEROP (Vanuatu) said that he did not intend to prolong the discussion on the question of Portugal's effectiveness or ineffectiveness in the matter of decolonization. On the other hand, he would like to know how many journalists were able to go to East Timor despite the fact that Indonesia was known to refuse foreign observers access to the island.
14. Mr. WHITLAM said that no one could describe the situation in East Timor with first-hand knowledge unless he had been able, like himself, to travel about the Territory by helicopter. Eleven journalists from the United States, Europe and Asia had in that way visited East Timor, and all of them, save one, had furnished favourable information on the situation in the Territory. Representatives of religious groups, UNICEF, and Catholic Relief Services had similarly given favourable reports.
15. Mr. VAN LIEROP (Vanuatu) asked Mr. Ramos-Horta of FRETILIN to be kind enough to give his observations on the facts mentioned by Mr. Whitlam.
16. Mr. RAMOS-HORTA pointed out, firstly, that, contrary to what Mr. Whitlam had alleged, Portugal had properly brought the question of East Timor to the attention of the United Nations as early as December 1975 after the Indonesian invasion. At Portugal's request, the Security Council had met for almost two weeks and had unanimously adopted resolution 384 containing an unambiguous denunciation of the aggression perpetrated by Indonesia in violation of the Charter and international law. On 22 April 1976, the Security Council had adopted a second resolution on that subject.
17. It had been mentioned, moreover, by Mr. Whitlam in his statement that the civil war in East Timor had lasted three years. That was false. The civil war which had erupted in East Timor on 11 August 1975 had lasted only one month, as had been attested to by the International Committee of the Red Cross and the 50 or so foreign observers who had gone to East Timor at that time. The ICRC had stated in its report, in 1975, that the FRETILIN leaders had granted full access to the areas at that time under their control. The civil war had not lasted beyond

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October 1975. He would point out to Mr. Whitlam that at that time, on 16 October 1975, five foreign journalists - two Australians, two British and one New Zealander - had been killed by Indonesian soldiers at the East Timor border. That was proof that Indonesia had had military forces inside East Timor even before the invasion of the Territory.

18. Mr. WHITLAM kept referring to ICRC in support of his allegations concerning the situation in the Territory. The International Committee of the Red Cross should be left out of an essentially political debate. However, when Mr. Whitlam had alleged that he had gone to East Timor under the auspices of ICRC, he himself had been extremely shocked and had immediately got in touch with the responsible officials of ICRC. They had replied in writing that they had never in any circumstances sponsored Mr. Whitlam's visit to East Timor. He had, in fact, gone to the Territory at the invitation of the Indonesian Government, which he had been entitled to do, but it was not forthright of him to use ICRC to buttress his judgements concerning the situation in East Timor.

19. Mr. VAN LIEROP (Vanuatu) said that a statement sometimes made concerning self-determination was that people expressed their opposition by leaving a country. There were, of course, different ways of expressing support for or opposition to a Government's policy, even though the best way of exercising one's right to self-determination was to cast one's ballot in a voting-booth. He would like, moreover, to ask the petitioner whether the resistance in Norway, Denmark, Poland and France to occupation by Nazi Germany during the Second World War been an act of self-determination.

20. Mr. WHITLAM said that it was not necessary to look for examples in Europe in order to reply in the affirmative, for he himself, during the Pacific war, between 1941 and 1945, had been able to see the effect of resistance to the Japanese invader in various countries of the region, such as Indonesia, Viet Nam and Papua New Guinea. Later on, when the war had been over, the resistance continued, but it had then been directed against European political and military domination. He thus recognized that that type of resistance could be of decisive importance for the liberation and independence of peoples. It could be said, in that sense, that people sometimes did express their opposition by leaving the country and it should be noted that that was precisely what the population of East Timor had done during the civil war that FRETILIN had successfully waged against the other parties with the weapons Portugal had left it. Hostilities had, in fact, begun on 10 August, and the Portuguese had left East Timor on 26 August. They had, on 21 August, requested the International Committee of the Red Cross to assist them in evacuating foreigners from the Territory. The Australian Government had, on that occasion, provided aircraft that had evacuated about 3,000 persons between the months of August and October. One month after the beginning of the conflict, the number of refugees from East Timor had been estimated at 40,000 persons. Those 40,000 persons could be regarded as having expressed their opposition to the military domination of FRETILIN by their departure.

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21. Referring to his trip to East Timor he recalled what he had said at the preceding meeting with regard to his co-operation with ICRC and his contacts with the ICRC Director for Asia and the General Secretary of the Australian Red Cross Committee. He reaffirmed that he had travelled throughout the Territory and had gone to the villages designated by the ICRC representative stationed there for three years. He had had to travel by Red Cross helicopter because there were very few roads and only two airstrips in the Territory. The ICRC team had given him a report on the situation, and, 15 days before coming to New York for a hearing before the Fourth Committee, he had again met the representatives of the Red Cross for the region, at Geneva, who had brought him up to date on the latest happenings.

22. Mr. VAN LIEROP (Vanuatu) noted that Indonesia had considered it necessary to maintain a large military garrison in East Timor and had admitted that Indonesian forces had launched several offensives after the alleged act of integration. Since East Timor was a relatively isolated island, he asked the petitioner to indicate against whom the offensives had been directed and why Indonesia maintained such a large military presence in the Territory if the purpose was not to prevent the population from exercising its right to self-determination.

23. Mr. WHITLAM recalled that his functions as head of the Australian Government had come to an end four weeks before the landing of Indonesian forces on East Timor. His information on the question was therefore limited to what he had been able to read about it, namely, that the parties defeated by FRETILIN had requested Indonesia's assistance. Examples of that kind were also to be found in the history of other peoples. The defeated parties, regardless of their previous point of view, had considered it preferable to be part of Indonesia rather than to be independent and governed by FRETILIN. As to the Indonesian garrison in East Timor, it was his understanding that it comprised about 2,000 men. He did not think it was any greater than that, for, at the time of his visit there, he had seen very few soldiers. In fact, there had seemed to be many fewer troops than when the Territory had been under the domination of FRETILIN, and the soldiers had for the most part been from East Timor.

24. Mr. VAN LIEROP (Vanuatu) observed that at the previous meeting Mr. Whitlam had said that the countries sponsoring the draft resolution on the question of East Timor (A/C.4/37/L.8) and those which had asked for the question to be placed on the agenda should abandon their agitation; he asked the petitioner what he meant by that. As a sponsor of the draft resolution, Vanuatu had carefully weighed the meaning and consequences of its action.

25. He asked whether Mr. Ramos-Horta had any comments to make about the facts cited by Mr. Whitlam in reply to the last two questions which he had been asked.

26. Mr. WHITLAM said that he was not particularly gratified to find Mr. Ramos-Horta being asked to confirm the accuracy of his answers, but he assumed that he, in turn, could give his version of the facts if Mr. Ramos-Horta's statements did not appear to him to be accurate.

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27. At the previous meeting he had drawn attention to the fact that the draft resolution on East Timor had for years been submitted primarily by the former Portuguese colonies in Africa, in other words, by five nations that had recognized FRETILIN as the government of an independent State. He pointed out that Australia had been very quick to recognize Guinea-Bissau, Sao Tome and Principe, Mozambique, Angola and Cape Verde when they became independent. In the case of East Timor, however, there had been no act of self-determination and the five nations that were supporting FRETILIN were therefore supporting only a movement whose unilateral declaration of independence had not made East Timor an independent State. In his view, therefore, those five nations were engaged in agitation by raising the question every year. The fact was that 23 of the 26 nations in the Asia and Pacific region were opposed to the draft resolution. He believed that the countries of Asia and the Pacific would take account of the views of African nations if they were asked to vote on a draft resolution concerning Africa. The five former Portuguese colonies in Africa which had recognized FRETILIN and the front-line States that supported them but had not recognized FRETILIN should at least take account of the fact that 23 countries of the region involved, out of 26, did not want the draft resolution.

28. Vanuatu was presumably not the only country in the region interested in decolonization because, with the exception of China, Australia and New Zealand, no State of the region had been independent at the time of the foundation of the United Nations. He considered that the position of the majority of the countries of the Asia and Pacific region should be respected, and their belief was that it was essential that ICRC, UNICEF, UNHCR, WFP and the other international agencies concerned should be helping Indonesia to give the population of East Timor what it has never had before, freedom and well-being.

29. Mr. RAMOS-HORTA, replying to Mr. Whitlam's latest comments, said that FRETILIN was a representative movement established in the Territory of East Timor and that the only free elections that had been organized in the Territory, those held in 1975, had resulted in a massive victory for FRETILIN over two other parties. FRETILIN had repeatedly said that it was prepared to submit to the verdict of the population. It had made constructive proposals that could bring about a peaceful settlement of the problem. FRETILIN had advanced arguments, Mr. Whitlam had done the same on behalf of the Indonesian Government or, in any case, reflecting the position of that Government. It was therefore time to organize elections so that the population of East Timor could choose its destiny. If after elections supervised by the United Nations the population of East Timor decided for affiliation with Indonesia, then the Committee and the General Assembly would endorse the people's decision.

30. As for the May 1982 elections, they had no validity for the population of East Timor. East Timor was not part of Indonesia, the territory was illegally occupied and the question was still before the Security Council. There had been no act of self-determination in pursuance of General Assembly resolution 1514 (XV), and any elections of the type organized in 1982 were therefore null and void.



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31. In conclusion, he said, with reference to the support of the five former Portuguese colonies in Africa for draft resolution A/C.4/37/L.8, that, contrary to Mr. Whitlam's assertion, many African, Caribbean and Latin American countries had been among the sponsors of the draft resolution on East Timor the previous year, representing a consensus of the third-world countries on the question of self-determination. It was also incorrect to say that countries that abstained from supporting a draft resolution were opposed to it.

32. Mr. CABRAL (Guinea-Bissau) said that Mr. Whitlam was an exceptional petitioner inasmuch as he had in the past served as Prime Minister of Australia, thereby justifying the Committee's interest in his statements. The replies he had given to the questions asked by a number of representatives had been, if not peremptory, very illuminating. Mr. Whitlam had said that the African countries that took a great interest in the question of East Timor were, in reality, very remote. However, it was their very remoteness that justified the many questions asked by them in a desire to be better informed about the situation prevailing in the Territory. Mr. Whitlam also maintained that African countries should refrain from becoming involved in a matter that was of no concern to them. If that was the case, one might ask why Australia had voted against African countries' draft resolutions concerning Zimbabwe. Moreover, Mr. Whitlam had repeatedly affirmed that there was no problem in East Timor, but he had given abundant testimony about the problem, which was an ambiguous state of affairs. In reality, what he was doing was justifying the unjustifiable and thereby advocating colonialism - quite courageously, since he was talking to the Fourth Committee, which was responsible for decolonization.

33. Mr. Whitlam's stand was simply to negate Security Council resolutions 384 (1975) and 389 (1976), which indisputably established Indonesia's responsibility for the act of aggression committed by it by East Timor. Mr. Whitlam had also stated that the five Portuguese-speaking countries, including Guinea-Bissau, had recognized FRETILIN without any process of self-determination having taken place in East Timor. He was therefore implicitly admitting that a self-determination process did not invariably occur, and that obviously contradicted the fundamental principles of the United Nations Charter. To judge from his statements, Mr. Whitlam would have been a formidable advocate of colonialism, but he was on the wrong track in coming to the Fourth Committee to argue the case for it.

34. Mr. SERAO (Angola) said that he hoped that Mr. Whitlam would be more specific about the opportunity being offered to the people of a non-self-governing territory to choose integration with another State. Mr. Whitlam had cited General Assembly resolution 1514 (XV) in connection with that concept of integration, and it would be helpful if he could explain more clearly how that resolution could be applied to the annexation of a non-self-governing territory by a foreign Power.

35. Mr. WHITLAM said that it was hard to answer a legal question about facts that went back over five years because the situation had changed a great deal in the meantime and it was impossible to turn the clock back. It might have been possible to answer the question if two things had occurred, namely, if Portugal had

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continued to exercise its authority and if it had not left weapons in the hands of one of the rival factions in East Timor. As things stood, after a long civil war, it was very difficult to give a simple answer to the question, and the only course available was to rely on the statements made on the subject by international agencies such as UNICEF.

36. With regard to the comment made by the representative of Guinea-Bissau concerning Australia's opposition to African draft resolutions on racial and decolonization questions, it should be remembered that when the Labor Government had come to power in 1972 it had immediately changed Australia's vote in the General Assembly by voting in favour of the African countries' draft resolutions. Moreover, few Governments had recognized Guinea-Bissau as quickly as had the Australian Labour Government.

37. With regard to the elections in East Timor, no one so far had disputed that preparations for the elections had been carried out properly, just as no one had disputed the evidence that had been submitted to the Australian Senate about the proper conduct of the election. In the end, it all boiled down to the one important question of what reasons the Portuguese-speaking African countries had had for recognizing FRETILIN without a prior act of self-determination.

38. Mr. SERAO (Angola) observed that Mr. Whitlam had not replied to the question put to him concerning the legal justification of the annexation of East Timor by Indonesia. Mr. Whitlam had avoided the question by stating that the situation had changed. Consequently, he felt bound to ask Mr. Whitlam another question: did he consider that the so-called consolidation of the occupation of East Timor by Indonesia legally justified the thwarting of the process of self-determination in that Territory?

39. MR. WHITLAM said that the elections on 4 May 1982, which were the first to be held in East Timor, had drastically changed the political situation in the Territory. To judge by the statements of various persons whom he had met in East Timor and with whom he had been able to communicate in English or with the assistance of an interpreter, the situation there was better than it had ever been. Many leaders of the Apodeti and UDT Parties welcomed the integration, which they considered a step forward, and even former members of FRETILIN were to be found among the advocates of integration. Generally speaking, there was no opposition to integration from the persons with whom it had been possible to converse.

40. Mr. SERAO (Angola) said that during the colonial period there had in fact been elections in colonial Territories to appoint representatives of the Territory to the parliament: such had been the case in the French and British colonies, for example. He asked whether the purpose of the elections in East Timor had been to elect representatives to the parliament of the occupying Power or to achieve self-determination for the population of East Timor.

41. Mr. WHITLAM said that the situation which had prevailed in the French and British colonies could not be compared with the situation in the Portuguese colonies, since the former had had an experienced political class at the time of their accession to independence, whereas in the latter such a class had not existed. In East Timor, for instance, a mere few hundred voters had participated in the election of a single representative of the Territory to the National Assembly at Lisbon. The elections on 4 May 1982, although held for the purpose of electing representatives of the province of East Timor to the Indonesian Parliament and the regional parliament, had nevertheless not been challenged and the regularity of the ballot was established.

42. Mr. SERAO (Angola) observed that Mr. Whitlam's replies conformed to the logic of the defenders of colonialism, as did the word of those who had alleged in the United Nations General Assembly that Portugal had no colonies, only overseas provinces. It was logical that Mr. Whitlam, who was a personal friend of the Indonesian President, should uphold the latter's arguments.

43. Mr. CASSANDRA (Sao Tome and Principe) hoped that Mr. Whitlam would give a direct answer to a direct question: was the purpose of his visit to East Timor to ensure that the elections held there had in fact provided an opportunity for the inhabitants of East Timor to choose between independence or integration with Indonesia?

44. Mr. WHITLAM stated that, in his opinion, if the population of East Timor was asked to exercise its right to self-determination, it would opt overwhelmingly for integration with Indonesia.

45. Mr. CASSANDRA (Sao Tome and Principe) said that the question should be put to the inhabitants of East Timor so that they might have the opportunity of expressing a direct opinion through a ballot, in the exercise of their right to self-determination.

46. Mr. WHITLAM said he believed, as did the Governments of Australia, Papua New Guinea, the Philippines, Thailand, Malaysia, Singapore, New Zealand, India, Japan and many other countries, that such elections would be a waste of time and a futile attempt to return to a situation which the inhabitants of East Timor had been unable to resolve themselves because of the struggles between rival élites.

47. Mr. CASSANDRA (Sao Tome and Principe) said that it was unacceptable to ask the peoples of other countries of the region, not the Timorese people themselves, to determine the latter's future.

48. Mr. VAN LIEROP (Vanuatu) said that Mr. Whitlam had left the questions put to him unanswered and it was therefore impossible to accept the statements he had made. The statements of Portugal, on the other hand, and its desire to rectify the errors of the past inspired confidence.



49. Mr. JOSEPH (Australia) said that Mr. Whitlam had replied at length, and often with insight, to the many complex and detailed questions which had been asked. Australia reserved the right to speak at greater length on the matter in future discussions.
50. Mr. Whitlam withdrew.
51. At the invitation of the Chairman, Mr. McIntosh took a place at the petitioners' table.
52. Mr. McINTOSH said that he was addressing the Committee, not in his capacity as a senator, but rather as a private citizen and as a spokesman for thousands of Australians and a number of organizations. He had with him a petition from 96 per cent of the members of the Labour Party in the Australian Parliament.
53. Since the attack launched by the Indonesian forces against East Timor almost seven years before, the East Timorese people, under the leadership of FRETILIN, had been fighting bitterly in a desperate attempt to prevent an act of annexation, which had in fact occurred, in blatant violation of the basic principles set out in the United Nations Charter. The evidence suggested that Indonesia's military operations to force the East Timorese people to accept integration had cost between 100,000 and 200,000 lives, out of a population of approximately 600,000. Faced with a tragedy that affected their basic rights, the East Timorese people should not be abandoned by the United Nations.
54. He reviewed the circumstances in which the Indonesian aggression had taken place. Having visited East Timor in early 1975 as a member of a delegation of parliamentarians, he had been able to satisfy himself that, apart from a few supporters of the Apodeti Party, the East Timorese were totally opposed to integration and that the ultimate goal of the vast majority was independence. The East Timorese had believed then that it would take five to seven years to complete the process of decolonization, whereas the Portuguese Governor had stated that two to three years would be sufficient but, if the parties required more time, the period could be extended. The idea of a provisional government had aroused enthusiasm in the Portuguese and East Timorese, not only in Dili but also in the villages visited by the delegation. It had been clear at the time of the visit that Indonesian subversive forces were already trying to destabilize the situation in order to provide a justification for military intervention.
55. Contrary to what some had alleged, the general situation had been better in the last years of Portuguese rule than it was at present. The traditional colonial restraints on political freedom had been removed and the parties had been active. Although there had been important differences between UDT and FRETILIN, both parties had had the goal of independence. If Indonesia has not carried out a constant campaign of meddling and subversion, a common programme on the question of decolonization and independence would have been possible and the UDT coup d'état and the civil war could have been averted. He emphasized that there had never been any basis to Indonesia's claim that the majority of the East Timorese people desired integration (as subsequent bitter opposition to Indonesia's annexation had demonstrated), nor had there been any basis for Indonesia's alleged fears that East

(Mr. McIntosh)

Timor would prove a threat to its security. There had been no interest in East Timor on the part of the Soviet Union, China, Viet Nam, the United States or any other country.

56. With regard to the events since the invasion of East Timor, the Australian Senate Committee of Inquiry into the situation in that Territory had heard the testimony of a wide range of people, including Timorese who had had experience of the Indonesian invasion and occupation, and many bodies had made submissions in support of self-determination. The events of the past seven years revealed clearly that the incorporation had been in violation of principles which were of fundamental importance to relations between States. The seizure of the Territory by force had been totally without justification and, as had been stated repeatedly by petitioners, including distinguished international lawyers, it had been illegal. Having attacked the Territory without provocation, Indonesia had defied the Security Council and the General Assembly because of the compliant attitudes of Governments such as those of the United States and Australia and the lack of interest in the situation in most other parts of the world. Encouraged by the failure of the outside world to bring real pressure to bear, Indonesia had persisted in a false presentation of the situation within the Territory. The so-called Act of Integration, for example, had been nothing less than an act of deception which, in terms of the feelings of the Timorese, had been meaningless.

57. From 1975 to 1979, military operations had been organized to crush the resistance to integration. International aid workers had described the conditions of those years as comparable with those existing at the time in Kampuchea and in parts of the Sahel stricken by famine. Between 100,000 and 200,000 people had perished as a result of Indonesia's aggression. That fact in itself was irrefutable evidence that Indonesia's action constituted one of the gravest contraventions of the United Nations Charter and human rights generally since the end of the Second World War. There was also mounting evidence that the Timorese had suffered and were continuing to suffer repression in various forms. Men had been tortured or beaten and women raped. Thousands had been consigned to prison without trial.

58. So far as the present situation was concerned, it should be emphasized that the very few visitors admitted to the Territory since the end of 1979 had been, for the most part, persons sympathetic to integration or diplomats from countries selected on the basis of their support of Indonesia's position on East Timor. Hence it was not surprising that most of the views emerging from those sources had emphasized the positive aspects and had ignored or distorted aspects which might provoke international criticism. Some had, for example, reported that famine conditions no longer existed in East Timor, that development projects were under way or had sought to discredit those who tried to attract international attention to the real situation. Those reports should be studied carefully in conjunction with information from a few perceptive journalists or from Timorese who were still in, or had managed to leave, the Territory.

(Mr. McIntosh)

59. It must be acknowledged that the current food situation was not as serious as it had been in 1979, because at that time it had been so desperate that it could only have improved, the improvement having been largely brought about through the efforts of international agencies which Indonesia had finally allowed to enter the Territory as a reluctant concession to international pressure. The problems of food shortages and malnutrition still remained, however, partly because of a serious decline in food production. According to some reports, the agricultural development projects might be designed for migrants from Java and not for the Timorese.

60. A further consideration was that the basic human rights problem had nothing to do with food. Although many officials in the Territory, including the Government, were Timorese, real power was in the hands of the Indonesian army and East Timor had been denied the opportunity to exercise self-determination, had had integration thrust upon it and had become an Indonesian colony. Indonesia had also obstructed the family reunion programme, set up under an agreement with Australia more than four years before apparently because of the attempt by Portugal and other countries to keep the question of East Timor before the United Nations General Assembly.

61. The United Nations included many countries formerly under colonial rule which had been able to exercise their right to self-determination. The people of East Timor had the same right. The question of East Timor was perhaps one of the most serious of its kind before the United Nations. The Organization had an obligation to protect the peoples of small Territories against the aggressive designs or inconsiderate policies of larger Powers. If the General Assembly removed the question of East Timor from its agenda, it would be guilty of a very serious abnegation of responsibility, of dealing a blow to the fundamental principles of human rights and of consigning the Timorese people to colonial servitude, political suppression and despair.

62. In conclusion, he submitted a recording made in East Timor by one of the five Australian journalists killed, apparently by the Indonesians, on 16 October 1975, just two months prior to the official invasion of the Territory.

63. Mr. McIntosh withdrew.

64. Mr. ARNOLD (United Kingdom) said that the policies of the United Kingdom towards its dependent Territories had been governed, since the establishment of the United Nations, by the principles set out in Article 73 of the Charter. In 1946, 43 Territories had been under United Kingdom administration; the total had now dwindled to nine: Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, the Turks and Caicos Islands, St. Helena, the Falkland Islands, Pitcairn Island and Gibraltar. The situation in each of those Territories had been considered by the Committee of 24 and there was no need to return to that subject. Each Territory had its differing needs and aspirations; each of them had developed its own social and economic system and its own ideas concerning the possibilities for political development. The United Kingdom would not force any Territory into further constitutional advancement but would bring each Territory to independence whenever that Territory so desired.

(Mr. Arnold, United Kingdom)

65. Article 1 of the United Nations Charter, many resolutions, notably General Assembly resolution 1514 (XV), and the Declaration on friendly relations among States underlined the importance of the doctrine of self-determination. But the most comprehensive guide to the responsibilities of an Administering Power was Articles 73 and 74 of the Charter. Article 73 specified that Members of the United Nations which had or assumed responsibilities for the administration of Non-Self-Governing Territories recognized the principle that the interests of the inhabitants of those Territories were paramount and accepted as a sacred trust the obligation to promote to the utmost the well-being of those inhabitants. To that end, Article 73 enjoined Administering Powers to fulfil five obligations, which the United Kingdom Government was fulfilling. First of all, it had always shown respect for the culture of the peoples concerned and, in partnership with the territorial Governments, had promoted their political, economic, social and educational advancement. It had also stood up for them to ensure their just treatment and protection against abuses when that was necessary. Secondly, each Territory had developed its own political system. Bermuda, for example, had a parliamentary tradition going back to the seventeenth century, while the small island of Pitcairn, with some 50 inhabitants, had developed its own form of democracy. Each Territory had to take account of its own particular circumstances and it was for the Administering Power to develop self-government in accordance with the political aspirations of the people concerned. Thirdly, Administering Powers were enjoined to further international peace and security. That was possible only with strict observance of certain norms of international conduct and of certain crucial principles of the United Nations, in particular that of self-determination. When that principle was not recognized, the prospects for international peace and security could be seriously threatened. Fourthly, his Government encouraged dependent Territories to promote their co-operation with United Nations agencies and regional organizations. That policy had borne fruit in the Caribbean, as manifested by the almost effortless accession of some Caribbean countries to independence. Lastly, his Government had acquitted itself consistently of its obligation to transmit information regularly to the Secretary-General.

66. His delegation invited Member States to consider, with respect to each Territory, whether the United Kingdom had lived up to its obligations. The United Kingdom was proud of its record in bringing so many dependent Territories to independence in accordance with the Charter and with the wishes of the peoples concerned and pledged itself once more to promote, as best it could, the universal principle of self-determination.

67. The CHAIRMAN announced that the Netherlands, the Sudan and Trinidad and Tobago had become co-sponsors of draft resolution A/C.4/37/L.7 and that Mauritania and the Sudan had become co-sponsors of draft resolution A/C.4/37/L.10.

The meeting rose at 6 p.m.