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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE  
IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF  
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1491st MEETING

Held at Headquarters, New York,  
on Thursday, 2 July 1998, at 3 p.m.

Chairman:

Mr. RODRÍGUEZ PARRILLA

(Cuba)

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QUESTION OF EAST TIMOR (continued)

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The meeting was called to order at 3.25 p.m.

QUESTION OF EAST TIMOR (continued)

1. Mr. AMORIM (Brazil), speaking on behalf of the Community of Portuguese-Speaking Countries (Angola, Cape Verde, Guinea-Bissau, Mozambique, Portugal, Sao Tome and Principe and Brazil), referred to the Final Declaration of the Council of Ministers of the Community, which had been adopted in Salvador, Brazil, on 18 July 1997 (A/51/954, annex). In paragraph 8 of the Declaration, the Ministers welcomed the awarding of the Nobel Prize to Bishop Belo and Mr. Ramos-Horta, reaffirmed their support for the self-determination of the people of East Timor and called for an internationally acceptable solution to the question of East Timor in full respect for the legitimate rights and aspirations of its population and in conformity with international law.
2. Nearly one year after the adoption of the Final Declaration, prospects for a solution to the question of East Timor had undergone a considerable qualitative change. The Community had been particularly encouraged by the news that the President of Indonesia had signed a decree for the release of 15 East Timorese political prisoners, as well as by the greater discussion of the Timorese question in Indonesia.
3. The Community welcomed the intention expressed by the Secretary-General on 10 June 1998 to remain actively engaged in the search for an early settlement of the Timor problem. One week earlier, the Secretary-General had sent a letter to President Habibie assuring him of his commitment to work with his Government and the Government of Portugal in efforts to find, as soon as possible, a just, comprehensive and internationally acceptable solution.
4. Recently, the President of Brazil had sent a message to the President of Indonesia acknowledging the important steps he had taken to reduce tensions in his country, and expressing confidence in the positive impact such measures could have on the question of East Timor. He also supported the resumption of negotiations between Portugal and Indonesia under the auspices of the Secretary-General, while manifesting keen interest in the fate of the people to whom the Community was linked by strong ties.
5. The Community wished to emphasize the new opportunities for peace and understanding that had emerged in recent weeks. It was aware of the many hurdles that must be overcome, and would remain attentive regarding aspects such as the protection of human rights and fundamental freedoms in East Timor, particularly the release of additional political prisoners. At the same time, the Community could not fail to deplore the repressive acts that had cast a shadow on the positive trend of the past few weeks.

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6. The Community reaffirmed its commitment to the full exercise of the right to self-determination in East Timor. As conditions improved for a fruitful dialogue, which must necessarily involve representatives of the people of East Timor, the Community would be ready to contribute, as appropriate, to the furthering of the aforementioned objectives.

7. The CHAIRMAN said that, at its 1487th and 1488th meetings, the Committee had decided to accede to the petitioners' requests for hearings that it had received.

8. At the invitation of the Chairman, Mr. Corregedor da Fonseca (Member of the of the Portuguese Parliament, Communist Party) took a place at the petitioners' table.

9. Mr. CORREGEDOR da FONSECA (Member of the Portuguese Parliament, Communist Party) said that, after the democratic revolution of 25 April 1974, three of the most important elements of the programme for a new Portugal were decolonization, democracy and development. Portugal had taken an active part in creating the necessary conditions for colonized peoples to achieve their independence. In that connection, he emphasized that Portugal's position had been noted "with particular satisfaction" in General Assembly resolution 3294 (XXIX) of 13 December 1974. In 1975, the former Portuguese colonies of Angola, Cape Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe had gained full independence. On the other hand, in violation of the Charter of the United Nations and international law, the decolonization of East Timor had been interrupted by Indonesia's military intervention, in which one third of the population had died. Such intervention had been condemned by the United Nations in General Assembly resolution 3485 (XXX) of 12 December 1975. He stressed that Portugal had never had and did not have any territorial claim to East Timor and, unlike other countries, did not wish to exploit its natural resources. Portugal was interested in completing the process of decolonizing East Timor in order to create the necessary conditions for the self-determination and independence of the Timorese people.

10. In spite of the political changes taking place in Indonesia, the question of East Timor had not lost its urgency owing to the foreign military presence, the difficult living conditions and the implementation of an illegal transmigration programme. A just solution of that complex problem should include the withdrawal of the occupation forces, guarantees of the right to self-determination and independence, compliance with the demand for the unconditional release of Xanana Gusmão and all political prisoners, and the preservation of Timor's cultural and religious identity. The Indonesian authorities and the people of Indonesia undoubtedly realized that the will of the Timorese people could not be suppressed by force. Nevertheless, although Indonesia's recent proposals had been more finely nuanced, they were essentially aimed at blocking the talks. In that connection, the first major congress of representatives of many organizations and distinguished Timorese politicians representing diverse political views, and the establishment of the National Council of Timorese Resistance, were of great political importance.

11. An increasing number of countries were expressing an interest in the question of Timor. The reaction of Governments, democratic institutions and the

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international community had led to the increasing isolation of Indonesia, which should abandon its inflexible position. For its part, Portugal was in favour of a peaceful and adequate solution of the question, a solution that fully respected the rights of the people of East Timor, including its right to self-determination without the presence of the occupation forces.

12. Mr. Corregedor da Fonseca withdrew.

13. At the invitation of the Chairman, Mr. Kellogg (Human Rights Watch, Asia Division) took a place at the petitioners' table.

14. Mr. KELLOGG (Human Rights Watch, Asia Division) said that, while Human Rights Watch took no position on the political status of East Timor, it believed that the discussions in the Special Committee should be informed by an analysis of the human rights situation in that Territory and its impact on the ability of the East Timorese people to determine their own future. Free elections had never been held in East Timor, and it was not clear what the outcome would be if political parties representing different views on East Timor's political future were established and their members were able to campaign without intimidation from the Government or guerrillas. Regrettably, even after the fall of the Suharto regime, the previous Government's practices of creating paramilitary groups, establishing anti-independence organizations and setting up internal surveillance networks were continuing; those practices had led to serious human rights violations and served to pit East Timorese against each other.

15. It was necessary to continue to release East Timorese political prisoners, particularly Xanana Gusmão and five other East Timorese, who had been sentenced to lengthy prison terms on charges of having helped to organize a peaceful march on 12 November 1991 during which over 100 people were believed to have been killed when the Indonesian army had opened fire. Moreover, in order to ensure the security of East Timorese, it was critical for the Indonesian Government to move faster than it had to resolve the disappearances of leading activists in 1997 and 1998, some of whom were still missing. The whole rationale for the abductions appeared to have been to interrogate under torture those with known ties to political movements in order to obtain information about other individuals. If East Timorese were to feel free to take part in discussions on their political future, such "disappearances" must be fully and impartially investigated and the perpetrators brought to justice.

16. The conduct of the Indonesian army had not changed since the fall of Suharto. There was a clear pattern of Government-organized opposition to the "anti-integrationists", which had only served to heighten the political conflict. While the military command sometimes acted responsibly in response to incidents, the pattern of military abuse of civilians in the past was well-documented and continued in areas where counter-insurgency operations were taking place. The reduction of Indonesia's military presence in East Timor was of vital importance for reducing human rights violations, and he hoped that the Committee and the international community would push for those reductions.

17. Mr. Kellogg withdrew.

18. At the invitation of the Chairman, Sister Plante (Catholic Institute for Foreign Relations and Japanese Catholic Council for Justice and Peace) took a place at the petitioners' table.

19. Sister PLANTE (Catholic Institute for International Relations and Japanese Catholic Council for Justice and Peace), speaking first on behalf of the Catholic Institute for International Relations (CIIR), expressed the hope that the Government of President Habibie would be receptive to the expressed aspirations of the majority of the East Timorese people. The Government of Indonesia now had an opportunity to demonstrate a commitment to human rights standards. CIIR trusted that Indonesia would not hesitate any further to invite the Special Rapporteur of the Commission on Human Rights on torture to visit East Timor. It urged Indonesia to release all East Timorese political prisoners, in particular Xanana Gusmão, the respected leader of the East Timorese resistance, who was central to a negotiated peace with Indonesia.

20. CIIR appealed to the Government of Indonesia to begin working towards the organization in the next few years of an internationally supervised referendum in which the East Timorese people could be consulted legitimately about their future. CIIR called on world Powers, particularly the United States of America, the European Union and Japan, to acknowledge the legitimate aspirations of the East Timorese people and to find ways of helping them to achieve those aspirations. For the majority of the inhabitants of East Timor the "autonomy" suggested by President Habibie was no solution. On the contrary, it would merely perpetuate human rights abuses and underdevelopment. CIIR drew attention to recent statements made by Bishop Belo of Dili concerning the need for the East Timorese eventually to be consulted directly regarding integration with or independence from Indonesia. The Bishop had called for the All-Inclusive Intra-East Timorese Dialogue to be made more inclusive and for the initiation of a dialogue between Indonesians and East Timorese. The All-Inclusive Intra-East Timorese Dialogue so far had no status vis-à-vis the official negotiations between Portugal and Indonesia held under United Nations auspices; that situation must change. Bishop Belo was a central partner in any collaboration which would bring about a peaceful settlement in East Timor, and the Government of Indonesia should pay greater attention to his views.

21. Speaking on behalf of the Japanese Catholic Council for Justice and Peace, she said that the East Timor Support Group in Japan had welcomed with great joy the resignation of President Suharto, who had been responsible for serious human rights violations in East Timor. To date, the rightful aspirations of the Indonesian people for democratization and of the East Timorese people for self-determination had not received adequate attention from international organizations, including the United Nations. Every effort must be made to ensure that those aspirations were fulfilled. The 1975 and 1976 General Assembly resolutions demanding the immediate withdrawal of the Indonesian army from East Timor and the resolutions calling for self-determination for East Timor must be implemented. Attention should be paid to Bishop Belo's demands for a fair, peaceful and honourable resolution of the question of East Timor through the release of East Timorese political prisoners and constructive dialogue. It was also essential to release Xanana Gusmão, whose presence was indispensable to the solution of the problem, and all other political prisoners.

22. Sister PLANTE withdrew.

23. At the invitation of the Chairman, Mr. Hornay (Dean of the Faculty of Agriculture, University of East Timor) took a place at the petitioners' table.

24. Mr. HORNAY (Dean of the Faculty of Agriculture, University of East Timor) said that he was astonished at the barrage of lies and misrepresentations emanating from speakers in the Special Committee and at how the question of East Timor could be distorted by individuals, some of whom had never set foot in the Territory.

25. On behalf of the East Timorese people, he urged the members of the Committee not to be misled by non-governmental organizations and former members of the Revolutionary Front for the Independence of East Timor (FRETILIN), and not to allow the former colonial Power to continue its campaign of dividing the East Timorese people. The East Timorese were proud that they had been able to decolonize their own Territory after it had been abandoned by the colonialists and that they had never wavered in their commitment to independence through integration with Indonesia. That choice had been made willingly, because the East Timorese were convinced that Indonesia and East Timor had a common future.

26. Currently, the issue of East Timor was being used once again by José Ramos-Horta and his followers for political purposes; however, the East Timorese did not want to be used as political pawns. Despite the 1975 declaration of independence by FRETILIN, the East Timorese people - the majority - had never been dictated to by a minority.

27. The accusations that nearly 200,000 East Timorese had been killed by Indonesian troops were completely false; that number was being used as a propaganda tool to discredit Indonesia. Fleeing persecution under FRETILIN rule, thousands of people fled to the mountains, and thousands more to Australia, Portugal and other countries. Thus, the figure of 200,000 killed that had been repeated over and over in the Special Committee was completely baseless.

28. The National Council of Timorese Resistance wished to take part in the dialogue held under the auspices of the Secretary-General; it did not, however, have the right to do so, as it did not represent the interests of the majority in East Timor. Moreover, he questioned the motives behind the holding of such a forum, in which many East Timorese public figures did not participate.

29. There was a silent majority in East Timor which was in favour of maintaining peace and stability in the Territory. That majority did not incite violence in order to make its wishes known, whereas demonstrations by a handful of anti-integrationists invariably ended in violence and bloodshed. Sadly, the anti-integrationists used those demonstrations to gain the sympathy of the international community, which had been manipulated in order to discredit Indonesia.

30. Unfortunately, certain parties who were unaware of the real state of affairs believed that Indonesia was solely responsible for the existing situation. As someone who had spent his entire life in East Timor, he could

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state with authority that East Timor was open to visits by foreign parliamentarians, government officials and others; the anti-integrationists, however, used all such visits to give the impression that the rights of the East Timorese people were being suppressed. Such actions had a negative impact on all East Timorese.

31. The holding of a referendum was, in his view, impossible. The East Timorese had already made their choice in 1976, when the majority had exercised its right to self-determination through integration with Indonesia. The objective of the majority, therefore, was not the holding of a referendum, but peace and prosperity in East Timor. The time had come for all the East Timorese to put aside their differences and seize the opportunity offered by the current reform process in Indonesia. The East Timorese should accept the autonomy offered by President Habibie.

32. Mr. Hornay withdrew.

33. At the invitation of the Chairman, Mr. Atmodjo (Forum Nusantara) took a place at the petitioners' table.

34. Mr. ATMODJO (Forum Nusantara) said that the question of East Timor had long been subjected to a campaign of misinformation on the part of FRETILIN and a few groups with little or no knowledge of Indonesia or of the province of East Timor. Their statements were part of a well-planned strategy aimed at misleading the members of the Special Committee.

35. In order to clarify the issue, he drew the attention of the Committee to the following facts: the Government of Portugal had lost its claim to the Territory after abandoning it in 1975; decolonization had been achieved through the fulfilment of the aspiration of the majority in East Timor for integration with Indonesia; as the twenty-seventh province of the Republic of Indonesia, East Timor had achieved advancement; and huge progress had been made in the development of East Timor in the past 20 years as compared with the 400 years of colonial rule.

36. He therefore appealed to the Committee to reject the unfounded demands of FRETILIN and to consider that the East Timorese people had already exercised their right to self-determination and independence by expressing their wish to become Indonesian citizens.

37. Mr. Atmodjo (Forum Nusantara) withdrew.

38. At the invitation of the Chairman, Mr. Hoffman (Australian Coalition in Defence of East Timor) took a place at the petitioners' table.

39. Mr. HOFFMAN (Australian Coalition in Defence of East Timor) said that, in accordance with the Charter of the United Nations, the East Timorese had a clear right to self-determination; in 1995 the International Court of Justice had ruled that they had not yet exercised that right.

40. Indonesia tried to make out that self-determination had been achieved in 1976. He pointed out that at that time Indonesia had established the so-called

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"Timorese National Assembly", which had quickly approved the application of East Timor for integration with Indonesia. The United Nations, however, had not recognized that body, on the grounds that it was unrepresentative.

41. His organization considered that the people of East Timor had every reason to strive to realize their right to self-determination. It believed that the majority of the East Timorese was in favour of independence. That view reflected the aspirations of both the East Timorese themselves and the large East Timorese community in Australia. People who had visited East Timor were in general agreement over estimates that more than 90 per cent of the population was in favour of independence. To deny the East Timorese the right to self-determination would be to ignore their lawful aspirations.

42. Indonesia's claim that the East Timorese were benefiting from the development undertaken during the period of Indonesian occupation was totally absurd. There was currently a shortage in the Territory of essential goods, including food, which in some areas had led to outright hunger. The problem was exacerbated by difficulties in the distribution of food aid.

43. The presence of Indonesian troops was intended to hamper the efforts of the East Timorese themselves and to put obstacles in the way of foreign food aid and other assistance from governments, non-governmental organizations and the church. The health situation was getting worse, largely owing to the population's increasingly poor diet. Meanwhile, Indonesia was stepping up its military presence in the Territory, with a resulting increase in repression and human rights violations. Given such factors, some observers inferred that Indonesia continued to practice genocide against the East Timorese people.

44. The conclusion of the unjust Treaty on the exploitation of the resources of the Timor Gap would result in the revenues therefrom going to the Indonesian Government, while the East Timorese - the rightful owners of the resources - would receive nothing or nearly nothing. The occupying Power was therefore engaged in plundering the natural wealth of the Territory at a time when the economic crisis had reached its height. The situation could be resolved only by enabling the people of East Timor to exercise their right to self-determination.

45. The Indonesian occupation was severely damaging to the well-being of the people of East Timor. Indonesia's inability to meet the needs of the East Timorese underlined the need for non-governmental organizations to have the freedom to carry out their activities in the Territory, and the United Nations ought to put pressure on Indonesia to that end.

46. If the United Nations did not take effective measures to reach a speedy settlement of the question, it, too, would bear responsibility for the lamentable situation that had evolved.

47. Mr. Hoffman withdrew.

48. At the invitation of the Chairman, Mr. Fitzgerald (East Timor Ireland Solidarity Campaign) took a place at the petitioners' table.



49. Mr. FITZGERALD (East Timor Ireland Solidarity Campaign) said that coming from Ireland - a country which itself had undergone a period of colonization lasting 800 years - he could speak from a historical point of view. The colonial forces had attempted - as they did everywhere - to unleash a fratricidal war in Ireland. History was repeating itself in Indonesian-occupied East Timor.

50. There would be those who for various reasons would try to justify the terrible suffering inflicted on the people of East Timor and the callous disregard for international law. They would claim that most of the East Timorese were reconciled to the integration of East Timor into Indonesia. They had the right to be heard but there was also an obligation to challenge them.

51. Indonesia was at a crossroads. With that in mind, his organization called on the Indonesian Government to form a new Republic of Indonesia which would respect the wishes of its neighbours and its own citizens, would cherish the rule of law, would seek compromise rather than confrontation and would listen to the voices of those who called for justice and peace and an end to violence. It should demonstrate that it was listening to those who called for the East Timorese to be given the opportunity freely to determine their own future political status.

52. Mr. Fitzgerald withdrew.

53. At the invitation of the Chairman, Mr. Wayarabi (Indonesian Student Association) took a place at the petitioners' table.

54. Mr. WAYARABI (Indonesian Student Association) said that his organization kept a close watch on the implementation of human rights throughout all 27 provinces of Indonesia, including East Timor. The testimony on human rights violations in East Timor presented to the Special Committee was a complete fabrication. The Indonesian Government worked constantly to create an environment conducive to the promotion and protection of human rights and the true situation in the country - including East Timor - was improving steadily. At the same time it was not constructive for the Indonesian people, including the East Timorese, to be constantly subjected to a barrage of criticism. Indonesia's policy was directed at ensuring that its laws did not favour one group of citizens over another; that was a difficult task since Indonesia comprised over 16,000 islands and more than 300 ethnic groups. As the world's fourth most populous country it was bound to have some cases of human rights violations, but he found it totally objectionable when certain groups saw fit to allege that such violations were official Indonesian policy. He noted that some years earlier the National Commission on Human Rights had been established in Jakarta, with branches in many parts of the country, including East Timor. Over its brief period of existence its work had been praised by international observers. In the current climate of reform in Indonesia, the promotion of human rights had never been stronger, as the Government's recent announcement of its intention to ratify a number of international human rights instruments showed. He therefore believed that the criticism of the human rights situation in his country was selective, politicized and unfair. Indonesia was East Timor and East Timor was Indonesia.

55. Mr. Wayarabi withdrew.

56. At the invitation of the Chairman, Mr. Rees (Subcommittee on International Operations and Human Rights, Committee on International Relations, United States House of Representatives) took a place at the petitioners' table.

57. Mr. REES (Subcommittee on International Operations and Human Rights, Committee on International Relations, United States House of Representatives), speaking on behalf of the Chairman of the Subcommittee, Mr. Smith, said that Indonesia was facing a moment of great opportunity. For the first time for many years, there had appeared a real chance of a speedy and peaceful transition to government of, by and for the people. At the same time doubts remained about whether, in the spirit of reform sweeping the country, Indonesia would be willing to review its approach to the question of East Timor. In his meeting with Mr. Smith, the Foreign Minister of Indonesia, Mr. Alatas, had expressed his personal view that some sort of "autonomy" for East Timor might be possible. A few days later President Habibie had made a similar statement. That represented progress, although it was not clear whether such "autonomy" would confer real power on the East Timorese people to make fundamental decisions about their future.

58. Some observers had suggested that strong feelings about East Timor among leaders of the Indonesian armed forces might act as a constraint on the President and other civilian officials, whatever their personal views might be. In that case, it might be that further progress would have to wait for new national elections, as a result of which the current situation might change radically and the military would defer to representative institutions, not the other way around. In the hope, however, that progress could be made even sooner, Mr. Smith offered the following suggestions.

59. First, it was not necessary to decide in advance whether independence, integration or some intermediate status was appropriate for East Timor. What was most important was that the decision should be taken by the people of East Timor themselves, under a process that all interested parties - Indonesia, the United Nations, other international observers and the East Timorese - considered fair and transparent. If, as some Indonesian officials insisted, the vast majority of East Timorese were happy being part of Indonesia, such officials had nothing to fear from a process designed to test that sentiment. If, on the other hand, the majority of East Timorese continued to oppose Indonesian rule after more than 20 years, Indonesia had little to gain and much to lose by continuing its military occupation. A just resolution of the status of East Timor was in the long-term interests of stability for Indonesia itself.

60. Some Indonesians feared that, if East Timor chose independence, powerful centrifugal forces would come into play in all the far corners of Indonesia. It was important, however, to remember two important distinctions. First, the people of the thousands of islands comprising Indonesia had a shared history, including colonization by the Dutch and the successful struggle for independence. The people of East Timor did not share that history. Secondly, East Timor was distinct even from its closest neighbouring Indonesian provinces in language, religion, ethnicity and culture. The people of East Timor therefore already possessed all the characteristics of a sovereign nation,

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except one: freedom. The case for East Timor consequently could and must stand on its own merits.

61. The Government could take two immediate steps that would pave the way for a negotiating process animated by mutual understanding and a desire for peace and conciliation. First, it should heed the call of Bishop Belo and other prominent activists for a substantial demilitarization of East Timor. Secondly, it should extend its recent decision to free 16 East Timorese political prisoners to include all those detained in connection with pro-independence activities, including Xanana Gusmão. His personal participation in status negotiations would greatly enhance the prospects for their success.

62. Lastly, he urged all other parties - the United Nations, Portugal, the East Timorese resistance and all those concerned about self-determination and human rights in East Timor - to respond in kind to conciliatory gestures on the part of the Indonesian Government. For instance, if Indonesia made a genuine commitment to demilitarization and to good-faith negotiations, the resistance should agree to an immediate cessation of armed hostilities.

63. Mr. Rees withdrew.

64. At the invitation of the Chairman, Mr. Miller (East Timor International Support Center, Australia) took a place at the petitioners' table.

65. Mr. MILLER (East Timor International Support Center, Australia) said that, although East Timor constituted a relatively simple case in terms of international law, it had remained on the agenda of the Special Committee for over two decades. In the opinion of his organization, the East Timorese people had an evident right to self-determination. As events evolved in Indonesia and internationally, it became easier to envisage self-determination actually taking place. Most reports indicated that independence was supported by over 90 per cent of East Timorese. While it was true that an independent East Timor faced a risky future, there were certainly great risks involved in staying with Indonesia, largely owing to the economic crisis in that country.

66. It was likely that, when East Timorese oil came on line later in the year, Indonesia would be unable to resist the temptation to take the revenues that rightly belonged to the East Timorese people and could amount to several hundred million dollars a year in the not too distant future. An independent East Timor could use such wealth for development. The East Timorese could hardly believe in President Habibie's promise of "special status", given that other districts of Indonesia with such status had received no benefit from it. Furthermore, the man offering that status was himself not secure in his position.

67. Although East Timor was not a rich country, it had sufficient natural resources to be viable and self-reliant. The most notable were, of course, oil and gas, but there were also coffee, sandalwood, marble and silver and other useful minerals. Tourism and fishing could be further developed.

68. Of particular concern was the question of "human resources" and how well-equipped the people were to manage their own affairs. The Indonesian education system, including technical education, was of poor quality. At the same time

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increasing numbers of East Timorese had the professional training needed in an independent country. The East Timorese had shown themselves capable of running their country in 1975, before the Indonesian invasion, and between 1976 and 1979, when food and essential supplies were available in the territory controlled by the East Timorese resistance until Indonesian bombing destroyed the food supplies. The people undoubtedly had the strong will to create their own country and to govern themselves. The country's leaders, including Xanana Gusmão, José Ramos-Horta, Bishop Belo, and Bishop Nascimento, were well respected by their people and were all intelligent, civilized and moderate men who could guide East Timor well. If given help by the international community, particularly through non-governmental organizations, the East Timorese could in a relatively short time achieve the skills necessary for self-government. An independent East Timor was, moreover, likely to receive substantially more foreign aid than if it chose "autonomy" within Indonesia.

69. Lastly, if Indonesian forces withdrew, the East Timorese could at least preserve their current standard of living and, in time, raise it considerably. East Timor was perhaps like a lifeboat being towed behind the Titanic. It was small but would probably float because seaworthy. Should it remain tethered to the "unsinkable" mother ship that had just hit an iceberg or should it take its chance on its own?

70. Mr. Miller withdrew.

71. At the invitation of the Chairman, Mr. Pinto (National Resistance of East Timorese Students) took a place at the petitioners' table.

72. Mr. PINTO (National Resistance of East Timorese Students (RENETIL)) said that in 1975, at the age of 12, he had witnessed the Indonesian invasion of East Timor, during which thousands of East Timorese had been killed by Indonesian soldiers. In 1979, he had been arrested and sent to a concentration camp. After another arrest in 1991, he had been subjected to torture. In November 1991, he had escaped from jail and had helped organize the peaceful demonstration that had taken place on 12 November 1991 in Dili, East Timor. During that demonstration, at least 271 people had been killed by Indonesian soldiers; in the seven years since then, the perpetrators still had not been held accountable for the massacre. During the Indonesian occupation of East Timor, over 250,000 people, or one third of the population, had been killed. That was truly a genocide, comparable to the genocides in Nazi Germany, Cambodia, Bosnia and Rwanda.

73. RENETIL was subject to the guidelines of the National Council of the East Timorese Resistance, which had been formed during the first East Timorese National Convention, held in Portugal in April 1998. The participants in the Convention had elected Xanana Gusmão as President of the National Council and Nobel laureate José Ramos-Horta as one of the Vice-Presidents. The participants in the Convention had unanimously adopted a "Magna Carta" on the freedoms, rights, duties and guarantees of the people of East Timor.

74. The question of East Timor was a question of the violation of the right of the East Timorese people to self-determination. There could be no doubt that Indonesia, by invading East Timor, had violated international law. Indonesia's

military intervention had constituted an act of aggression prohibited by the Charter of the United Nations. In addition, the United Nations had condemned Indonesia's invasion of East Timor in 10 resolutions, two of which had been adopted by the Security Council.

75. The Indonesian Government claimed that East Timor was not an economically viable territory and that it needed assistance from an economically stable State before it could aspire to independence. That argument contravened General Assembly resolution 1514 (XV), whose paragraph 3 provided that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence. After 23 years of illegal occupation, the Indonesian Government argued that the people of East Timor were satisfied with their lives under Indonesian rule because Indonesia had developed infrastructure such as housing, roads and hospitals in East Timor. According to that logic, the people of Poland and Austria should have accepted annexation by Nazi Germany because the latter had built roads for them. Indonesia's claims of sovereignty over East Timor had no legal or moral foundation.

76. RENETIL welcomed Indonesian President Habibie's offer of a special status for East Timor and a reduction in Indonesia's military presence in the Territory. Nonetheless, any political solution to the question of East Timor should be adopted with the participation of the National Council of the East Timorese Resistance on the basis of the freely expressed wishes of the East Timorese people. At the same time, RENETIL deplored the fact that, despite President Habibie's promises, human rights were being violated in East Timor. For example, on 13 June 1998, the Indonesian police had broken up a peaceful demonstration by East Timorese, as a result of which five demonstrators had been seriously wounded. On 16 June 1998 in East Timor, an Indonesian soldier had killed a young East Timorese man, and on 29 June Indonesian security forces had killed another young East Timorese during a pro-independence demonstration, on the occasion of a visit by a delegation from the European Union.

77. RENETIL vehemently condemned the killings perpetrated by the Indonesian security forces, and urged the United Nations to establish a United Nations human rights office in East Timor; to send a United Nations fact-finding mission to East Timor to conduct an international investigation of the killings; to request President Habibie to withdraw the Indonesian military forces from East Timor unconditionally and without delay; to request President Habibie to order the unconditional release of Xanana Gusmão and of all political prisoners; and to call for the participation of the National Council of the East Timorese Resistance in the dialogue under the auspices of the United Nations.

78. Mr. Pinto withdrew.

79. Ms. NEVES (Portugal) said that Indonesia had been one of the most prominent leaders of the struggle for the independence of colonial territories and peoples, and had played an important role in the Special Committee. Unfortunately, at a time when the final year of the International Decade for the Eradication of Colonialism was approaching, some colonial territories, particularly East Timor, which was unlawfully and forcibly occupied by Indonesia, remained under colonial rule.

80. Essentially, Indonesia recognized the right of the East Timorese people to self-determination. However, though the United Nations considered that the East Timorese had not exercised their right to self-determination, as laid down in the Charter and in relevant resolutions of the Organization, Indonesia maintained that they had exercised that right. Indonesia was basing itself on the fiction that a request from a specially approved group of 37 people to integrate the Territory into the Republic of Indonesia in 1976 had been a lawful means of elucidating the wishes of the East Timorese people. What was more, some of those who had signed the so-called Balibo Declaration had stated that they had acted under coercion, and the opinion of 37 unelected persons could not be considered to represent the will of an entire nation.

81. Indonesia was also trying to invoke the compulsory conduct of Indonesian national elections in East Timor as proof that the people had decided to participate in Indonesia's political life, meaning that they had approved the Balibo Declaration. However, recent events in Indonesia left no doubt that those elections had been neither free nor fair and that they had not reflected the aspirations of the Indonesians, let alone those of the East Timorese.

82. The recognition by Indonesia's new Government of the need for serious and urgent political reforms was encouraging. The forcible annexation of East Timor and the illegal means by which it was being held were probably one of the most painful legacies of the Suharto regime and one of the blackest pages in modern history. The new Government's attitude towards the problem would be an important indicator of how far it was willing to take political reforms and of how closely it was willing to listen to the voice of the international community.

83. Nonetheless, Indonesia should begin by listening to the people of East Timor. On 6 June 1998, the Governor of the Territory had organized, in Dili, a meeting of more than 2,000 East Timorese to discuss the Territory's future. The participants had rejected integration into Indonesia and had called for a referendum and for the withdrawal of Indonesian forces. Those demands had also been expressed by thousands of East Timorese in street protests during the recent visit to East Timor of the European Union "troika". Unfortunately, provocations had led to violence and to tragic losses of life.

84. The hardships and abuses that the people of East Timor had suffered for 23 years had been widely reported by such credible sources as Amnesty International, Human Rights Watch and the United States State Department. Such hardships and abuses were detailed in the information transmitted by the Government of Portugal under Article 73 of the Charter of the United Nations, in the working document prepared by the Secretariat and in the statements of some of the petitioners who had spoken in the Committee. Against all odds, the East Timorese had struggled relentlessly for the right to decide their own future.

85. The time had come for Indonesia to acknowledge that its approach to the problem of East Timor had failed. Indonesia could no longer ignore that the vast majority of the people of East Timor, and a significant part of the Indonesian people, considered that the East Timorese had not been allowed to exercise their right to self-determination. Indonesia also could not ignore

that world public opinion saw that as a gross injustice and would continue to support the struggle for freedom of that small yet courageous nation.

86. A new and unprejudiced attitude on the part of the Indonesian Government would pave the way for a solution acceptable to all parties concerned, a solution that would take into account the freely expressed will of the people of East Timor. So far the signals coming from Jakarta had been contradictory. On the one hand, Indonesia had reiterated its official position and, on the other, relevant sectors in Indonesia had advocated the holding of a referendum. Those differences of opinion had shattered the myth that East Timor's so-called "integration" was an irreversible fact. The Indonesian Minister for Foreign Affairs himself had admitted that a referendum would be democratic, and his objections to its implementation in East Timor were merely circumstantial. That was one more reason for Jakarta to adopt a new approach to the talks being held under United Nations auspices, without prejudging the final outcome.

87. Whatever Government ruled Indonesia, its international credibility would continue to be at stake as long as the problem of East Timor persisted. The winds of change in Indonesia should lead to change in East Timor as well. It was necessary to start by agreeing on such measures as the reduction of the Indonesian military presence, the opening of the Territory, the release of all political prisoners and respect for basic human rights, including freedom of speech, assembly and association.

88. Portugal continued to be wholeheartedly committed to the efforts of the Secretary-General, who had brought a new impetus to the talks, and hoped that, with the skilful guidance of his Personal Representative, the talks would be able to move forward.

89. He had wished to conclude his statement by expressing the hope that substantial progress in the talks would soon be achieved. Unfortunately, while the Committee was meeting, he had learned that Indonesia had published a confidential working document of the trilateral talks, which the Personal Representative of the Secretary-General had sent to Indonesia's political department. Indonesia had falsely passed the document off as the United Nations final proposal on a settlement in East Timor. The Secretary-General's press secretary had already explained that the United Nations had not submitted any proposals. The attempt to misrepresent a confidential working document was a gross violation of the elementary trust that should exist at any constructive talks, and demonstrated Indonesia's complete disrespect for the United Nations and the Secretary-General. Such behaviour made it clear that Indonesia wished to jeopardize the talks being held under United Nations auspices, and Indonesia should take full responsibility for the consequences.

90. The CHAIRMAN suggested that the Committee should continue consideration of the item at its next session, subject to any directives that the General Assembly might give in that connection at its fifty-third session.

91. It was so decided.

92. Mr. BAPTISTA (Indonesia), speaking in exercise of the right of reply, said that he wished to comment on the statements made by the representatives of

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Portugal and Sao Tome and Principe concerning the so-called "question of East Timor". As an Indonesian born in East Timor he wished, along with more than 800,000 East Timorese, to express his deep regret concerning the fabrications that he had, once again, heard in the Special Committee. He could only conclude that Portugal had needed to make repeated attacks on Indonesia in order to relieve its conscience of its feeling of guilt for the role it had played in the decolonization of East Timor. That was one more chapter in the chronicle of Portugal's ineptitude and laxness in its decolonization of all its former colonies. The historical facts were irrefutable: Portugal had irresponsibly abandoned East Timor, having brought that Territory, after 450 years of colonial rule, only suffering, poverty and a ruinous civil war.

93. An objective assessment of the decolonization process called for consideration of the relevant historical background and the events that had preceded the decision of the vast majority of the East Timorese people to vote for integration and not for independence. FRETILIN was responsible for unleashing a civil war in East Timor; that organization had been supported by the Portuguese authorities for over 23 years and still received assistance and financial aid. In an attempt to seize power by force of arms, FRETILIN had begun a campaign of terror against the East Timorese people in an attempt to intimidate it. However, the courageous East Timorese, acting through four other political parties (UDT, APODETI, KOTA and TRABALHISTA), had rebuffed it. The petitioners speaking in the Special Committee were remnants of FRETILIN, which had boycotted the conference of the four other political parties held from 26 to 28 June 1975. FRETILIN had refused to appoint representatives to the transitional Government, as stipulated in Portugal's Constitutional Act 7/75 of 7 July 1975 and on 28 November 1975 had unilaterally declared the independence of East Timor, disregarding the wishes of the majority of the East Timorese people and contradicting its own decision of 12 November 1975 to enter into negotiations with other East Timorese leaders. In view of the deteriorating situation in November 1975, the Indonesian Government had suggested that Portugal should return to East Timor to settle the situation by organizing a meeting between the opposing sides. Portugal had not responded. Only after all those events, the East Timorese, terrorized by FRETILIN and abandoned by the colonial Power, had adopted a decision to conduct their decolonization on their own, which had been done in accordance with the usual democratic practice and resolutions of the General Assembly.

94. Many of those who maligned Indonesia claimed that the United Nations had not participated in the decolonization of East Timor and that that process was therefore invalid. Did that mean that the peoples of Asia, Africa and America, who had thrown off the yoke of colonialism, should repeat their struggle, with the participation of the United Nations, in order to legitimize the independence that they had achieved with such difficulty? The United Nations itself had recognized in General Assembly resolution 1541 (XV), under principle IX (b), that the participation of the United Nations was not necessary. Moreover, the provisional Government of East Timor had repeatedly invited the Organization to participate in the decolonization process. It was obvious that the United Nations had been prevented from doing so by certain circles for whom political considerations were more important than the aspirations of the East Timorese people. Nevertheless, dozens of foreign diplomats and representatives of the international media had observed every stage of the decolonization process and

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had seen East Timor officially become an organic part of Indonesia and its population receive the same rights and duties as other Indonesian citizens.

95. At the previous meeting, the Portuguese delegation had referred to genocide in East Timor. East Timorese had died in 1975 and 1976 in the FRETILIN terror, which had been the direct consequence of Portugal's abandonment of East Timor and its arming of FRETILIN. The civil war had caused famine, disease and refugee flows, which had added to the tragedy. Portugal's continuing attempts to accumulate political capital from the tragic consequences of its own actions were morally reprehensible.

96. Certain delegations had deemed it appropriate to refer to the self-styled "Great Charter" adopted at the meeting of the so-called National Council of Timorese Resistance held in Lisbon in April 1998. While his Government regarded that event as nothing more than a gathering of political bankrupts and individuals representing no one but themselves, it could not ignore Portugal's participation in the forum. Such participation conflicted with the agreement reached during the tripartite dialogue, which was based on the assumption that both parties would refrain from actions that might have a negative impact on the search for a fair, comprehensive and internationally acceptable resolution of the question of East Timor. Furthermore, it undermined the Secretary-General's efforts aimed at bringing together the various East Timorese groupings within the framework of the All-inclusive Intra-East Timorese Dialogue.

97. At previous sessions his delegation had noted that the Special Committee was not the proper forum for discussion of human rights questions; that was the mandate of the Commission on Human Rights. Nevertheless, his delegation was obliged to respond to Portugal's insinuations concerning the discussion of the so-called "question of East Timor" that had taken place at the fifty-fourth session of the Commission. Portugal's assertions notwithstanding, his delegation had welcomed the adoption by consensus of the Chairman's statement, which had reflected the recognition by the Commission of his Government's efforts with regard to the promotion and defence of human rights. In his delegation's view, the adoption of that statement also reflected the initiation of a constructive dialogue between Indonesia, other members of the Commission and the European Union. The adoption of the statement had put a stop to the attempts by certain circles to manipulate the human rights issue for strictly narrow political purposes.

98. In the context of the reforms being implemented by the new Indonesian Government, the promotion and defence of human rights in Indonesia, including East Timor, were being carried out with unprecedented frankness and determination. The Government's absolute commitment to the defence of all Indonesians, regardless of ethnicity, nationality, gender, language, religious faith and political convictions, had been reflected in the proclamation on 25 June 1998, on the fiftieth anniversary of the Universal Declaration of Human Rights, of a national action plan. That plan envisaged, *inter alia*, the ratification and implementation of international human rights instruments and informational and educational activities relating to the defence of human rights. It should also be noted that, in the framework of the reform process, amnesty had been granted to 15 East Timorese prisoners by means of Indonesian Decree No. 85 of 10 June 1998.

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99. When human rights violations occurred, his Government actively investigated them and brought the perpetrators to justice. The work of the National Human Rights Commission facilitated the promotion and defence of human rights in Indonesia, including East Timor. Its investigations and findings were considered by the international community to be fair and impartial. Accordingly, he requested Portugal and São Tome and Principe to stop being hypocritical and to take a look at their own mediocre reputations in the human rights field. The use of human rights as a tool for the achievement of self-serving political goals must be condemned.

100. It should be stressed that one of the fundamental human rights was the defence of human life and that every effort must be made to guarantee public security. Indonesia was no different from any other country in that its authorities took appropriate measures against terrorist activity, regardless of its source. Regrettably, the province of East Timor was not free of such activity. In September 1997 the law enforcement agencies had confiscated 20 explosive devices originating in East Timor. Investigation had shown that Mr. Ramos-Horta, who in that very year had received the Nobel Peace Prize, had been involved in that act, which was directed against the rule of law in East Timor.

101. His delegation was of the view that the Special Committee should remove the East Timor item from its agenda once and for all. It appeared there only because of the machinations of the former colonial Power. Therefore, the Special Committee should acknowledge the reality of East Timor in all its aspects - political, economic, social and cultural. It would then be easier to understand that the East Timorese would never abandon their sovereign right - the right to independence through integration with Indonesia.

102. For its part, his Government was firmly resolved to cooperate with the Secretary-General in the framework of the tripartite dialogue aimed at seeking a fair, comprehensive and internationally acceptable resolution of the question of East Timor. In that connection, his Government believed that if the question was to be resolved through dialogue, that dialogue must be carried out in good faith and sincerity, not by resorting to duplicity.

103. Mr. NEVES (Portugal), speaking in exercise of the right of reply, said that at the morning meeting, Indonesia had considered the item under consideration to be unworthy of even a minute of discussion, while at the afternoon meeting, it had taken up as much time as any of the previous speakers. The representative of Indonesia had referred in rather impolite terms to decolonization in five sovereign States Members of the United Nations, a process which had been carried out in accordance with the Charter and the principles of the United Nations. Members of the Special Committee should refrain from the use of such expressions in speaking of a decolonization process that was the result of the work of the Committee and the General Assembly.

104. With regard to support for the congress of East Timorese exiles, his Government had indeed extended such support. His delegation suspected that Indonesia, for its part, supported the East Timorese pro-integrationists and the army that occupied East Timor. He wished to remind the Indonesian representative that Portugal's right to extend support to the congress had been

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clearly established during the tripartite negotiations. Unlike Indonesia, his country was not in the habit of divulging what took place during those negotiations, but such information might not violate their confidentiality.

105. Mr. NATALEGAWA (Indonesia), speaking in exercise of the right of reply, said that when Indonesia encountered challenges, threats and insinuations, it did not pack suitcases and abandon colonies, as Portugal had done. It addressed the problem immediately and reserved the right to reply to all allegations frankly and in full.

106. With regard to the confidential information referred to in the Portuguese representative's statement, it had also come to his delegation's attention that morning. It was linked to the Government, and the question was being examined carefully, as it deserved to be. In view of the sensitivity of the information, it might have been expected that the Portuguese delegation would show restraint - that it would not bring up the question in an open forum, but would allow time to pass and refrain from negative political interpretations of what had occurred.

107. At the same time, his Government confirmed its full commitment to the all-inclusive dialogue. In addition, its principled position regarding the inclusion of the item in the Committee's agenda in no way reflected on the usefulness of the Committee or the significance of its achievements in his Government's eyes.

108. Mr. NEVES (Portugal), speaking in exercise of the right of reply, said that the letter from the personal representative of the Secretary-General, to which the status of a United Nations proposal for a settlement of the East Timorese question had been attributed, had already been circulated widely to the press and made available in the conference room during the current meeting; the document bore the facsimile imprint of the Indonesian Ministry of Foreign Affairs. The information had been brought to the attention of the Committee by Indonesia, not Portugal.

109. Furthermore, Indonesia had colonies, although it did not pack suitcases and abandon its colonies. Were Indonesia to do precisely that, all would be well.

110. The CHAIRMAN said that the Committee had concluded its consideration of the agenda item.

The meeting rose at 5.50 p.m.