

RESOLUTION NO. 59,857-N.S.

AMENDING APPENDIX A TO RESOLUTION NO. 59,853-N.S. TO ADD THE REPUBLIC OF INDONESIA AND THE TERRITORY OF EAST TIMOR TO THE OPPRESSIVE STATES LIST UNTIL THE DELISTING CRITERIA HAS BEEN MET

WHEREAS, in 1975, Indonesian military forces brutally invaded the territory of East Timor and the Indonesian military aggression and occupation is responsible for East Timorese deaths estimated between 200,000 and 350,000, a death toll of between one-third and one-half of the original 1975 population; and

WHEREAS, "East Timor" includes the territory delineated according to the well-established pre-1975 Portuguese boundaries of Portuguese Timor recognized by the United Nations under such name, including a customary economically exclusive national maritime zone which includes the Timor Sea area commonly known as the "Timor Gap"; and

WHEREAS, the Government of Indonesia persists in its military occupation of East Timor, and in the commission of continuous and systematic human rights violations in East Timor, including the practice of individual and mass murder, torture, rape, forced sterilization, starvation, kidnaps, forced relocation, denial of free assembly and free speech, and widespread racism and discrimination against the East Timorese Peoples; and

WHEREAS, the United Nations General Assembly and the United Nations Security Council have passed a total of ten resolutions deploring the military intervention of Indonesia in East Timor, calling on the Indonesian government to withdraw its forces from East Timor without delay, and reaffirming the East Timorese People's inalienable right to self-determination and independence. The United States co-sponsored a 1997 United Nations Human Rights Commission Resolution calling for Indonesia to comply with United Nations directives regarding East Timor; and

WHEREAS, United Nations-sponsored tripartite negotiations between the governments of Indonesia and Portugal have offered the only hope for a just, comprehensive and internationally acceptable settlement on the political status of East Timor, but, due to the Government of Indonesia's contempt for United Nations resolutions and settled international law, little substantial progress toward that end has been made; and

WHEREAS, the East Timorese leadership, Mr. Xanana Gusmão, the imprisoned leader of the Maubere resistance, and the National Council of Maubere Resistance's offer to undertake peaceful negotiations without preconditions, and offer of a Peace Plan, which is a just, reasonable and workable model for a stage by stage peace process in East Timor to culminate in a United Nations-supervised referendum on self-determination, have been refused by the Indonesian Government; and

WHEREAS, Bishop Ximenes Belo and Mr. José Ramos-Horta, co-recipients of the 1996 Nobel Peace Prize, have testified to the continuous and systematic infringement of human rights in East Timor and have called for a UN-supervised referendum to implement self-determination in East Timor. Furthermore, Bishop Belo stated conditions in East Timor have not improved but in fact worsened since the awarding of the Nobel Peace Prize; and

WHEREAS, the Indonesian Government's military invasion and occupation of East Timor is illegal and contrary to international laws and covenants, and it directly causes the denial of the most fundamental rights and freedoms to the East Timorese People, including that to self-determination and independence. However, despite these wrongs, the government of the United States has not used all means at its disposal to encourage the government of Indonesia to comply with international law and the mandates of the United Nations; and

WHEREAS, on March 24, 1998, Deputy Assistant Secretary of State for East Asia and Pacific Affairs Aurelia E. Brazeal summarized before the U.S. Senate Foreign Relations Committee, East Asia and Pacific Affairs Subcommittee, the U.S. policy of encouraging a diplomatic solution to the East Timor dispute; and

WHEREAS, the U.S. efforts to encourage a diplomatic solution to the East Timor dispute do not appear to have been effective; and

WHEREAS, on March 24, 1998, the U.S. Department of State announced a major aid package for Indonesia, including \$70 million in new programs, but that said programs are not conditioned on any diplomatic resolution to the East Timor dispute; and

WHEREAS, making substantive progress in resolving the East Timor dispute a prerequisite to the delivery of U.S. taxpayer funded aid to Indonesia and establishing a selective purchasing policy for U.S. Government procurement which prohibits contracts with business entities that do business with Indonesia would be more effective than the current policy; and

WHEREAS, adding the Republic of Indonesia and the territory of East Timor to the Oppressive States List will stimulate public debate within the United States regarding this important issue, consequently affecting the formulation and implementation of U.S. foreign policy towards said territories and drawing the attention of the American public to the suffering of the people of East Timor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that Appendix A of Resolution No. 59,853-N.S. shall be amended to add the Republic of Indonesia and the territory of East Timor to the Oppressive States List effective upon the 45th day following passage of this resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Berkeley that the Republic of Indonesia and the territory of East Timor shall be removed from the Oppressive States List when the Citizens of the City of Berkeley, acting through the City Council, determine that the foreign policy of the United States regarding the Republic of Indonesia and the territory of East Timor embodies an effective strategy for bringing about East Timorese self-determination in a referendum agreeable to, and supervised by, the United Nations, as called for in United Nations General Assembly Resolutions 31/53 of 1 December 1976, 32/34 of 28 November 1977, 33/39 of 13 December 1978, 34/40 of 21 November 1979, 35/27 of 11 November 1980, 36/50 of 24 November 1981, and 37/30 of 23 November 1982, as well as in United Nations Security Council Resolutions 384 of 22 December 1975 and 389 of 22 April 1976, which, together with United Nations Human Rights Commission Resolution 1997/63 of 16 April 1997, co-sponsored by the United States, must be fully complied with by the Republic of Indonesia.

The foregoing Resolution was adopted by the Berkeley City Council on January 12, 1999 by the following vote:

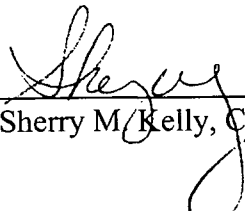
Ayes: Councilmembers Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington and Mayor Dean.

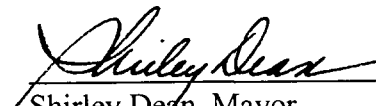
Noes: None.

Abstain: Councilmember Armstrong.

Absent: None.

Attest:


Sherry M. Kelly, City Clerk


Shirley Dean, Mayor