



Universiteit
Leiden
The Netherlands

The Referendum in the Portuguese Constitutional Experience

Rodrigues, A.F.G.

Citation

Rodrigues, A. F. G. (2013, December 18). *The Referendum in the Portuguese Constitutional Experience*. *LUP Dissertations*. Leiden University Press, Leiden. Retrieved from <https://hdl.handle.net/1887/22936>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/22936>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/22936> holds various files of this Leiden University dissertation.

Author: Rodrigues, António Filipe Gaiao

Title: The referendum in the Portuguese constitutional experience

Issue Date: 2013-12-18

Chapter 2

The Idea of Referendum in the Decolonisation Process

1. The *MFA* Programme and Spínola's Position

Although the central purpose of the military coup of 25 April 1974 was to put an end to the colonial war, the Armed Forces Movement had no clear plan in that respect. Keeping in mind that the Nation had to provide a definition for its foreign policy, the Provisional Government needed to follow three guidelines: **1)** the recognition that the solution for the overseas war was political and not military; **2)** the creation of conditions for a frank and open debate on the overseas problem at a national level; **3)** the release of the basis for an overseas policy towards peace.

That solution was a compromise. The manifesto on 'The Movement, the Armed Forces and the Nation', approved in a *MFA* meeting in *Cascais* on 5 March 1974, in spite of the opposition from the Air Force representatives, assumed that 'the solution for the overseas problem should consider the incontrovertible and irreversible reality of the strong desire the African people had for self-government' (Correia, 1991, p. 55).

Pezarat Correia (1991, pp. 55-56) points out that, on the eve of the 25th of April, an informal text titled '*MFA* Protocol' appeared. It was not signed and remained anonymous with the intent of avoiding definitive political measures in relation to the overseas problem, until the Constitution of powers by the vote of the Nation had gone through. According to this document, the *MFA* should not accept the solution to the overseas problem in the following twelve months.

In its original version, the *MFA* Programme declared the clear recognition of the right to self-determination, and the fast adoption of measures towards the administrative and political autonomy of the overseas territories, with effective and clear participation of the autochthonous populations, along with the convenient measures for a fast re-establishment of peace. However, General Spínola achieved the suppression of those references on the night of the 25th to the 26th of April after an arduous discussion. Such actions would become a feature of the decolonisation process in the following months (Correia, 1991, pp. 56-57; Ferreira, 1993, p. 55).

In his first meeting, on 27 April, with elements from the *MDP/CDE*,⁷³ *SEDES*⁷⁴ and the Monarchic Convergence, Spínola introduced his idea of self-determination under the Portuguese flag through a plebiscite. His plans presupposed a certain cultural level of the people that did not yet exist, and the overseas elites were not prepared for such. He simply ignored the liberation movements (Correia, 1991, p. 58).

The Programme of the First Provisional Government, (Executive Law No. 203/74, of 15 May) executed the principles of the *MFA* Programme, and recognised that the solution to the overseas war was essentially political. Therefore, its purpose was to lay a new policy towards peace, including the peaceful and permanent coexistence of all residents, and the creation of conditions for a frank and open debate on the future overseas.

2. The Colonial Issue During the First Months of the Revolution

Among the emerging political forces in April 1974, there was no unanimity as to the solution for the overseas problem. The only point of consensus was the recognition that the colonial policy of the previous regime had led to a dead end and must now be rejected.

The liberation movements that had taken up arms for independence did not accept any other solution except their prompt recognition. Among the Portuguese political forces, the *PCP* argued passionately for the recognition of the right of the people from the Portuguese colonies to self-determination and immediate independence. The socialists had also developed the same view, having abandoned the idea of referendum proposed by Mário Soares in 1966 and 1969. The joint Statement by *PS/PCP* in September 1973 took a clear anti-colonialist position, assuming the end of the colonial war. They also advocated negotiations whose goal was the complete and immediate independence of Angola, Guinea-Bissau and Mozambique (Cunhal, 1976, p. 50).

General Spínola kept his position, expressed in the 'Portugal and the Future', that the solution to the overseas problem should be through a plebiscitary consultation. According to Pezarat Correia (1991, p. 61), some isolated positions wanted plebiscites in each of the colonies, but they intended to postpone the decolonisation problem until after the elections had been held and a Constitution designed in the mainland. In

⁷³ The *MDP/CDE* was the party created from the former Democratic Opposition (*CDE*).

⁷⁴ The *SEDES* (Economic and Social Development Association) was a liberally inspired group that was created during Marcello Caetano's Government. The founders of the *PPD/PSD* parties would emerge from this association.

this manner, they could recover the dead 'MFA Protocol', without explaining how they would solve the problem of war and until then the liberation movements would not interrupt the hostilities.

From the very beginning, these cleavages marked the Portuguese revolutionary process. Freitas do Amaral (1996, pp. 165-166) talks about a meeting, as early as 4 May, between the *MFA* and both existing and nascent political parties. Amaral himself would later found the Centre Democratic and Social Party (*CDS*), which was based on Christian Democratic ideology. Elements of the former liberal wing, including founders of the *PPD*, were also in that meeting. They argued that commitments in the *MFA* Programme regarding overseas territories had to be respected. This meant listening to the will of the Portuguese people, and to the views of African people under Portuguese administration, preferably through a referendum.

Álvaro Cunhal replied that for the communists, all those solutions and methods were deeply unrealistic. The federalist theory and the referendary method came too late. What the United Nations Charter imposed on Portugal was decolonisation, which was only possible through the negotiation of a cease-fire with the liberation movements that had struggled against Portuguese colonialism. This had to be progressed as quickly as possible. Portugal had no option but to concede full independence to the colonial territories without imposing conditions.

Álvaro Cunhal (1976, pp. 106-107) also describes the divergences during that time, distinguishing three different factions in the organs of political and political-military power. One of them, extolled by Spínola, the Prime-Minister Palma Carlos and Sá Carneiro, wanted to continue the war until an agreement on the future plebiscite could be obtained. Others, including some socialist leaders and *MFA* members, conceded formal independence but wanted to delay the process in order to keep Portugal's dominant positions and prevent the revolutionary movements that had driven the liberation fight from ascending to power. Finally, a third orientation, supported by the communists and the most left-wing civil and military sectors, wanted an immediate end to the war, negotiations with the revolutionary movements that had driven the liberation fight, the acceleration of the process and the recognition of full independence with the governments based on those movements.

António de Almeida Santos [2006 (I) p. 325], Minister of Inter-territorial Coordination (new designation for the Overseas Minister) of the First Provisional Government, has since recognised that the calendar fixed

in the *MFA* Programme for the beginning of the decolonisation process was unrealistic. It presupposed that the liberation movements would lay down their arms with the acceptance of the simple Statement of the self-determination principle, which would be based on the popular consultations in the territories, excluding direct negotiations among them. However, the liberation movements refused to subject their revolutionary legitimacy to the vote. Besides, as Almeida Santos reminds us [2006 (I) pp. 326 and 567], the liberation movements closely followed developments in Lisbon. They could see that, to some extent at least, António de Spínola and the *MFA* were divided on the decolonisation. Therefore, Spínola pled that the beginning of the decolonisation process should occur after the democratic legitimisation of the new power in Portugal (about a year and a half later), and that popular consultations in each territory would require the participation of all society, not just of the liberation movements.

3. Law No. 7/74, of 27 July

This indecisiveness would last until the publication of Law No. 7/74, of 7 July, legislation that openly contradicted Spínola's position. Article 1 of Law No. 7/74 recognised that the principle solution to overseas wars was political and not military (...). It also implied that Portugal recognised the people's right to self-determination, in agreement with the United Nations Charter. Article 2 recognised the right to self-determination, with all its consequences, including the acceptance of the independence of the overseas territories. Finally, Article 3 entrusted the President, after first consulting the *Junta de Salvação Nacional*, the Council of State and the Provisional Government, to practice the acts and to conclude the agreements referring to the exercise of the right recognised in the previous articles.

Law No. 7/74 re-established the commitment to the decolonisation of the *MFA* Programme in its original version. The Law did not propose any explicit procedure for the exercise of self-determination that could lead to independence. However, the proposal for truces in preparation for referendums, which were essential in Spínola's project, was not mentioned anywhere (MacQueen, 1997, p. 118). The Law did not legislate against the possibility of plebiscites in any territories, but it opened the door for a decolonisation process without any referendum.

Three main factors determined the approval of Law No. 7/74. The first was the disagreements between forces in Portugal that supported different solutions to the colonial problem. Those who pled the immediate recognition of the right to self-determination and independence were the

winners of that confrontation. The divergences regarding the revolutionary decolonisation process was at the core of both Palma Carlos' resignation from the post of Prime Minister in July and António de Spínola as President of the Republic in September 1974. The second factor was the fast evolution of the military situation in the overseas territories. The liberation movements refused any cease-fire without solid guarantees recognising their right to independence. Meanwhile, the Portuguese soldiers peremptorily refused to fight, and threatened to recognise independence themselves if the Government of Lisbon did not do so. The third factor was the international pressure for self-determination and independence which remained strong throughout this period (Ferreira, 1993, pp. 56-60).

In *Quase Memórias*, Almeida Santos [2006 (I) pp. 264-267] reveals some irregularities in the process of enacting and publishing Law No. 7/74. For example, the President did not sign the first version, which did not contain Article 3, published on 19 July 1974. The definitive version published on 27 July, already had that provision, which was proposed by Almeida Santos as the Minister in charge of overseas issues. The Council of State passed the original drawing of Law No. 7/74 during its meeting on 8 July 1974. On that same day, the Council considered and rejected the Prime Minister's plan, known as the 'Palma Carlos coup'. That approval was the main reason why Palma Carlos resigned from the post of Prime Minister. As he explained later, the Council of State had passed a statute that would issue the immediate independence of the overseas territories. The Prime Minister decided to resign because he disagreed in delivering the colonies independence without a popular consultation, and he did not accept to step back, 'for not wanting to die as traitor of the Motherland' (Osório, 1988, p. 96).

If it is an undoubted fact that Law No. 7/74 contradicted Spínola's intentions as to the decolonisation process, his speech as President of the Republic, on the day it was published, 27 July, is very surprising. On 15 May 1974, Spínola (1976, p. 36) affirmed, in his investiture speech as President, that the destiny of the Portuguese overseas would have to be resolved democratically by all of those who consider that territory as their own. On 16 May, during the installation of the First Provisional Government, he affirmed his disagreement on a solution negotiated only among factions that had a doubtful or imperfect representativeness, believing instead that the African and European populations of Africa should freely and consciously choose their own destiny. Therefore, he insisted on the preparation of a popular consultation

that would be impartial and open to all monitoring (Spínola, 1976, pp. 47-48). On 11 June, during the installation of Angola and Mozambique's Governors, Spínola insisted on his decolonisation programme, which contained four points: **a)** the re-establishment of peace; **b)** fast reconstruction and development; **c)** the implantation of wide democratic participation schemes and a fast regionalisation process of the political, economic and social structures; and **d)** popular consultation as the final formula to fulfill those principles (Spínola, 1976, p. 88).

However, on 27 July 1974, Spínola (1976, p. 148) supported the approved text without any reservations in his speech. He considered that the law gave the necessary Constitutional legitimacy to immediately begin the decolonisation process of the Portuguese overseas territories. As he later explained, he accepted the law as inevitable, but consciously agreed with it, because at that historical moment it was still the only opportunity that could create a community of Portuguese expression formed by independent countries or associated States according to the free will of the people. As Spínola explained (1978, p. 262), he enacted the law without holding the popular referendum that he wanted, but with the full conviction that it represented the widespread will of the Portuguese people. He also sought to avoid being overtaken by events, in the hope of still being able to control them in time.

It was therefore a retreat by the General, which he assumed as inevitable. He had a minority in the *MFA* and was alone in the Council of State. He no longer had a Prime Minister, who was dismissed in the meantime, he could trust and he faced a demand for the immediate end to the colonial war, in Portugal and among the troops in the territories that refused to fight and fraternised with the fighters of the liberation movements. Actually, he did not have a choice. If he did not accept Law No. 7/74, he would have had to resign. In the event, his hopes of controlling events were unrealistic. At the end of September he resigned from his position as President.

César de Oliveira (1993, p. 149) argues that the alternative defended by Spínola demanded four conditions that did not exist: **a)** the liberation movements should accept popular consultations, stop the war and organise themselves in the colonial territories by daylight; **b)** the Portuguese political forces, mainly those who took part in the Provisional Government should agree with Spínola's positions; **c)** the Armed Forces, particularly in the colonies, should assure conditions for that process militarily; **d)** the *MFA* should be in agreement with Spínola's proposals. However, none of these conditions had any truth.

4. The Unfeasibility of Popular Consultations in Guinea-Bissau and Mozambique

4.1. Guinea-Bissau

When the Portuguese Revolution broke out, the Republic of Guinea-Bissau had already been proclaimed unilaterally on 24 September 1973, and it had been recognised by 82 countries. Political defeat was already a reality, and the military defeat was imminent. For the *PAIGC* the only acceptable solution was recognition of its independence by the new Portuguese authorities.

The talks with the *PAIGC* on Guinea-Bissau's independence began in Dakar just one day after the installation of the First Provisional Government. At that moment, Spínola still considered it possible for a plebiscite to be held in Guinea and even decided to send thousands of photos with his face to the territory for distribution. However, nobody distributed them [Santos, 2006 (I) p. 98].

In the meetings before Law No. 7/74, the Portuguese delegations had no mandate to recognise independence. The orders from Spínola regarding Guinea consisted in negotiating with the *PAIGC*, followed by a defensive war effort until the signature of a cease-fire agreement, and giving continuity to the political process of self-determination, in order to hold a popular consultation (Spínola, 1978, p. 274).

Thus, the meetings in Dakar on 17 May, in London on 31 May, and in Algiers on 13 June, ended in a deadlock.⁷⁵ Meanwhile, events continued to develop in Guinea. On 1 July, an *MFA* assembly with 800 soldiers passed a motion demanding the immediate and clear recognition of the Republic of Guinea-Bissau by the Portuguese Government. In addition, they demanded the immediate reestablishment of talks with the *PAIGC*. They no longer wanted to negotiate the right to independence, but only the transfer of powers (Ferreira, 1993, p. 61).

Law No. 7/74 unblocked the situation, and the round of talks that began in Algiers on 22 August finished four days later with the agreement that the Portuguese recognition of Guinea-Bissau's independence would occur on 10 September 1974.⁷⁶ The Junta of National

⁷⁵ For details on these talks told by Mário Soares see Avillez, (1996, pp. 297-305).

⁷⁶ On Guinea-Bissau's decolonisation process, see Ferreira (1993, pp. 60-61); Pinto (2001, pp. 67-69); Santos [2006 (II) pp. 7-53]; MacQueen, (1997, pp. 129-142), Avillez (1996,

Salvation, the Council of State and the II Provisional Government unanimously passed the Algiers Agreement signed on 30 August. Spínola ratified it as the only possible solution (Spínola, 1978, p. 285).

4.2. Mozambique

In Mozambique, *FRELIMO*, the only liberation movement that led the armed struggle, not only did not stop the military operations, and instead intensified their efforts. They knew Spínola's federalist theories and disagreed with them. On 27 April 1974, a *FRELIMO* leadership declaration hailed the Portuguese democratic forces and the return of democracy to Portugal. However, they warned that the end of the war could only be possible with the recognition of the right of the people of Mozambique to independence, led by the *FRELIMO* Party, as their authentic and legitimate representative [Santos, 2006 (II) p. 59].

Just as it had happened in Guinea, the process of decolonisation in Mozambique was also delayed until the publication of Law No. 7/74. Regardless of a strong embrace between the Portuguese Foreign Minister, Mário Soares, and the leader of *FRELIMO*, Samora Machel, when they first encountered each other in Lusaka, on 5 June 1974, the war did not stop on the ground. The Portuguese delegation did not have the mandate to accept *FRELIMO*'s three claims, which were: **a)** the recognition of the right of the people of Mozambique to complete and total independence; **b)** the acceptance of the sovereignty transfer from Portugal to *FRELIMO*; **c)** the recognition of *FRELIMO* as the unique and legitimate representative of the people of Mozambique (Antunes, 2004, p. 354).

On 11 June, Governor-General Henrique Soares de Melo was charged with implementing an overseas policy based on the people's self-determination through universal suffrage (Spínola, 1978, pp. 297). However, while *FRELIMO* intensified the operations, the Portuguese soldiers refused to fight. On 23 July 1974, the Governor-General of Mozambique sent a telegram to Lisbon reporting that the regional commissions of the *MFA* in two districts threatened to impose a unilateral cease-fire if they did not establish a global agreement for the cease-fire by the end of that month. On that same day, the Coordinating Commission of the *MFA* of Mozambique informed by telegram that there were only two alternatives: the immediate recognition of the right to independence, or independence resulting from a military collapse [Santos (II) pp. 62-63].

As in Guinea-Bissau, Law No. 7/74 allowed the situation to be solved. Until then, during the exploratory contacts with *FRELIMO*, the Portuguese representatives suggested the idea of a popular consultation, which was refused by the delegation from Mozambique.⁷⁷ However, by the end of July, the Minister and outstanding member of the *MFA*, Melo Antunes, went to Dar-es-Salaam and between 30 July and 2 August, he dealt with a document which contained the basic concepts and the main lines of the agreement that would be formally negotiated between 15 and 16 August at the same location (Antunes, 2004, pp. 356-359); [Santos, 2006 (I) pp. 345-350]. Thus, the idea for a referendum continued to be rejected. Portugal immediately recognised Mozambique's right to independence and *FRELIMO* as the unique partner in that process (MacQueen, 1997, p. 178).

Spínola (1978, p. 304) is said to have refused the acceptance of the final document from the Dar-es-Salaam meeting, maintaining his position that the people of Mozambique should choose the political and social regime freely and democratically, and that *FRELIMO* should agree to the consultation of the population on their future, with that consultation being supervised by international observers. The final agreement for the independence of Mozambique, obtained in Lusaka on 7 September 1974, refused Spínola's intentions.⁷⁸ Almeida Santos refers to another attempt to convince the partners of the mutual convenience to hold an election or referendum that would give legitimacy to the transfer of power, in the conviction that *FRELIMO* would win it without any doubt. Obviously, the delegation from Mozambique invoked the precedent of the agreement with the *PAIGC*. Besides, they considered that such a consultation would give an opportunity to the last hour parties and to those who wanted an independence of a Rhodesian type since they had the political and military support for that. Nevertheless, the decisive argument was that the insistence on the popular consultation would lead to the continuation of the war. [Santos, 2006 (II) p. 89].

Spínola ratified the Agreement after its unanimous approval by the Council of State. As he explained, with the full conscience of a military collapse, that was the only solution to avoid national shame, which would have been even worse (Spínola, 1978, p. 306). According to

⁷⁷ Besides the meeting of Lusaka, Almeida Santos [2006 (II) p. 82] refers to the occurrence of a secret and inconsequent encounter in Amsterdam in which he took part.

⁷⁸ See the text of the Lusaka Agreement in Miranda (1978a, pp. 1024-1028).

the Agreement of Lusaka, the independence of Mozambique was solemnly declared on 25 June 1975.⁷⁹

5. The Troubled Process in Angola

5.1. From the 25th of April to the *Alvor* Agreement

The case of Angola was different. In Guinea-Bissau and Mozambique, the exclusiveness of the *PAIGC* and *FRELIMO* as representatives of the people was undoubted and the idea of a popular consultation was peremptorily rejected in both cases. The situation in Angola was more complex, given the existence of three movements with political and military implantation on the ground and with international support from several entities.

When the Revolution of the 25th of April, 1974 broke out in Portugal, the military situation in Angola was not as desperate as in Guinea-Bissau or Mozambique, partly due to the division and rivalry among the liberation movements. Even so, the Portuguese Armed Forces had about 65,000 military in the territory. The political confrontation between General Spínola and the *MFA* about the decolonisation was particularly strong regarding Angola. After his plans for Guinea and Mozambique had been defeated, Spínola was determined to retain control of the negotiations with Angola (Maxwell, 2006, p. 213).

On 10 August 1974 the *Junta de Salvação Nacional* produced an official report on the decolonisation of Angola, proposed by Spínola and re-stating his thesis. Once the cease-fire was obtained, a provisional coalition government would be constituted. This would represent not only the liberation movements, but also the diverse ethnic groupings of the State of Angola, including the white ethnic group. That government would be in charge of making an electoral law based on the principle of 'one man, one vote', and have in view the election of a constituent assembly for a direct, universal and secret vote, before October 1976. That Assembly would elaborate the Constitution of the new State and define the links to maintain with Portugal (Correia, 1991, p. 86; Spínola, 1978, pp. 444-445).

⁷⁹ On Mozambique's independence process see Ferreira (1993, pp. 64-69); Pinto (2001, pp. 72-75); Santos [2006 (II) pp. 55-109]; Avillez (1996, pp. 307-313) and MacQueen (1997, pp. 157-193).

Until his resignation on 28 September, Spínola actively tried to regulate the Angolan decolonisation process. On 15 September, he met privately with Mobutu in Cape Verde. The strategy of Zaire's President, considered the strong man of the United States in the area, was to strongly support the *FNLA*. The private understanding between Spínola and Mobutu stayed secret, but according to Kenneth Maxwell, they had the common desire of neutralising, and if possible eliminating, the *MPLA* (Maxwell, 2006, p. 213).

A few days later, on 22 September, Spínola reaffirmed his will to take responsibility personally for the decolonisation process in Angola. On 25 September, he promoted a meeting in Lisbon with persons linked to the political and economic life of Angola, excluding the liberation movements, in which he reasserted his purpose of assuring a relevant role for the Portuguese settlers in the decolonisation process [Santos, 2006 (I) pp. 358-361]; (Correia, 1991, pp. 88-89). Three days later, on 28 September 1974, he left the Presidency. Meanwhile, the *MFA* moved in Angola, and on 18 September 1974, about 500 officials gathered in Luanda recognised that the movements that had struggled against the colonialist regime had to lead the decolonisation process (Ferreira, 1993, p. 71; Correia, 1991, p. 93).

5.2. From the *Alvor* Agreement to Independence

The problem, however, was the need for a mutual understanding among the three Angolan movements. A summit was held between the Portuguese authorities and the three liberation movements to find an agreement for the decolonisation of Angola. This took place in Portugal, in *Alvor (Algarve)*, on 15 January 1975. The *Alvor* Agreement established: **a)** the recognition of the liberation movements – the *FNLA*, *MPLA* and *UNITA* – as the sole legitimate representatives of the people of Angola; **b)** the recognition of the right of the people of Angola to independence; **c)** the recognition of Angola as one indivisible unit, within its present geographical boundaries, with Cabinda in that context being defined as an unalienable part of Angolan territory; **d)** the solemn proclamation of independence and full sovereignty of Angola on 11 November 1975; **e)** the establishment of a High-Commissioner and a Transitional Government until independence.

During the transition to independence, the Portuguese State would be represented by the High-Commissioner, and the Government of Transition would be chaired and driven by a collegial Presidency

composed of three elements (one from each liberation movement), with the remaining members chosen in equal proportion by Portugal and the three movements (Correia, 1991, pp. 125-128). Until October 1975, the Government of Transition would organise elections for the Constituent Assembly of Angola. Only the three liberation movements would be allowed to present the candidates and a Central Commission, also reporting to these three movements, would make practical preparations for the elections.⁸⁰

António Almeida Santos [2006 (I) p. 395 and (II) pp. 174-176] has recently revealed that, when he participated in *Alvor* meetings as a Minister of the Portuguese Government, it was clear that the tripartite Presidency was unworkable. The election of a legislative assembly would not be possible with the voters divided between three liberation movements, each one with its own Army. With this in mind, he took the initiative of summoning an informal talk with the leaders of the three movements, where he suggested the possibility of a rotating President, Prime Minister and Chief of the High-Staff of the Armed Forces. The elections would be delayed until these arrangements had been formalized. Meanwhile, the Constitution for the new State of Angola would be approved by referendum.

The purpose of this suggestion was to avoid a scenario where the legislative elections descended into conflict. The three liberation movements would conjointly draw a draft of the Constitution to be submitted to referendum. However, Agostinho Neto insisted that any deal must be ratified by *MPLA*'s political bureau, which preferred the solution of the Agreements.

Soon after the *Alvor* Agreements, the *FNLA* took advantage of its military superiority in the north of Angola to attack the positions that the *MPLA* had taken in Luanda. As it developed, the civil war became general and international, with the *FNLA* and *UNITA* receiving support from the United States, Zaire and South Africa, and the *MPLA* gaining its support from the Soviet Union, Yugoslavia, Cuba and Congo-Brazzaville (Ferreira, 1993, p. 76).

In June 1975, at the height of the civil war, Almeida Santos made a proposal to review the *Alvor* Agreements. He called for a conflict resolution provision, which could be interpreted as giving him the power to mediate a negotiation process between the Portuguese Government and the liberation movements.

⁸⁰ The *Alvor* Agreement text is available in Miranda (1978a, pp. 1032-1041).

In synthesis, he proposed that: **a)** the electoral platform for a draft of the Constitution made by the three movements be substituted and submitted to referendum; **b)** this referendum would not count the vote according to parties; **c)** the new Constitution would assure the Constitutional legitimacy of the new regime and it should be provisional, temporary and transitory; **d)** a definitive draft would be submitted to an opportune popular consultation, by plebiscite or the election of a Constituent Assembly [Santos (II) pp. 176-178].

That plan received a positive reception from the Government and the President of the Republic in Portugal, but it did not obtain the support of the Angolan liberation movements. On 22 August, with war now becoming entrenched in Angola, the V Provisional Government declared the *Alvor* Agreement as suspended through Executive Law No. 458-A/75 (Miranda, 1978a, pp. 1042-1043).

At the end of October 1975, the military force of Zaire, supported by United States and Portuguese mercenaries, invaded the north of Angola in support of the *FNLA*. From the south, another attack was carried out by a combination of extreme-right Portuguese, South African troops, and a diverse group of people that included *UNITA*, auxiliary forces of the *FNLA* and dissidents of the *MPLA* (Correia, 1991, pp. 154-160). As Kenneth Maxwell wrote (2006, p. 231), it was the rest of the old Spínola-Mobutu plan in action. However, having received the aid from Cuban troops and weapons from the Soviet Union, the *MPLA* resisted in Luanda and, from there, proclaimed Angola's independence on 11 November 1975 (Correia, 1991, pp. 166-170).

6. Cape Verde and Sao Tome and Principe

6.1. Cape Verde

In Cape Verde and Sao Tome and Principe, where there was no colonial war, independence was obtained through the commitment of the election of constituent assemblies. This procedure was considered to be a form of hearing the popular will. In either case, the processes were different.

Cape Verde's circumstances were unique because of its strong links with Guinea-Bissau. Indeed, the *PAIGC* fought for the independence of both territories. Its founder, Amílcar Cabral, although born in Guinea,

had family roots in Cape Verde. Besides, the main leaders of the *PAIGC* were from Cape Verde.⁸¹

Despite avoiding a colonial war, Cape Verde was at the table of the first negotiations between the Portuguese Government and the *PAIGC*. The *PAIGC* accepted Portugal's proposal to separate both processes. In any case, the Algiers Agreement on Guinea-Bissau's independence contained two provisions concerning Cape Verde. In the first, the Portuguese State reaffirmed the right of the people of Cape Verde to self-determination and independence, according to United Nations resolutions, having in mind the General Assembly Resolution A/2918 (XXVII), of 14 November 1972, which recognised the *PAIGC* as the only and genuine representative of the people of Guinea and Cape Verde (Ferreira, 1993, p. 62). In the second, the Portuguese Government and the *PAIGC* considered that Cape Verde's independence, in the frame of the decolonisation of African territories under Portuguese rule, was essential for a lasting peace and a sincere cooperation between the Portuguese Republic and the Republic of Guinea-Bissau.

On 7 August 1974, while speaking about the induction of Cape's Verde Governor, António de Spínola (1978, p. 165) reaffirmed the view that the independence of that territory should be resolved by having a referendum. However, the *PAIGC* used its strong influence in the territory, organising mass demonstrations with the aim of gaining independence. On 14 September 1974, when Spínola landed in Cape Verde for meeting with Mobutu, hostile demonstrators were waiting for him, and his visit to the capital of the territory was cancelled [Santos, 2006 (II) pp. 233-234]. In his place, Minister Almeida Santos made the visit, and took the opportunity to suggest that a referendary consultation be made to the people of Cape Verde. He also floated the idea that a constituent assembly should be elected, which would be entrusted with drawing up a Constitution for the future State. He even approached that question with a member of the *PAIGC* leadership, Silvino da Luz, who pronounced against the referendum without excluding the idea of the constituent assembly [Santos, 2006 (II) p. 235]; (Lopes, 1996, p. 377).

While the talks with the *PAIGC* about independence remained inconclusive because the Portuguese Government refused to recognise this movement as its only partner in Cape Verde, the Portuguese Armed Forces in the territory acted decisively with the purpose of ending the process quickly. They sent an ultimatum to the Government of Lisbon

⁸¹ See detailed information on the overall process that led to the independence of Cape Verde in Lopes (1996).

giving only a few days to transfer the sovereignty of Cape Verde to the *PAIGC*. Otherwise, they would make it locally [Santos (II) pp. 247-248]; (MacQueen, 1997, p. 147).

Under that pressure, Almeida Santos and Pedro Pires⁸² found a solution that would be acceptable to both parties. According to the Portuguese Minister's proposal, if the *PAIGC* accepted a popular consultation, not necessarily a referendum, but possibly the direct and universal election of a constituent assembly that approved the constitution of the new State of Cape Verde and defined its political future, everything would be easier [Santos, 2006 (II) p. 249]; (Lopes, 1996, p. 403). The leadership of the *PAIGC* accepted the proposal, opening the way to the quick independence of Cape Verde, on 5 July 1975.

6.2. Sao Tome and Principe

In Sao Tome and Principe, the independence process was formally similar to that of Cape Verde. Both archipelagos had something in common: the fact of not having had colonial wars and the election of a constituent assembly. However, the processes that led to independence were different.

Sao Tome and Principe had a memory of repression. In 1953, the colonial authorities had cruelly repressed a social movement that refused to work in the cocoa plantations. In that massacre, known as the *Batepá* massacre, more than a thousand natives from Sao Tome were murdered.

In 1960 the *CLSTP* (Committee of Liberation of Sao Tome and Principe) was founded and recognised by the African Unity Organisation in 1962 as a legitimate representative of the people of the archipelago. In 1972, the *CLSTP* changed its name to the liberation movement, *MLSTP* (*Movimento de Libertação de São Tomé e Príncipe*). When the Portuguese revolution broke out in 1974, the leaders of the *MLSTP* were in exile in Gabon (Ferreira, 1993, p. 63).

On 28 August 1974, the Secretary General of *MLSTP*, Manuel Pinto da Costa, sent his first message to the people of Sao Tome and

⁸² Pedro Pires was an outstanding member of *PAIGC* leadership, from Cape Verde, and one of the leading negotiators of Guinea-Bissau's independence. He was Prime Minister of Cape Verde between 1975 and 1991 and President of the Republic from 2001 to 2011.

Principe, via Radio Gabon. His goal was the full independence and the opening of negotiations between *MLSTP* and the Portuguese Government, with a view to the decolonisation of the territory (Cruz, 1975, pp. 84-90). On 12 October 1974, in a meeting in Sao Tome, the officials of the Portuguese Armed Forces declared *MLSTP* as the only interlocutor for the negotiations aimed at independence [Santos, 2006 (I) pp. 342-343].

On 26 November, the Portuguese Government and the *MLSTP* signed the Agreement. In that document, published on 17 December 1974 (Miranda, 1978a, pp. 1028-1032), the Portuguese Government reaffirmed the right of the people of Sao Tome and Principe to self-determination and independence and recognised the *MLSTP* as the sole interlocutor and legitimate representative of the people of Sao Tome and Principe. The High-commissary appointed by the Portuguese President and a Transitional Government chosen by the *MLSTP* had to prepare the election for 7 July 1975, and establish a representative assembly of the people of Sao Tome and Principe, endowed with sovereign and constituent powers, with the main function of declaring independence and drawing the future Constitution of the State (Cruz, 1975, pp. 101-107).

The achievement of this agreement was difficult. During the negotiations, the *MLSTP* insisted on independence with an automatic transfer of powers, with the argument that no other result would be acceptable to Gabon. However, an unexpected alliance among the Portuguese delegation, the Algerian Government, and the observers from the *PAIGC*, *FRELIMO* and *MPLA*, saved the agreement. All of them were interested in contradicting Gabon's intentions, which were francophone and committed with neo-colonialism (MacQueen, 1997, p. 150). The months before the independence were still troubled by divergences inside the *MLSTP* (Cruz, 1975, pp. 109-159; MacQueen, 1997, p. 151), but the elections for the Constituent Assembly took place on 7 July and the act of the official declaration of independence of the State of Sao Tome and Principe took place on 12 July 1975.⁸³

7. The Special Case of East Timor

7.1. From the Portuguese Revolution to the Indonesian Invasion

⁸³ On the process of independence of Sao Tome and Principe, see Cruz (1975); Ferreira (1993, pp. 63-64); Pinto (2001, pp. 71-72); Santos [(II) pp. 263-289]; MacQueen (1997, pp. 147-152).

The territory of East Timor is part of Timor Island. The western part of the island has belonged to Indonesia since this country became independent from The Netherlands. Before the 1974 Portuguese Revolution, there were no significant autonomist movements there.

East Timor was not a priority for the decolonisation process when the 25th of April Revolution broke out. In the beginning of May, the Governor of the territory asked the *JSN* for instructions, having received the indication to proceed in agreement with the principles of the *MFA* Programme, considering the local conditions and trying to avoid damaging the relationship with Indonesia (Riscado *et al*, 1981, pp. 25-26).

Indonesia's official position did not demand the annexation of East Timor. That territory was not part of the Dutch colonial inheritance, so Indonesia did not have any territorial claim. However, there was a movement in that country that wanted to integrate East Timor into Indonesia (Riscado *et al*, 1981, pp. 27-28).

In June 1974, the claim for a referendum in East Timor appeared in Indonesia. It was to be held in March 1975. Regarding the possible outcomes, only independence would be opposed by Indonesia (Riscado *et al*, 1981, p. 28).

However, the political groups began to organise themselves in East Timor. The first to appear was *UDT* (*União Democrática de Timor*), which supported the right to self-determination with some connection to Portugal. After July 1974, there were three different factions in this movement: **a)** those who defended the situation before the 25th of April, and were against the referendum; **b)** those who defended an autonomy that was strongly connected to Portugal; **c)** those who defended the transition to independence in the frame of a community led by Portugal.

Consecutively, the *ASDT* (*Acção Social Democrata Timorense*) appeared, followed by the *FRETILIN* (*Frente Revolucionária de Timor Leste Independente*), an anti-colonialist movement that wanted independence, and had a revolutionary faction that opposed the referendum. Finally, there was the *APODETI*, which defended integration into Indonesia and the referendum (Riscado *et al*, 1981, pp. 31-33).

On 19 October 1974, the Minister Almeida Santos [2006 (II) pp. 297-298] visited the territory and set out the several possibilities for its future. He viewed total independence with some scepticism due to the economic weakness of the territory, but floated the idea of a connection to

Indonesia. The other possibility was maintaining a connection to Portugal, which he saw then as the most probable solution. However, the people of the territory should choose the solution by vote. The Portuguese Government would ensure that the people of East Timor could freely choose their country's destiny (Pires, 1981, pp. 22-23).

For that purpose, Almeida Santos announced the methodology to follow by the Portuguese Government. A law would be published to legalise the local political parties. Next, an electoral law based on the principle of 'one man, one vote' would be published and an electoral registration process would be carried out. After a period for debate and confrontation between the different positions, a popular consultation would be held under a wider surveillance, including UN observers. The vote could be either a plebiscite or the election of a constituent assembly. Almeida Santos [2006 (II) pp. 298-299] said he would prefer the second option.

On 3 December 1974, before the General Assembly of the United Nations, Minister Almeida Santos renewed the Portuguese intention of holding a referendum to freely determine the will expressed by the people of East Timor. The Portuguese Government would respect the result of that referendum, but the Minister maintained his scepticism about the viability of independence [Santos (II), p. 317].

In the beginning of December, the Portuguese Government sent a draft of organic statute to the territory. The *FRETILIN* did not accept it. The *UDT* accepted it and proposed a referendum for July 1975. The *APODETI* thought that the statute was dispensable and wanted a referendum in October 1975 (Pires, 1981, p. 39). Meanwhile, the signs of Indonesian interference in East Timor's political process, supporting *APODETI*, became clear. This movement was divided between those who simply supported the annexation of the territory to Indonesia and those who admitted such an option if taken by referendum (Pires, 1981, p. 43).

On 25 January 1975, the *UDT* and *FRETILIN* created a coalition for independence, having as its main purposes: **a)** achieving total independence; **b)** the rejection of *APODETI*; **c)** the rejection of integrating another foreign power; **d)** the recognition of Portugal as the only interlocutor; **e)** the formation of a Transitional Government through negotiations among the Portuguese Government, *FRETILIN* and *UDT* (Pires, 1981, p. 44).

In February 1975, it was rumoured that Indonesia might be preparing an invasion of the territory. However, on 18 February, the

UDT/FRETILIN coalition established direct contacts with the Government of Lisbon, proposing namely the election of a constituent assembly to decide the future of the territory within two years (Pires, 1981, pp. 48-49, 77-78).

In the framework of the negotiations on the decolonisation of Timor, a summit in Macau was scheduled for 15 June. However, on 27 May 1975, after a visit of some of their leaders to Indonesia, the *UDT* decided to break the coalition with *FRETILIN*, invoking the prevalence of the hard line at this movement. With the break of the coalition, the *FRETILIN* refused to take part in the meeting in Macau, from which resulted Law No. 7/75, of 17 July, which approved the organic statute of the territory.

As laid down in Law No. 7/75, the future of Timor was committed to a popular assembly, representative of the people of the territory, elected by a direct, secret and universal vote. The election should be on the third Sunday of October 1976. Independence would be proclaimed on the third Sunday of October 1978 (Riscado *et al*, 1981, pp. 157-170).

However, in August 1975, the situation became worse in the territory as tensions increased between the *UDT* and the *FRETILIN*. On 11 August, the *UDT* attempted to take power by a military coup, having occupied some military barracks and taking control of the Police in Dili. The aim was to ban the *FRETILIN*, to annul the Agreements of Macau and to establish negotiations with the Portuguese Government for independence under its control (Pires, 1991, pp. 181-231).

Before the absence of military reaction from the Portuguese authorities, the natives of Timor, who were the majority of the military contingent in the territory, began to occupy the respective barracks, on 17 August, and declared their support of the *FRETILIN*. In a few days, this movement began a counteroffensive and took control of almost the entire territory. The Governor and the military of Portuguese origin, were only able to secure their own defence, and took refuge in the neighbouring island of *Atauro* (Riscado *et al*, pp. 173-214; Pires, 1981, pp. 228-248; Pires, 1991, pp. 233-265).

In open Timorese civil war, the President of the Republic asked Almeida Santos, who was no longer in the Government, to try to broker peace between the *UDT* and the *FRETILIN*. However, the contacts with

Australia, Indonesia and the United Nations had no remarkable results [Santos, 2006 (II) pp. 370-380].

From *Atauro*, Almeida Santos tried to convince the *FRETILIN* to release 23 Portuguese prisoners and to accept the popular consultation foreseen in the Agreement of Macau, which would be supervised by observers from Portugal, the United Nations, Indonesia and Australia. *FRETILIN*, which clearly controlled the territory, agreed to release the prisoners, but refused the referendum.

On 28 November 1975, the *FRETILIN*, which controlled almost all of the territory, proclaimed the independence of the Democratic Republic of East Timor. At the same time, the *UDT* and *APODETI* declared the integration into Indonesia (Riscado *et al*, 1981, pp. 217-243, 253-257; Pires, 1981, pp. 287-315). A few days later, on 7 December 1975, Indonesia invaded the territory of East Timor, annexing it by force and sparking a genocide that sacrificed about 200,000 lives.

During the very day of the invasion, the Portuguese Government decided to break diplomatic relations with Indonesia and to appeal to the United Nations to obtain the end of the military intervention of that country. It also asked for a peaceful and negotiated solution of the conflict that would proceed with the decolonisation process under its aegis.

7.2. The Resistance Against the Occupation

Soon after, on 12 December 1975, the General Assembly of the United Nations approved the Resolution 3485 (XXX) with 72 votes for, 10 against and 43 abstentions.⁸⁴ On 22 December, the Security Council approved the Resolution 384 (1975) requesting the Secretary General to urgently send a special representative to East Timor and to follow the implementation of the Resolution.⁸⁵

On 29 December 1975, the Secretary General of the United Nations appointed Vittorio Winspeare Guicciardi as special representative. His first visit to the territory occurred between 20 and 22

⁸⁴ Available at:
<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/001/98/IMG/NR000198.pdf?OpenElement>
[Accessed 19 May 2011].

⁸⁵ Available at:
<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/782/32/IMG/NR078232.pdf?OpenElement>
[Accessed 19 May 2011].

January 1976, without authorisation to visit areas under control by the Democratic Republic of East Timor. After that visit, the special representative reported to the Security Council that there was a common acceptance that the people of Timor should be consulted about their future, but that the consultation element was divergently interpreted. The Government of the Democratic Republic of East Timor suggested a referendum based on the principle of 'one man, one vote', to take place after the withdrawal of all Indonesian forces and their replacement by an international force, offering a choice between integration into Indonesia or independence with *FRETILIN*. The Portuguese Government was in favour of a referendum after the withdrawal of the Indonesians and the arrival of an international force, but it thought the people of East Timor should decide on their own on the process of making that referendum, possibly in agreement with Law No. 7/75. The Provisional Government, which exercised power in the territory, declared that the people had already exercised their right to self-determination and considered East Timor as part of Indonesia (Riscado *et al*, 1981, pp. 225-226).

On 22 April 1976, the Security Council approved Resolution 389, demanding the withdrawal of the Armed Forces of Indonesia.⁸⁶ That Resolution had the abstentions of Japan and the United States of America. During the next month, the 'Provisional Government' considered that any referendum concerning the future of East Timor to proclaim the integration into Indonesia was not necessary. On 17 July 1976, the Indonesian Parliament proclaimed East Timor as the 27th province of Indonesia (Teles, 1999, pp. 383-385).

Year after year, from 1976 up to 1982, the General Assembly of the United Nations approved Resolutions on East Timor. However, insofar as the occupation persisted, the favourable votes had a tendency of reducing and the votes against increased (Pires, 1991, p. 370). The recognition of the occupation by the United States in October 1977 and by Australia in January 1978, certainly contributed to that.

However, the Indonesian occupation ended after about 25 years. The Indonesian withdrawal had four main reasons. The first was the resistance of the Timorese people towards the occupation. The second was the diplomatic action of Portugal and other *CPLP* countries that never stopped raising the issue of East Timor in all the international

⁸⁶ Available at: <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/294/77/IMG/NR029477.pdf?OpenElement> [Accessed 19 May 2011].

organisations where they had the possibility of doing it. The third was the constant lobbying of human rights organisations, and of several personalities that, with their testimonies, highlighted the issue of East Timor to international public opinion. Finally, in the final years of the 20th century, the political evolution in Indonesia created conditions where the country could accept its withdrawal from the territory.

7.3. The Claim for the Referendum

After a long process of resistance and international solidarity, the claim for a referendum, which allowed the Timorese people to choose between independence and integration into Indonesia, reappeared near the end of the 1980s. On 4 July 1988, the Political Affairs Committee of the European Parliament adopted a draft resolution on East Timor exhorting the European Council and the European Commission to take initiatives in order to organise a referendum [Cardoso *et al*, 1991 (I), p. 61].

On 16 April 1989, the Bishop of Dili, Ximenes Belo, addressed a letter to the Secretary General of the United Nations, Perez de Cuellar, requesting the accomplishment of a referendum to hear the people as to their future [Cardoso *et al*, 1991 (I), p. 158]. This proposal by Dom Ximenes Belo was a matter of debate in several forums and received a lot of international support. On 16 August 1989, in the meeting of the UN Special Committee of 24 on Decolonisation, representatives of other countries, namely Australia, Japan, Canada and the United Kingdom, supported the Portuguese positions, suggesting a plebiscite under the aegis of the UN to define the future of East Timor [Cardoso *et al*, 1991 (I), p. 198].

In October 1989, the commander of the armed resistance, Xanana Gusmão (1994, pp. 73-74), wrote a letter in the mountains of Timor, expressing his total support of Bishop Ximenes Belo's proposal. A referendum should have presupposed: **a)** the cessation of hostilities; **b)** the adoption of international juridical mechanisms to verify, control and make the process possible; **c)** the respect for the supreme wishes of the people of East Timor, expressed in free and democratic conditions. If, in those conditions, the people of East Timor accepted the integration into Indonesia, Gusmão declared his willingness to lay down arms.

In the beginning of July 1990, the Indonesian Foreign Minister, Ali Alatas, during a visit to Japan, received an appeal to referendum, from the Japanese Coalition 'Free East Timor' [Cardoso *et al*, 1991 (I) p. 315]. On 11 August 1990, the representative of the International Pax Christi near the UN, who intervened in the Committee on Decolonisation,

formally requested a referendum in East Timor under the auspices of the UN [Cardoso *et al*, 1991 (I) p. 327]. On 8 February 1991, the international organisation 'Parliamentarians for East Timor' sent an appeal to Perez de Cuellar for a referendum in East Timor as requested by the Bishop of Dili [Cardoso *et al*, 1991 (I) p. 390]. On 27 April 1991, in Portugal, Ximenes Belo reaffirmed his proposal. The Governor of East Timor, Mário Carrascalão, who considered the referendum in the territory as completely out of question for the Government of Jakarta, refused the idea [Cardoso *et al*, 1991 (I) p. 430].

On 15 September 1991, the representative of the resistance abroad, José Ramos Horta, defended a referendum in Timor at the same time of the legislative elections in Indonesia in 1992 [Cardoso *et al*, 1991 (I) p. 514]. During that same month, the European Parliament passed a report drawn by the British MP Derek Prag, saying that the European Community should press Indonesia to accept a free referendum in East Timor, under the supervision of the UN [Cardoso *et al*, 1991 (I) p. 517]. On 12 November 1991, the images of a massacre perpetrated by the Indonesian Army, in *Santa Cruz's* cemetery in Dili, during the funeral homage to Timorese resisters murdered days before, gave a new international dimension to the Timorese issue and weakened Indonesia's position.

7.4. The 1999 Referendum and the Re-Establishment of Independence

In May 1998, Indonesian dictator Suharto stepped down after 32 years in office, and was replaced by B. J. Habibie, who brought a new attitude to the issue of East Timor. In June 1998, Indonesia informed the Secretary General of the United Nations and Portugal of its intention to give a wide autonomy to East Timor, with Jakarta retaining only the control of foreign affairs, external defence, and some aspects of monetary and fiscal policy. In August, the Foreign Ministers of Portugal and Indonesia began talks on a possible autonomy, leaving aside the question of the final status of East Timor. Indonesia viewed autonomy as a final solution. Portugal considered it as a transitional arrangement pending the eventual exercise by the people of East Timor of their right to self-determination (UN, 2000, p. 6).

On 27 January 1999, President Habibie announced that, if the people of East Timor did not agree to be part of Indonesia based on the autonomy plan in discussion, they could separate from Indonesia. The Secretary General of the United Nations and Portugal welcomed that

declaration (UN, 2000, p. 7); [AR, 1991 (I) pp. 503-505]. By admitting the separation from Indonesia as the 'second option' if the Timorese rejected the proposed autonomy, Habibie gave a unique opportunity to solve the problem of East Timor.

On 7 and 8 February 1999 the Ministers Jaime Gama of Portugal and Ali Alatas of Indonesia agreed that the autonomy plan should be presented to the East Timorese people as a choice of the final solution. Accepting Indonesia's proposal for autonomy would mean permanent integration within Indonesia. A rejection of the proposal would represent an irreversible step towards independence (UN, 2000, p. 8).

On 10 and 11 March the two Foreign Ministers agreed that there should be a direct ballot in which all East Timorese of voting age, both those living in and outside East Timor, would accept or reject a status of permanent autonomy from Indonesia. On 5 May 1999, Portugal and Indonesia signed three agreements in New York: the Constitutional framework for autonomy as submitted by Indonesia, an agreement regarding the modalities for the popular consultation and a broad agreement on security arrangements (UN, 2000, p. 9; Teles, 1999, pp. 392-396).

The main agreement requested that the Secretary General put the proposed Constitutional framework to the East Timorese people for their acceptance or rejection. In case of their acceptance, Indonesia would initiate the Constitutional measures to implement the autonomy framework, and Portugal would initiate the procedures necessary for removal of East Timor from the list of Non-Self-Governing Territories before the UN General Assembly. If the East Timorese rejected the proposed autonomy, Indonesia would take the Constitutional steps to terminate its links with East Timor. In this event, Indonesia, Portugal and the Secretary General would agree on the arrangements for a peaceful and orderly transition towards independence (UN, 2000, p.10). 8 August 1999 was set as the ballot date for the popular consultation.

The agreement on security arrangements gave Indonesia the responsibility to ensure a secure environment devoid of violence and intimidation during the popular consultation. Meanwhile, the political and military sectors of Indonesia, who refuted the possibility of independence, supported the creation of pro-integration militias in the territory. Even before the agreements of 5 May 1999, and more intensively after that, they spread violence and intimidation against pro-independence activists (Martin, 2001, pp. 56-59).

On 7 May 1999, the UN Security Council, through Resolution 1236, requested the Secretary General to provide detailed plans for the popular consultation and establishment of a mission in the territory. On 22 May, the Secretary General proposed the establishment of the UN Mission in East Timor (UNAMET) to the Council, which would carry out its tasks objectively and impartially. The UNAMET would cooperate with the Indonesian authorities, but it would only accept instructions from the United Nations. There were 200 registration centres inside the territory, for registration and polling, and 13 external voting centres (five in Indonesia, four in Australia, and one each in Portugal, Mozambique, Macau and the United States). For the polling, the registration centres were subdivided into 700 polling stations. UNAMET accredited more than 2,000 observers. In order to ensure complete transparency of the consultation process, the Secretary General created an independent Electoral Commission with three eminent jurists.

The planning operations would take place between 10 May and 15 June. The public information programme and voter education would extend from 10 May to 5 August. Preparation and registration was set for between 13 June and 17 July. The exhibition of lists and a period for challenges as well as decisions on challenges and complaints would extend from 18 to 23 July. There would be a political campaign from 20 July to 5 August, followed by a two-day cooling off period. Polling day would be 8 August (UN, 2000, pp. 14-15).

The lack of security in the territory, because of the violence and intimidation actions made by the militia against independence, having in many cases the complicity and the support of Indonesian military forces, delayed the registration process. Because of that situation, the UN Secretary General, in his report dated 22 June, postponed the ballot date for two weeks (UN, 2000, p. 28). In 29 June and 4 July, pro-integration militia attacked an UNAMET office and a humanitarian convoy. After that, there were strong protests and heavy international condemnation against Indonesian authorities, requesting the immediate end to the violence.

The registration process, initially planned to begin on 13 June, began on 16 July. This delay required a new postponement of the ballot date to 30 August. In spite of the violence and intimidations, which continued even during the registration process, 451,796 Timorese enrolled for the popular consultation.

On 30 August 1999, 446,953 East Timorese (98.6% of all those registered) cast their ballots within and outside the territory. The counting of the ballots, centralized in Dili, began at 6 a.m. on 31 August and finished at 6 p.m. on 4 September. At 9 a.m., the Special Representative of UN Secretary General, Ian Martin, read out the results in Dili. The Secretary General simultaneously informed the Security Council of the result in open session in New York. 94,388 (21.5%) Timorese accepted the special autonomy proposed. 344,580 (78.5%) rejected it.

The security situation in East Timor deteriorated rapidly after the ballot. The violence of the militia intensified, not just against the Timorese population (forcing hundreds of thousands of people to abandon their houses and to take refuge in the mountains or in West Timor) but also against the staff and offices of the UNAMET. The situation deteriorated to such an extent that, on 8 September, the United Nations decided to relocate their mission to Darwin, Australia.

Meanwhile, on 6 September, the Security Council sent a mission to the Indonesia Government to relay its concerns about the post-ballot violence. The mission arrived in Jakarta on 8 September. Strongly pressed by the United Nations, and under the threat of being held responsible for crimes against humanity (UN, 2000, p. 49), Indonesia finally accepted the Constitution of a multinational force to intervene in the territory. On 12 September, the Security Council authorised the creation of the International Force East Timor (INTERFET) under the command of Australia, which entered in the territory on 20 September.

On 19 October, Indonesia formally recognised the result of the popular consultation. On 25 October, the Security Council, through Resolution 1272 established the United Nations Transitional Administration in East Timor (UNTAET). On 31 October, Indonesia's last troops left the territory. On 1 December, Xanana Gusmão returned to East Timor. On 20 May 2002, the Democratic Republic of East Timor was formally restored (Martin, 2001).