

**Ethics and the Formation of Foreign Policy:  
A Case Study of Canadian Government Policy Toward Indonesia 1970-1990**

Derek MacCuish

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## **Abstract**

### **Ethics and the Formation of Foreign Policy: A Case Study of Canadian Government Policy Toward Indonesia 1970-1990**

**Derek MacCuish**

This paper reviews aspects of the formation of foreign policy, with a particular emphasis on how ethical considerations affect policy choices. Theoretical considerations are reviewed with an aim to clarify how ethics, and human rights concerns in particular, might in principle be incorporated in the policy process. A historical case study of Canada-Indonesia relations provides support for an argument that policy choices were not significantly influenced by ethical considerations, but were framed by "realist" assumptions of competitiveness in international relations.

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## **Introduction**

In considering to what extent a modern democratic state incorporates concern for ethics, and human rights in particular, into its foreign policy, there are two main aspects to discuss: the extent to which such considerations should be placed in the policy formation framework and, following on such an evaluation, the extent to which it succeeds at doing so.

Following a general discussion of theoretical considerations, in which the obligations of a state in international relations is broadly framed against what is realistically to be expected in terms of outcomes, this paper examines the decision making process in Canada with regard to the government of Indonesia, during the 1970s, 1980s, and the first years of the 1990s.

The historical review will be assessed within a theoretical framework that places policy decisions within three general categorizations:

1. Realism. Policy choices reflecting the struggle for power amidst competing interests, setting aside moral considerations.
2. State moralism. The state as representative of a collective identity, thus incorporating moral aspects of the individuals within its territory, including rights and responsibilities beyond those of competing interests.

3. Cosmopolitanism. Transnational realities, such as the common nature of humanity, accompany the state system, and transcend consideration for sovereignty.

The policy statements of representatives of the Canadian government are compared with the policy outcomes, within the context of the events of the time. The aim is to clarify the extent to which the Canadian government recognized an obligation to include human rights consideration in its foreign policy as a matter of principle, and the extent to which it was able, or willing, to provide that such an obligation retained a dominant role in the policy process.

As it will be seen, the role of human rights in foreign policy formation is not an area of discussion in which assumptions and determinates are clear cut and distinct. It is an area full of complexity and ambiguity, and charged with emotion.

Indonesia was chosen as a case study country in part because the issues of human rights are less clouded with subtlety than in other parts of the world. The domestic Indonesian social and historical context, which accompanied the policy decisions taken by the Canadian government, are explored in some detail in an effort to lift some of the uncertainty from the effort to arrive at conclusions about the motivating factors in the policy process.

Similarly, attention is paid to the argument that there is an Indonesian approach to human rights, distinct from the viewpoint of rights commonly taken in the West with its emphasis on the rights of the individual. The argument by the Indonesian government is



that the rights of the collective, especially in a developing nation, take precedence over the rights of the individual, just as the cultural and historical context in which rights exist must also mean that the countries of the West are not the primary arbiters of correctness in human rights behaviour.

Regardless of these arguments, a brief historical review will demonstrate that the Indonesian during this period sponsored regular, systematic and repeated abuses of rights as they are variously understood. Yet as a large developing nation, seemingly on the edge of industrialization and ready to join other nations of Southeast Asia as economic powers to be reckoned with, it was an attractive target for Canadian governments eager to expand business relations in the region, and for Canadian development assistance money looking for ways to be effective in alleviating poverty.

Throughout the 1970s and 1980s, the Canadian government wrestled with the dilemmas posed by the pressure to incorporate human rights considerations as determinates in foreign policy, and especially development assistance. The links between human rights and development assistance were referred to repeatedly, but these always remained qualified and unclear in various statements of government policy.

The main competitor as a determinate of foreign policy was the desire to expand trading relations and for growth in export earnings. In its relations with Indonesia, it was this goal of national economic growth and expansion that framed the policy decisions taken by the Canadian government, so that promotion of human rights as a foreign policy determinate was rendered powerless.

Ethical considerations, and the role of human rights concerns in particular, did

enter the conversation on Canadian policy regularly during the period examined. That such considerations were factors to be included in foreign policy formation was explicitly, and repeatedly, recognized by the government of Canada.

The dominant influence on policy, however, was economic. The expansion of trade and investment opportunities for the Canadian business community proved to be the primary factor in how policy was scripted, as evidenced by the support given to Canadian businesses as they expanded operations in Indonesia, and the framing of Canadian development assistance.

This was accompanied by a respect accorded to the government of Indonesia, and a recognition of that government as being a representative one. This recognition withstood the challenges presented by the forcible occupation and annexation of the territory of East Timor, and the accompanying debate at the United Nations and failure of the Indonesian government to win international acceptance of its governance there as a legitimate one.

To some extent then, the Canadian government's policy, although framed in a state moralist approach to some extent, and accompanied by cosmopolitan arguments based in notions of common humanity and concern, was dominated by a realist approach grounded in the competition between states for economic growth and stability.

## Chapter I

**A review of assumptions about international relations, and about how foreign policy, where ethical considerations are involved, is formulated**

In considerations of foreign policy, Joseph Nye, Jr. and Richard N. Cooper, in their paper "Ethics and Foreign Policy" (1985) described four broad approaches: (1) the *skeptical*, in which there are no duties beyond borders, (2) the *realist*, (3) the *state moralist*, and (4) the *cosmopolitan*. Each of these has a different argument on how aspects of state sovereignty, national interests, acts of intervention, and ethical considerations come into play in international relations.

These are the descriptive parameters in which the choices made by a government - in this case the government of Canada in its relations with Indonesia - over a period of time - roughly the two decades following 1970 - that will be used in this review so as to better understand the policy formation process.

Each of these approaches has had its defenders as a theoretical framework with regard to the extent to which ethics are, or properly might be, considered in international relations.

The approach of the skeptic, for example, does not provide for a role for morality in international relations. Moral obligations exist only where there is a community in which rights and obligations are recognized and defined. The sense of community is very weak in international relations, so without a role for morality there is, in essence, no duties beyond borders.

While the realist approach does provide for some moral obligation, this is limited to the value of order. National interests are primary, and a desire for the preservation of order precedes one for justice.

The state moralist perspective emphasizes that states, representing communities of citizens, reflect the collective rights of those individuals. State sovereignty and freedom from intervention are important aspects of that collective identity.

A cosmopolitan approach accepts transnational realities by stressing the common nature of humanity, and argues for universalist politics that transcends the sovereignty of the state.

Three of these viewpoints, the realist, the state moralist, and the cosmopolitan will be reviewed, with an aim to see how ethical considerations come into play in the formation of foreign policy. The approach regarded as that of the skeptic is set aside at the outset, as having little relation to the subject at hand, that is, the role of morality and ethics, especially as they are framed in discussions of human rights, in the international political arena.

## **Realism**

The realist approach emphasizes the view that interests determine political action, and that political choices reflect the struggle for power, in order to best advance the interests of states in competition with others.

For the realist, moral considerations in foreign policy ought necessarily be set aside

in the interests of national security. The first duty of a statesman is to assist in the maintenance of a secure place in the international order for a stable and unthreatened nation.

The placing of security in the position of primary concern is most evident when there is a threat to the stability of the state. There are many historical examples of some rights such as access to information and to the decision-making process being curtailed.

The international arena is viewed as a contentious one. A direct military threat may or may not be present, affecting international relations to a large extent as happened during the Cold War years for example. Economic competition is a permanent fixture in international relations, and economic stability at home is arguably one of the main objectives in policy formation.

One problem here is the failure of realism to explain why it is important to discuss rights at all. The existence of rights tends to be universally acknowledged, even if they are overtaken by interests. The reduction of political action to competing interests ignores the impact that the language of rights has on political discourse, providing, as it does, some degree of presenting a common platform through its asserted universality.

### **The state moralist**

Emphasizing morality between states, this outlook also regards state sovereignty as important. The state is viewed as possessing many aspects of morality, formed as it is

by the collection of its citizens, and endowed with the pooled expression of their individual rights. This collective representation brings with it a strong assumption that freedom from outside interference is necessary or obligatory.

It may be argued that a state moralist approach is dominant in international relations at this time. This is reflected in the structures of international law, and their delineation of the principles of self-determination and nonintervention. The state system is predominate in the regulation of international affairs, while human rights generally evolve within a domestic context, and indigenous notions of humane governance and the relationship between the governed and the governing.<sup>1</sup>

The statist logic, with its emphasis on sovereignty, is both anti-interventionary and anti-imperial. The assumption of freedom from outside interference, however, is not universally regarded as absolute. Michael Walzer, for example, suggests that in cases where there is no appropriate "fit" between the government and society, there may be a case for intervention. Outside intervention would be allowable, for example, to prevent massacres and enslavement, or to assist truly representative secessionist movements.

One of the difficulties with the state moralist approach is the problem of assessing the extent of the level of representation, or the accuracy of the fit between the community and the state which claims to be its representative. Walzer indicates that there must be a radical lack of fit, but this may be difficult to discern, since there may be other competing values within the community besides the desire for self-determination and autonomy.

## **The cosmopolitan approach**

The claim that human rights are universally valid is essentially grounded in the naturalist logic that rights are inherent to human nature. The best expression of the naturalist logic is arguably found in the human rights documents of the United Nations, like the Universal Declaration of Human Rights, which give form to the claim that human rights are universally valid.

It is a challenge to the assumptions of state-centric models, based on power, competition, and the separation of domestic and international politics.

In terms of the decision making process, this logic may have less impact than other influences deriving from the bureaucratic nature of the state, for example, or the influence of pressure group politics, and it may be that it tends to be referred to more in rhetoric than in substance. This argument appeals to the primacy of normative standards, but can be vague and is prone to dependency on wide support and acceptance in the community of states.

At the start, for instance, an argument that intervention in a particular country is warranted, if based on a cosmopolitan approach located in a notion of universality of human rights, would have to overcome concerns about violation of assumptions of sovereignty. As to actual implementation, then, conditions of wide support and acceptance may be predicted to be difficult to obtain.

In each of the approaches to international relations described here there are certain

aspects that deserve further reflection and investigation. Of these, concerns about whether a state has a right or an obligation to interfere in some way with the affairs of another, citing an anxiety for individual welfare based on a domestic acceptance of certain standards of human rights, is perhaps foremost. The recognition of state sovereignty, and an expectation of freedom from intervention, are at the heart of the state system.

Similarly, the predominance of the importance of individual rights in Western democracies is a factor that pervades the discussion of rights in emerging economies, given colonial histories and different preferences in terms of emphasis and priorities, including how rights are to be regarded.

The subject of human rights is located in a historical context, which requires recognition that the predominance of the individual in discussions of human rights is sourced in Western approaches to the subject. Complementary to that is the experience of the colonized, and how the associated social history affects the discussion especially as we look at concepts of ethical universality.

The extent to which rights are regarded as universal, and the extent to which it can be expected that widespread regard for human rights can or should influence a state's behaviour toward its fellows in the international community, are complementary aspects of the process of evaluating the extent to which a state can or should incorporate moral concerns in its foreign policy, and these are also considered here.



## **Intervention and sovereignty**

One of the strongest arguments to counter the inclination by a state to act in instances where another state is regarded as violating human rights is the principle of non-intervention. Recognition of state sovereignty implies the illegitimacy of intervention by another state. The underlying rationale is that, without a general understanding of intervention as unacceptable in world affairs, there would be no order retained. The recognition of sovereignty brings with it a principle of non-intervention, so that intervention becomes an infraction of sovereignty.

The notion of state sovereignty has been with us for a long time, with Jean Bodin's initial description of a centralized authority in the sixteenth century, extended by Vattel in the eighteenth to include the acceptance of the state as the authoritative actor in international relations. The understanding of the state at this time included the acceptance of a government determining its own obligations, and the exclusion of outside actors from domestic affairs. The state system has been the dominant model until recent times, and still has many adherents, particularly because it is both non-interventionary and anti-imperial. The principle of non-intervention has been particularly defended by Third World states, to a large part because of the historical background of colonialism and the domination of much of the world by a few powerful nations, and the pattern of post-colonial intervention, particularly in Africa and Asia, by the larger powers.

R.J. Vincent tries to supplement the statist argument with a legal rather than a moral reasoning, and supplies two arguments to support the moral stance against

intervention. First, there is the problem about the motives of the intervening actor; any moral rationale for the intervention might be dismissed as excusing an action that was, at heart, based on self-interest. Second, there may be doubt about the end result of an intervention, based as it on an action that is regarded as morally offensive (the interference by one entity in the affairs of another). Is it likely that a result will be good when the vehicle for change is not?<sup>2</sup> Since it is likely that large states with imperialist ambitions would be the ones with the capacity to intervene effectively in another nation, there is more likelihood that the motives of the actor will come into doubt.

It has to be recognized that the geopolitical reality is one of inequality between states, despite the discreditation of formal colonialization, which continues to the advantage of the larger economic and military powers.

The argument that there is a "morality of states", by which the notion of sovereignty is derived, arises out of an acceptance of the state as worthy of respect because it provides collectively for the purposes of individuals. States, like individuals, should expect to be provided a respect similar to that of free persons, and entitled to non-interference from others. The morality of states view is associated with John Stuart Mill and, more recently, with Michael Walzer, who argued that most states do represent their people to at least some degree, or they at least should be assumed to do so until it is demonstrated that they do not.<sup>3</sup>

The notion that states should expect to be free of interference from other states derives from the idea as it applies to individuals, and is reproduced in the community. So it is not just the concept of state sovereignty as it is defined by legal and political

structures, but a "community sovereignty", which provides for an even deeper obligation of non-intervention.

These, then, are the arguments against intervention as an appropriate action in a community of states, except in extraordinary circumstances. Non-intervention allows for pluralism - the acceptance of variety - but as Vincent reminds us, the question of rightness in moral action is not something to which we generally accept several answers. He argues that even though we should accept that wars of intervention are to be avoided, and international order maintained, moral standards can still provide us with a framework by which nations might be criticized. The acceptance of states into the community of nations does not come from their moral acceptability, but from the concern for the violence and disruption that would accompany the interventionist alternative.<sup>4</sup>

The morality of states position is insufficient, however, based as it is on the acceptance of the state as the primary actor on the international stage. Economic activity has developed on a global scale to such an extent that it has surpassed the state in the area of international social interaction. More importantly, in terms of a discussion of ethics, is the general understanding of morality and justice as concepts which extend beyond national boundaries, describing ideals to which all humankind might ascribe. The commonality of people means, as Kant maintained, that an abuse suffered in one place would be felt in all others. The protection of state autonomy and sovereignty, however important in the maintenance of a peaceful world order and the protection of smaller nations from imperialist expansion, is inadequate as a starting place for working out issues of social justice.

It is also necessary to recognize that repressive regimes do not appear and endure in a vacuum, but are sustained with the support of other nations, reliant on others both in terms of arms and capital and in the context of a global trading system and the active involvement of international financial institutions. These factors cannot totally be divorced from the effort to promote human rights in these countries, particularly if they are used to sustain a morally unacceptable government. A policy of non-intervention cannot be said to be coherent if it allows the support of repression, on the one hand, by outside actors while simultaneously denying the validity of efforts for change within.

In discussing the logic of the sovereign state, Richard Falk reasons that a true policy of non-intervention would mean "that noninterference with the dynamics of self-determination is the most solid external contribution foreign governments can make to the promotion of human rights."<sup>5</sup> He points out that intervention provides a case for counter-intervention, and so a pattern could emerge of escalating conflict, unchecked by protocols that would inhibit such involvement in the affairs of other states. What, then, if the restriction on self-determination is placed by a government on a group within its own borders? National autonomy does not necessarily agree with the autonomy of social groups or even individuals within a country. Many states do not have the level of voluntary participation that would exist in an ideal state. The concept of sovereignty, if delineated solely in terms of legal parameters of inter-state behaviour and the inviolability of domestic affairs, would leave problems of human rights abuse out of the scrutiny the international community, and thus leave an offending nation to continue in its actions without penalty.

The extent to which sectors of a population participate in national policy formation reflects the degree to which an ideal of self-determination is achieved. Joseph Nye sees self-determination as a "normative attribute of societies, while sovereignty is a normative attribute of states".<sup>6</sup> They can co-exist, but if an unrepresentative elite sets policies, there may be a conflict between the two. In such cases, I would argue that the claim by the state to a moral justification in its claim to sovereignty is diminished to the extent that it is unrepresentative in its composition, even if its legal claim is still recognized.

There are several difficulties in putting the understanding of morality in its individualist rationale at the front of a political agenda, not the least of which is the difficulty in operating within areas that are so broadly defined. The appeal of the statist logic, in part, is that it provides a clear system of rules for behaviour, beginning with the acceptance of sovereignty and non-intervention. Reference to human rights and the respect for the individual as a basis for state policy formation, notwithstanding the U.N. conventions and the Universal Declaration of Human Rights, is readily set aside for the statist logic, or because of any of a number of other influences. The dynamics of the international economic system, the workings of domestic bureaucracies and the decision-making process, the influence of interest groups on policy formation all can work to minimize the impact of ethical considerations.

For a moral obligation to have political effects, there must be some form of legal framework; this framework provides that state actors are answerable for their actions, that others have a right to demand that legal requirements be accepted. In the international system, this means that a state that accepts the terms of a treaty or convention on human

rights acknowledges that the treatment of its people becomes a legitimate concern of the global community. Since the end of World War Two, and the arrival of international agreements on human rights, there has been a reduction in the concept of state sovereignty, and the notion that all that occurs within the boundaries of a state is a domestic concern alone. Beyond this, there has also been the recognition that individuals have rights, although their states may behave otherwise.<sup>7</sup>

### **Capacity**

The capacity of the state to act in the promotion of human rights is limited by the domination of statist logic, and efforts to protect sovereignty, on the one hand, and the workings of global political and economic systems on the other. On both the domestic and international levels, the power structures typically reflect the dominance of privileged minorities in social and political structures, with a majority enduring the larger portion of the costs of benefits to which they have limited access. The elites of the more powerful nations have their counterparts in the other nations, and the structuring of power is such that intervention is more likely when there is a dispute between them, and not on behalf of the less privileged majority and any real effort to improve human rights on their behalf. The formal colonial period is over, but patterns of imperialism continue to exist.

Within the context of international law, provisions for enforcement are weak; the international bodies associated with these laws do not have the ability to enforce them. In cases of gross and consistent violations of human rights, as in the case of South Africa, we

have seen that it is possible for many states to evolve a coordinated effort. The erection of economic sanctions against South Africa was a long and erratic process however, with most states reluctant to provide a precedent for this kind of widely supported intervention because of another state's domestic policies. The U.N. Covenant on Economic, Social and Cultural Rights largely leaves their implementation to the individual states along with, for the most part, the procedures for complaint.

The number of states that can be called democratic in any but the most modest of ways - the provision of multiple candidates for election - is not large, and the number of states that respect the international laws on human rights fewer than that. In this context, there is no real impetus to provide a response to offender states without a supplementary strategic or economic rationale supporting intervention. U.N. involvement in the Gulf War, for example, is a case of strong reaction to an objectionable action by the government of Iraq; the reaction was in response to both strategic and economic concerns, further justified in terms of human rights. Yet after the war the government of Iraq continued intact with its domestic conduct, regarded as one of the worst human rights records in the world, unchanged or perhaps worsened.

Just as the extent to which a government might offend commonly accepted ethical norms can vary considerably, so might the response to an objectionable regime. Brutal and murderous governments have escaped the censure of the rest of the world, while others with less serious crimes have been replaced after an invasion by the military of another nation, or group of nations. If we consider intervention to include, as Nye and Hoffmann do, acts that affect the domestic affairs of other states, the range of actions that

would be regarded as intervention is extensive.<sup>8</sup> A full-scale military invasion is the most dramatic and extreme, but other choices include economic sanctions (or incentives and assistance), support for opposition groups, speeches and diplomatic manoeuvring.

States have the option of not acting in conjunction with others of the international community, of course, but of acting alone. For some kinds of intervention - the withholding of trade incentives or restricting investment, for example - a nation can act alone quite readily. The negotiation of bilateral economic arrangements between states are an obvious opportunity in which one nation might seek to influence the actions of another, especially if the nation with the offensive behaviour is seeking funding or opportunities for economic growth. It can be objected, for instance, that making capital availability conditional on human rights performance is a form of economic imperialism, but the citizens of the nation providing the capital should have a right to the assurance that it is not going to support an undemocratic and repressive regime.

Evaluating an appropriate response to objectionable behaviour would have to take into consideration both the extent to which the targeted government had offended and the means by which intervention was possible, but also the possibility of undesirable consequences. Economic sanctions, for example, are promoted as an alternate to military action, but are criticized if they fail to effectively hit the target group and cause other people to suffer disproportionately. Motives, means and consequences are the three main variables affecting ethical decisions, and any decision would have to take into account an evaluation and balancing of all three. If an intervention is not judged to be right in all three aspects, it is open to criticism. For example, right motives and consequences might be



compromised if the means were judged to be wrong. The American invasion of Panama might be an example of this type; the success of the operation, if we are to believe the reports that most Panamanians approved of the invasion, must be considered in light of the destruction and loss of life. In this kind of scenario, it is possible that the behaviour of the intervening state or states could be called into question, and the action thus lose its validity. The evaluation of a claim to sovereignty by a repressive government is a difficult process, but even more so is the consideration of an interventionary response - whether or not to make one, and in what form. There have been times when the international community of nations has been unable to come up with coherent answers and clear policies.

Other challenges also compete for attention on a global scale. Environmental degradation, population growth, increasing transnational refugees, economic competitiveness and trade, a weakening of state control over capital movement and monetary policy, regional armed conflicts, all these and more present national governments with a full agenda on the international scene. Foreign policy is thus more often affected by concerns of security, economic growth and stability, and prestige than by concern for human rights.

As the world system evolves, international relations may become less a playing field upon which armies position themselves and nations manoeuvre for strategic military superiority. It might be argued that, to some degree, options in behaviour will then open up. Perhaps some opportunities in which ethical choices become easier for the statesman to make will emerge. It could just as easily be argued that in a competitive world

economic system, with the economic well-being of a statesman's own nation staying at the top of the foreign policy agenda, decisions in policy formation will continue to not tend to include ethical choices that involve economic costs, unless those involved have such a firm commitment to democratic ideals that they are willing to promote them with vigour.

The difficulty to be reckoned with is that there is no common notion of human rights or social justice in the international community to the extent that there is an economically interdependent world. The rules of commerce and trade, currency and investment are all set out in international agreements policed by various international bodies like the International Monetary Fund, the World Trade Organization, and the World Bank. There are mechanisms for dispute resolution, and the means to enforce the regulations, largely through the withdrawal of privileges, or access to credit or trade. The same cannot be said of the various agreements on human rights that have evolved through the United Nations system.

### **Individual rights and democracy**

The modern liberal tradition expressly recognizes the importance of the validity of a government resting on the support of the people. John Locke held that the sovereignty of a nation pertained to the people as a whole, with government formed to provide for their well-being; rights were not granted by government but belonged to the individual by nature. The American Declaration of Independence of 1776 repeated the assumption that rights were naturally derived, with people created equal and "endowed" with certain

rights. In Canada, the political system has inherited many aspects of the British constitutional tradition, with an assumption of the entitlement to individual political and civil rights. These rights are assumed to be natural, inherent rights as they were described in the American Declaration of Independence and the French declaration of the Rights of Man. The demands for self-government that were made in Canada in the 1880s, in the years leading up to confederation, were made in the context of the British constitution and the rights of British subjects. As it is, political and civil rights have long been guaranteed in Canada, and are guaranteed in the Charter of Rights and Freedoms, but economic and social rights are viewed as things to be provided, depending on legal protection, but not rights.

The rights of people, and the recognition of the importance of the individual, are at the core of the democratic state; since these rights are recognized as universal, it is normal to assume that a state that recognizes them for its own citizens would seek to have this recognition expanded beyond its own borders. The morals and values of an international normative order of human rights are those to be found, to a large extent, in the ideology of liberal democracies. The formation of foreign policy in a liberal democracy will thus necessarily include ethical considerations, and involve the active promotion of ideals and standards of conduct.

The recognition of ideals and rights as resting in the individual will be a constant if a state is to pursue democratic ideals as central to its ambitions. Even in societies that are not ostensibly democratic, there is an understanding that some forms of behaviour is "wrong", and which justify opposition and resistance, both within these societies and from

without. The liberty and respect for the individual that is championed by democracies would seem to form a necessary part of the process of foreign policy formation, in recognition that just as we seek to live in a just and equitable society, so we would be obliged to promote this ideal abroad. It follows that once a set of basic values are recognized within a country, the achievement of a comparable recognition in the international order in which the country participates would form a natural part of its national interest.

Perhaps the strongest argument against putting human rights at the centre of the foreign policy framework is one holding that economic self-interest should be the dominant concern in policy formation, that a world order would best be shaped by a recognition of mutual economic interest, and the expansion of trade. One danger, however, explored by Cranford Pratt in a 1992 essay on ethics and Canadian foreign policy, is that powerful states acting in self-interest are likely to use that power in direct, unilateral ways.<sup>9</sup> Even in ostensibly cooperative frameworks, the requirements of the more powerful will be pressed to the detriment of others. The mutual interest approach is limited, and inadequate as a model for social development, since it still leaves out any sense of human solidarity or morality, and does not adequately address problems of injustice or inequality.

The general failure to effectively protect human rights and intervene against abusers implies a danger to the normative order from which the legal order was derived. Actual practice can serve to strengthen or weaken the normative order, and a challenge to that order would be presented in the case of human rights, in the absence of ethics in the

actual behaviour of states. Stanley Hoffmann has argued that the normative order should also "not only ask for, but actually inspire, some practice. Otherwise it withers away."<sup>10</sup>

The danger of human rights recognition, if states were to act on them with genuine enthusiasm, is that it represents a dramatic change in how politics is structured. For example, Stanley Hoffmann has called human rights "subversive", because true acceptance of them would "constitute a program for a politically liberal, economically social-democratic (or welfare-liberal) commonwealth."<sup>11</sup> References to individual rights is also a challenge to those state governments that allude to the primacy of the collective good of their people, especially as it is reflected in the continuation of domestic order.

A transformation in international relations of this scope, which is tremendously unlikely given the opposition by many of the world's states, would require both a real consensus on the values which motivate concern for human rights and a system of enforcement. Such a consensus may be difficult to acquire given the varying political and cultural contexts of different states and societies. The success of a normative order of human rights internationally depends largely on the strengthening and improvement of the vitality of democracy domestically. It would mean a change in the practice of world politics, including the strengthening of international regimes and the collaboration of world societies in the enforcement of human rights standards.

Is such a change in the normative order universally regarded as desirable? Or is it a construct of Western political philosophy, a product of a cultural atmosphere that encourages the importance of the recognition of the rights of the individual while downplaying the collective rights of a society? If democratic ideals are to be expressed in

the arena of foreign policy, these are some of the questions to be addressed.

### **Human rights as a universal concept**

The validity of the claim that human rights have an international commonality has often been challenged, usually by government leaders that have been targeted with criticism of their behaviour. The usual assertion is that human rights are not universal but are culturally determined; what is acceptable in one society is less acceptable in another. The Third World dictator defends a severe rule with the claim that Western critics do not understand that the specific culture of the country accepts or requires it, and perhaps counterattacks with a condemnation of Western decadence and imperialist ambition.

The rebuttal to this is the argument that there are certain rights, inherent in human nature, that are to be respected in all societies regardless of differences in culture or political systems. The assumption that some of the more basic rights - freedom from slavery, torture, arbitrary or extrajudicial imprisonment or execution - are universally recognized in the current international system, has its clearest articulation and affirmation at the level of the United Nations. The Universal Declaration of Human Rights of 1948 was adopted by the UN General Assembly by all the members of the United Nations at that time, with no opposing votes.

Composed of twenty-seven articles, the Declaration concisely and explicitly recognizes the most fundamental rights at the beginning:

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3.

Everyone has the right to life, liberty and the security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Other rights recognized in the Declaration include freedom from arbitrary arrest (art.9), freedom of movement and residence (art.13), freedom of opinion and expression, including freedom "to seek, receive and impart information and ideas through any media and regardless of frontiers" (art.19), freedom of peaceful assembly and association (art.20), and the right to education (art.26).

The Declaration also states that "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." (art.21.3)

Article 28 addresses the need for these rights to be universally recognized:

Everyone is entitled to a national and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

It has been pointed out that the recognition of individual freedoms is not enough for developing nations, that there has to be a correlative recognition of social and economic rights. Socialist countries placed a priority on these collective rights over individual rights, arguing that the state was the provider of protection to the individual, and the collective was the proper focus for the recognition of rights. Third World nations adopted much of this approach, demanding a recognition, for example, of a right to development. Two broad groupings of rights are expressed in the U.N. Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, both of which, unlike the Declaration, have the force of international law.

There is, then, both philosophical recognition of the primacy of human rights, their inherence in human nature, and formal recognition of these rights in the political sphere, both within the tradition of western political writing and in the standards made explicit by the international community represented by the United Nations. Ideally, the state would act within the normative guidelines provided by natural rights, deriving its legitimacy from the support by its people and with recognition of their possession of inherent rights, and the recognition that these rights are acknowledged supranationally, by international law.

In terms of providing guidelines for or against intervention, Richard Falk contends that this "naturalist logic", as he calls it, is unclear because it is based on normative standards that are open to different interpretations, especially by self-serving authorities



seeking to justify their behaviour.<sup>12</sup> In the Third World, with common concerns about escalating conflict and imperialist undertakings, the statist logic with its non-interventionist reasoning still prevails. Globally however, in the formation of policies that reflect human rights concerns, public opinion has gradually come to provide an important supplement to the general guidelines provided by international law, and provides a balance to the state-centred approach. Increased public attention to the rights of the individual contributes to the questioning of the importance of the state over the well-being of its people.

There has also been a clearer articulation of what we mean by human rights, and their relative importance to global society. What does the right to "self-determination" mean, specifically? To what "self" does it refer? Does self-determination mean formal status as a state, or as some other autonomous body? The right to self-determination is less explicit in its requirements than are most other rights, and so is more difficult to assess in terms of adherence.

Although it may be recognized that the U.N. declaration was motivated by western liberal ideals, it has been supplemented by a variety of international covenants and agreements, including those provided within the contexts of the Organization of African Unity, the Organization of American States, the Council of Europe, and within the Arab world. The Universal Declaration of Human Rights has come to have the status of customary international law, and two U.N. covenants, adopted in 1966, became part of international law in 1976 after they were ratified by 35 countries.

One attempt to gauge the compliance of states with their obligations on human rights is the "Humana Index", which provides a numerical rating of nations' performances

based on forty indicators from the U.N. treaties, converted into a percentile.<sup>13</sup> This listing has been used as the base for the United Nations Development Programme's Human Freedom Index. The compiler of the index, Charles Humana, acknowledges that the method he uses is not without criticism (he admits the problems of assessing women's rights in the context of Islamic law, for example), but emphasizes that the index measures the compliance of nations with their accepted obligations under international law.

Whatever the reservations, the index does provide a clear indicator of human rights performance. The world average for the period to the end of 1991 was 62%; individual examples include Canada at 94 and the United States at 90, while Brazil received 69, Indonesia 34, and China a dismal 21 after the 1989 crackdown after the Tiananmen Square demonstrations and massacre. This kind of numerical measurement of human rights observations help bring the precision that Falk perceives as lacking in normative standards by which we try to assess the need for intervention.

### **Conclusions regarding the obligations of the state**

The problems of acting on our ideals have been outlined to some detail, with real difficulties and obstacles made apparent. Too many times, however, these difficulties are presented by an elite in positions of power or prosperity, or within the context of a political or economic system that provides for the protection of privilege, and not on behalf of the benefit of the community as a whole.

Intervention is less a problem than it first appears if we consider that a high level of intervention already exists in support of unequal and repressive systems throughout the world. Restraint of this kind of support, the judicial use of intervention on a bilateral level, and pressure within the international arena for coordinated action are all logical responses to the unacceptable behaviour of repressive regimes. The sovereignty of the state is a more clearly defined concept than is self-determination, but the claim to sovereignty is hollow if it does not encompass self-determination.

Human rights are inherent to individuals, ethics and morality forming a large part of our common humanity; further, these rights are recognized at the international level. For implementation, and the support of a moral normative order in practice however, the state is the essential actor. It is at the state level that concerns of security and sovereignty act so powerfully in opposition to the universalization of human rights observance, the self-interest of the state assuming priority to the rights of individuals in other lands. This does not mean that the two are mutually exclusive, but rather that we need to recognize that values form part of our national interest as democracies, just as they are important to us as individuals. The state is under pressure then to incorporate ethics into policy from both within and without, since these values have been recognized at the international level.

## **Chapter II**

### **Indonesia - the historical and social context**

A review of Indonesian history and the evolution of its current social context is a

starting point for understanding how these might affect the formation of Canadian foreign policy, especially with regard to human rights. The Indonesian economy is an emerging one with few democratic structures. A former colony, its history has been marked by that historical experience and by a cultural context which, in combination with some unique historical and social factors, resulted in a strong emphasis on social cohesion and unity in its economic development and social progress.

The area now comprising Indonesia was colonized by the Netherlands over a period of 350 years. Known as the Netherlands East Indies, this broad territory included (and continues to include) a variety of distinct cultural and linguistic groups of people. By the 1930s, the people in this diverse colony were sufficiently united in their opposition to Dutch rule that a nationalist Indonesian nationalist movement emerged. This movement gained strength following the defeat of the Dutch by Japanese forces in 1942.

Indonesia became a formally independent country on 27 December, 1949, after four years of intermittent conflict and negotiations with the former colonial power, the Netherlands. The charismatic Dr. Sukarno became the first president, following a policy of extreme nationalism. The regime was also characterized by a socialist economic policy and a foreign policy of non-alignment.

Out of this "National Revolution", three major players emerged in Indonesian politics: Sukarno and his supporters, the Indonesian Communist Party - the *Partai Komunis Indonesia* (P.K.I), and the military. These were the general groupings that formed a three-way power relationship in the early years following independence.

The Sukarno government became increasingly dictatorial and corrupt, and in the

fall of 1965 there was a coup attempt on the part of some military officers. Six army generals were killed, and the coup attempt was put down within twenty four hours by General Suharto.

The rebellion signalled the end of what had appeared to be Sukarno's unquestioned authority. Prior to 1965, he had been able to maintain authority by relying on the military, which was provided with a large role in politics and in the economy. Opposing the power of the military was the Indonesian Communist Party, the largest political party in the country. After the coup attempt, this three-way power relationship was broken, with Generals Suharto and Nasution assuming actual control over the government.

This was to mark the beginning of a violent and repressive period in Indonesia's history that has yet to end. Suharto and Nasution were able to use the circumstances to smash the potency of the P.K.I. and establish the unquestionable authority of the army in Indonesia. The P.K.I. was blamed by the army for the coup attempt and for the murders of the six generals, and members were attacked by mobs as a result of the hatred and anger stirred up. This was followed by the mass arrests and executions of thousands of P.K.I. members; often whole families were killed. By November the killings had accelerated, with mass graves being dug and the rivers filling with the victims of the slaughter.

The killings began in Java and soon spread to Bali and Sumatra. Towns and villages known to be centres of P.K.I. activity were completely destroyed, the people slaughtered and the houses burned. Chinese people living in Bali were targeted, as owners of shops were accused of financing the P.K.I.; thousands were killed, and many others fled

the country. Although many people were killed by rampaging groups of extreme nationalist and Muslim youths, the army was primarily responsible for what escalated into a genocide as both Suharto and Nasution called for the destruction of the P.K.I.

The number of people killed will probably never be known. An estimate by the head of the Operation Command for the Restoration of Order and Security (*Kopkamtib*), a security agency formed during the killings to seek out communists and sympathizers, put it at 500,000, but a 1966 study by the University of Indonesia placed the figure at one million. More than 750,000 people were arrested and imprisoned without trial; many were to spend years in prison.<sup>14</sup>

General Suharto acquired emergency executive powers in March, 1966. Full power was transferred from Sukarno to Suharto in February, 1967 with Suharto named acting President a month later. The gradual assumption of formal control was completed in March, 1968, when Suharto was inaugurated as President and head of the "New Order" government. He has retained the Presidency ever since.

Indonesia under Suharto has been a state characterized by repression and human rights abuse. Press censorship, political imprisonment, torture and the vigorous suppression of dissent have been permanent features of this regime in which social and political conformity are required. The army, which had never been an apolitical organization in the history of independent Indonesia, remains the dominant group in both political and economic areas. The mandate given to *Kopkamtib* to hunt for P.K.I. supporters was expanded, and the agency became the main government instrument in dealing with dissent and maintaining political control.

Following the coup, the military was the only effective political force in the country. It moved to consolidate its power by creating a supportive bureaucracy, a legislative political structure subservient to the executive, a powerful presidential office, a weakened and ineffective party system, and through tight control of the media. The military itself was structured to deal with challenges from within the country, taking as its main role the suppression of dissent and subversion. Military detachments operated throughout the country, and especially in areas in which there were latent independence movements, like Aceh and other areas remote from Jakarta.

The period following the 1965 coup set the pattern for ideological control that was to feed into how the political system was to operate, and how the military was to maintain its power. The military and political leaders sought to maintain their authority through a broad and pervasive suppression of dissent or challenge to the *status quo*, referring repeatedly to the dangers of allowing "communists" or other subversives a voice.

Even thirty years after the New Order government was established, the old dangers were still being brought forward as justification for the continuing suppression of opposition. In 1993, Suharto spoke of the dangers represented by pro-democracy demonstrators:

They are asking for more freedom to serve their interests and are willing to sacrifice the larger interests. That is against *Pancasila*... This is a warning for us to beware of the P.K.I.... The name is different but it is the same movement. We have to stay alert."<sup>15</sup>

The repression within Indonesia has been matched by the brutality of the Indonesian occupations of West Papua and East Timor. Control of West Papua was given, by the United Nations, to Indonesia in 1963, with formal annexation completed in 1969. Since then, the occupation has cost some 300,000 lives and had a devastating effect on the indigenous society and culture.

The Indonesian military occupied East Timor following the withdrawal of the Portuguese in 1975, with the result that more than one quarter of the 690,000 population have since been killed. In both East Timor and West Papua, the conflict with the indigenous inhabitants continues, with the Indonesian authorities displaying little tolerance for dissent or opposition.

Following the invasion of East Timor, the United Nations voted for self-determination and the withdrawal of Indonesian forces. The issue has been brought up annually since the invasion, and the Canadian government position at first was to abstain from the resolution. In 1980, this was changed to a vote against, despite continuing reports of the violence associated with the Indonesian military's consolidation of the occupation.

### **State philosophy and structure in Indonesia**

The New Order government has consistently argued that support for a strong, centralized government is a necessary component for economic growth and social stability. The design and enforcement of a guiding state philosophy accompanies a



structural design of government that effectively closes out the possibility of a major shift in state management. Mistrust of political contestation has resulted in a political environment in which there is little in the form of political dissent or organized opposition to the ruling party, *Golongan Karya*, or "Golkar".

The guidelines for political process, supposedly contained within the "*Demokrasi Pancasila*" that is derived from the *Pancasila* national ideology, have been kept vague. The government has been urged by critics to make the basic guidelines public, as part of a desire to make the government more accountable, but they remain unclear concepts.

### **Government structure**

The Indonesian House of Representatives (DPR), with 500 members, meets at least once a year to ratify presidential bills and the budget proposal. It can also propose bills of its own, but its power is not above that of the president. The House of Representatives forms part of the People's Consultative Assembly (MPR), which meets at least once every five years to elect the president and to draw the basic guidelines of state policy. One hundred members (20 percent) of the DPR are appointed by the president. The 500 members of the MPR which are not part of the DPR are appointees also, with regional representation, members of the military, and delegates from organizations according to their proportional representation in the House.

Opponents of the Suharto regime and its methods of consolidation of power are

concerned with the large role of the military in governmental affairs, especially since a percentage of government seats are reserved for military representatives.

### **Indonesian government perspectives on human rights**

In Indonesia, the recognition of rights is not clearly articulated in the country's constitution, but expressed more in the statement of national ideology called "*Pancasila*". This is the name given to the five principles put forward by Sukarno in 1945, and later considered Indonesia's state ideology. *Pancasila* provided the philosophical foundation of the state, at the end of the Second World War, as the country prepared for independence. Sukarno's proposal of *Pancasila* principles, accepted by Muslim and secular nationalists alike, afforded the moral basis for political authority. It combined elements of socialist thought and European liberalism and aspects of Islamic modernism with traditional views of community, grounded in assumptions of political order. Although in many respects *Pancasila* is quite vague, it did embody the aspirations of a nationalism that emerged from a bitter colonial past.

The five principles are: belief in one deity, just and civilised humanity, unity of Indonesia, "people-ness" led by wisdom in representative consultations, and social justice for the entire people of Indonesia.

The principles as they are outlined are generalized and broad reflecting a desire for national unity as Indonesia emerged from colonial rule, and a period of occupation by the

Japanese. To a good extent, they reflect some aspects of Western democratic philosophy, especially with regard to political representation.

Over the years, the government has continued to justify its tight hold on power by pointing to the economic growth that has been achieved. Indonesia is a middle-income country,<sup>16</sup> now self-sufficient in rice, and with a growing manufacturing sector that has reduced its dependence on the export of oil.

Critics argue that the economic growth has benefited urban and modern sectors at the expense of the rural and traditional. Disputes over land and wages have emerged despite the ongoing suppression of independent unions. The prevalence of monopoly and nepotism has kept the economy from operating efficiently, and the widespread corruption is a problem in many ways, including effective use of resources.

The government of Indonesia has repeatedly affirmed its support for human rights, for the Universal Declaration on Human Rights, and for the United Nations system and its regulatory agencies that deal with the protection of human rights. It has also demanded that social and economic rights be given a larger role in the United Nations' human rights evaluation processes, largely as a result of the criticism of the government that has been the result of its record on political and civil rights.

In its public statements on human rights, representatives of the Indonesian government have argued that although there is a universality in human rights, the context for these rights should be recognized. They argue that for Indonesia, as a developing country, economic and social rights have had an emphasis not readily recognized by the West and its emphasis on individual rights. Similarly, they argue for the relative

importance of society or community, and for appreciation of cultural identity.

A letter from the Director of Information for Indonesian Department of Foreign Affairs to Amnesty International, October 1994, and transmitted to the UN High Commissioner for Human Rights in November 1994 from the UN representative of the government of Indonesia, included these comments on human rights:

We recognize the universal validity of human rights and fundamental freedoms. Adhering to the provisions of the United Nations Charter we hold that the promotion and protection of human rights should proceed within the context of international cooperation and not according to the dictates or particular perceptions of any single country or group of countries. Cooperation implies respect for sovereignty and for the values and cultural identity of other nations. There should be a better appreciation of and sensitivity to the fact that in a developing country a proper balance must be struck between the rights of individuals and the rights of the community, the society and the nation as a whole.

We also believe that the most basic of human rights, freedom from want, from hunger, from ignorance, from disease and from backwardness, should be given as much weight as the political and civil rights of individuals. It is the enjoyment of these economic and social rights that will ensure also the enjoyment of political and civil rights.<sup>17</sup>

In responding to three Amnesty International reports published in 1994, this letter challenges the validity of claims of human rights abuse. It charges that Amnesty International was waging a "political campaign", having "abandoned the objective of promoting and protecting human rights and adopted a political agenda as well as a political objective."

"For if Amnesty International were really interested in promoting human rights, it should not begrudge Indonesia the recognition given it... for its efforts to improve the human rights situation in East Timor as well as throughout the country", the letter argues. Amnesty International "should not, in its evaluation of the human rights situation in

Indonesia, studiously ignore the enhanced social and economic rights that the Indonesian people, including the people of East Timor, Aceh, and Irian Jaya, are now enjoying."<sup>18</sup>

In reaction to the international criticism of its human rights record, Presidential Decree Number 50 established the national human rights institution *Komisi Nasional Hak Asasi Manusia (Komnas HAM, or Komnas)* in 1993. Article 4 of the decree defines the human rights references for the Commission, by referring to the need to develop "conditions conducive to the implementation of human rights in accordance with the 1945 Constitution, *Pancasila*, the U.N. Charter and the Universal Declaration of Human Rights".

The importance of the universality of human rights was reaffirmed by the Vice-Chairperson of *Komnas*, Miriam Budiardjo, in a 1997 paper called "Human Rights and Their Implications for Indonesia":

Human rights are considered as intrinsic rights inherent in every human being or as part of every person's nature as a human being.<sup>19</sup>

Budiardjo then argued that the poverty of Indonesia, as in other Third World countries, necessitates differences in the implementation of these rights. The struggle to overcome poverty requires an emphasis on economic development. This, combined with a desire for modernization, meant that there is a need for a strong state structure, especially in village-based societies. She argues that small communities are not able to protect their inhabitants adequately in the modern world, and so the need for "a new polity which is greater and more authoritative, that is, the state".<sup>20</sup>

As nations industrialize, she argues, there is an increased pressure toward

democratization, both as a centralized economic system becomes outdated and an obstacle, and as an educated middle class emerges that requires a system of representation. The problem, as she sees it, is how to retain traditional cultural aspects of the society, and a national identity, in a modern world, and prevent tendencies toward authoritarianism from thriving in the process. That is, the "primary problem then is to bring those traditional values still viewed as relevant in line with international standards regarding human rights".<sup>21</sup>

There has been some success in doing so, she states, pointing to documents like the Bangkok Declaration of 1993, which was prepared just before the U.N. Conference on Human Rights in Vienna. This declaration "was successful in clearly formulating non-Western conceptions (of human rights)". She continues her discussion of a non-Western approach to rights by arguing that the "nations of the West do not fully realize that bringing welfare to societies lagging behind in several fields, such as their social and economic development, requires time and extraordinary effort."<sup>22</sup> It is with this in mind that the Bangkok Declaration states that equal consideration should be given political and social rights, when a country is evaluated.

Most documents on human rights that have been prepared in Africa or Asia, she continues, emphasize the obligation to community interests, either society or family, as a balance to the recognition of individual rights. This takes place in the historical context of a shared colonial history for most Third World nations, and the "inheritance" of poverty as a result of their experience as colonies. Budiardjo argues that countries like Indonesia, which had to fight for independence, were left with an even larger burden of

underdevelopment; now, the effort to bring social and economic improvement to their people has to take priority over other concerns.

Through its participation at the United Nations, and involvement in the process that brought forward the Vienna Declaration of 1993, Budiardjo states that Indonesia is bound to the concept of the universality of human rights. She also recognizes that the U.N. is making progress in acknowledging the concerns of Third World countries, as it did through the recognition of the right to development.

The Indonesian government, in the period before the 1993 World Conference on Human Rights in Vienna, worked with China, Malaysia and Singapore in pushing an "Asian concept of human rights". Budiardjo's arguments thus generally reflect the position of the government of Indonesia on human rights. This would not be surprising if one accepts the criticism of *Komnas* that, since its inception, it was believed by some that it "would be little more than a puppet in the hands of its creator", President Suharto. This concern for the independence of the organization was put forward by the South Asia Human Rights Documentation Center (SAHRDC), New Delhi, India, in its 1998 review of the national human rights institutions in the Asia Pacific region.<sup>23</sup>

The SAHRDC report states that there is an ambivalence with which *Komnas* is regarded. There are concerns that all 25 Commission members were appointed by Suharto, under the chairmanship of Ali Said, a former military judge regarded as a Suharto loyalist. The decree establishing *Komnas* was issued one week before the Vienna conference, raising suspicions that this was going to be no more than a brief public relations exercise. On the other hand, the report continues, the Commission has gone

farther than expected in bringing human rights abuse to light. Although *Komnas* has no power to act other than through public pressure, it has given human rights a legitimacy it did not otherwise have.

In fact, Budiardjo admits that there are serious problems of human rights abuse in Indonesia. She states that:

Our violations are far more fundamental, that is, they are violations of non-derogatory rights or rights which absolutely cannot be violated, a.o., the right to life and the right to fair trial as well as freedom from torture, freedom from arbitrary arrest and freedom from involuntary disappearance.<sup>24</sup>

In recognition that more work needs to be done in protecting human rights, *Komnas* is pressuring the government to ratify more international human rights conventions (it has ratified 9 out of 25).

### **The human rights situation in Indonesia**

In its 1994 report on human rights in Indonesia, Amnesty International described the "chilling" record of the government:

Indonesia's New Order Government has been responsible for human rights violations on a staggering scale since a military coup brought it to power in 1965. Hundreds of thousands of civilians have been killed, their mutilated corpses sometimes left in public places to rot; prisoners, both political and criminal, have been routinely tortured and ill-treated, some so severely that they died or suffered permanent injury; thousands of people have been imprisoned following show trials for their peaceful political or religious



views; scores of prisoners have been shot by firing-squad, some after more than two decades on death row.

...The violations are not isolated occurrences, not are they the work of a handful of poorly disciplined soldiers, as the government has sometimes claimed. They are the product of a network of institutions, standard operating procedures and ideological assumptions which underpin the government's response to expressions of dissent or signs of disorder.<sup>25</sup>

This Amnesty International report places the blame for the pattern of human rights abuse in Indonesia directly on the Suharto government:

Systematic human rights abuse is inextricably linked to the structure of political power in Indonesia and specifically to the New Order's military traditions, political institutions and ideological orientation. From the perspective of human rights, the key features of the administration are the considerable political power of the military, the concentration of executive power in the hands of the President and his immediate circle, and the enforcement of a strict ideological conformity.<sup>26</sup>

There are several aspects of abuse of human rights which will be considered here. Most of these rights are universally recognized, as is discussed elsewhere in this paper, by United Nations conventions and the Universal Declaration of Human Rights. Abuses include political killings, arrests and torture. They also include restrictions on freedom of assembly and of movement, freedom of expression, freedom of the press, freedom of religion and of cultural expression, labour rights including the right to form a union, the right to protection under the law, and the right to political representation and self-determination.

There is a long history of political killings and arrests in Indonesia.

Between 500,000 and one million people were killed following the 1965 coup. In East Timor, 200,000 people were killed or died of starvation or disease after the invasion

by Indonesian forces in 1975. 2,000 civilians were killed during counter-insurgency operations in Aceh between 1989 and 1993, and hundreds of people have been extrajudicially executed in Irian Jaya (formerly called West Papua). Soldiers have fired on groups of protesters in other areas of Indonesia over the years, including the capital city Jakarta, causing hundreds of deaths.

Amnesty International has differentiated three "types" of extra-judicial killing in Indonesia:

First, there are deliberate secret killings of political prisoners in custody, sometimes after they have "disappeared". Second, there are killings which result from the deliberate use of excessive force in dealing with crowds or religious communities. Third, there are targeted "mysterious killings" by unidentified government death squads.<sup>27</sup>

Amnesty International has also pointed out the similarity in techniques used in extra-judicial killings, which it says suggests that "unlawful killing is a central aspect of government policy".<sup>28</sup>

Arbitrary arrest and detention became a standard method of suppressing political dissent since 1965, when more than a million people were detained for involvement with the Communist Party of Indonesia (PKI). Hundreds of thousands were held, some for many years, without charge or a formal trial. Arbitrary detention has been most commonly used in areas where there is some rebel activity, like Aceh, Irian Jaya and East Timor, but peaceful protesters, including labour activists, human rights workers, students and farmers, have also been targeted.

More than 3000 people have been tried and sentenced to long prison terms or death for political crimes. These include about 1000 accused of PKI membership or

involvement in the 1965 coup, 500 Muslim activists and scholars, and hundreds of independence activists from East Timor, Aceh, and Irian Jaya.

Under Indonesia's Anti-Subversion Law, judicial safeguards contained in the Code of Criminal Procedure can be suspended.

The use of torture is prohibited in Indonesia by the Criminal Code, the Code of Criminal Procedure, and by ministerial regulations. According to Amnesty International, however, it is commonplace, often resulting in death or serious injury:

Whether the victims are political or criminal suspects, there appears to be a standard set of methods of torture and ill-treatment. While this does not prove that torture is overt government policy, it does indicate that the practice of torture has become institutionalized within the security forces.<sup>29</sup>

A military manual issued in the mid-1980s instructed soldiers that the use of torture was to be used only when a person examined was telling the truth "with difficulty", that the local people should not see the interrogation, and that photographs or other records should not be made.<sup>30</sup>

Freedom of assembly and freedom of expression are both heavily restricted.

During the 1970s, student groups emerged as a voice of opposition to the New Order government. Students had played a role following the overthrow of Sukarno, and the destruction of the P.K.I., but began protesting against the Suharto government by demonstrating in 1974, 1978 and 1979. The government responded by jailing student

leaders and passed legislation limiting the role of student organizations in politics. This successfully quelled student activity throughout the 1980s.

Protests have been organized around the forced eviction of farmers and others from land targeted for real estate or development projects. Leaders have faced intimidation, detention and imprisonment.

Article 510 of the Criminal Code provides that police permission is necessary for gatherings of five or more people. This article is commonly used to break up meetings and peaceful demonstrations.

Government restriction of the freedom of the press is well established. Although the Press Law of 1966 provided that "no censorship or bridling shall be applied to the National Press", "publications conflicting with *Pancasila*, such as those inspired by Communism/Marxism-Leninism are forbidden".

The 1982 update of this law required that the press be generally "responsible". All press publications need a license to publish, and another law two years later stipulated that the Minister of Information could revoke the licence of any publication that, in his opinion, was not "responsible".

Each year, the government bans dozens of books that are evaluated as containing criticism of the government or *Pancasila*, or elements of Marxist thought, or that might cause public disorder. Ministry of Information officials warn journalists who are going beyond what is considered permissible, selective legal action has been taken against a few, and some journalists and editors have been detained and imprisoned. Some publication

licences have been revoked, and foreign journalists have been denied entry visas. All of these actions serve to encourage a climate of self-censorship.

In the period immediately following the 1965 coup, 46 out of a total of 163 newspapers were banned. 12 publications were banned in 1974 and 14 more in 1978, among others in other years. Under the New Order government, dozens of publications have shut down either temporarily or permanently after having their licences withdrawn.

The daily newspaper *Sinar Harapan* was closed in 1986 because of articles it published about import-export regulations. *Prioritas*, another newspaper, was closed in 1987 for economic reports the government regarded as sensitive information. In mid-1994 the magazine *Tempo* was arbitrarily shut down, along with two other weeklies. Reports of atrocities in East Timor and elsewhere are muzzled by the government, as are reports of corruption and misuse of funds in the government and in the banking industry.

The government also provides "guidance" to the press on how to report particular issues. Editors receive telephone calls from Ministry of Information officials, or on occasion from the military, with advice on how some stories should be covered. Periodically, editors are called to the Ministry of Information for briefing sessions on a variety of topics, from poverty and environmental issues to military activities or insurgency in Aceh, Irian Jaya, and East Timor. Foreign publications that carry stories critical of the Indonesian government have been held back from distribution, or been delayed in their distribution.

With shifts in the political climate, some reporting that might be acceptable for a period of time might be unacceptable in another. This unpredictability also encourages a

degree of self-censorship, for fear of provoking sanctions by the authorities if editors misjudge what is acceptable. Sanctions might range from pressure to discipline a reporter, by blocking promotions or pay increases or by transferring them to other responsibilities, to the ban of the publication and possibly the imprisonment of the editor, in extreme cases.

Restrictions on freedom of religion are clearly laid out. Five religions are permitted: Islam, Buddhism, Hinduism, Catholicism and Protestantism. Hundreds of religious groups and sect have been disbanded by the government over the years, and members of some groups arrested on charges of subversion and involvement in illegal organizations.

Muslim organizations have been targets of security forces since the mid-1970s, with arrests of hundreds of activists and others arrested and crackdowns on lawful organizations. People detained have included preachers, pamphleteers, Mosque officials and scholars. Throughout the 1980s, people continued to be arrested on charges of attempting to set up an Islamic state, and undermining *Pancasila*.

While there is freedom of movement for most people, the government has for many years maintained a "blacklist" of people who are not permitted to leave the country. Under its 1992 Immigration Law, the government formalized the process by which people were blacklisted, and reduced the number by 15,000 to about 2,000. This did not affect the thousands of former PKI prisoners who have been barred from leaving Indonesia since the 1965 coup. Hundreds of Indonesian and foreign nationals are also barred from

entering Indonesia on the basis of their political activity.

In Indonesia, the right to protection under the law is not provided because the judiciary is not independent, implementation of the law can be arbitrary, some laws and regulations are repressive, and violators of human rights have been able to avoid being brought to justice.

The military authority extends into the judicial system, especially in political cases, because it is regarded as an unquestioned authority, and judges will not make judgements which embarrass the military or the government. Judges and court officials also depend on the executive branch for their salaries and promotions.

Political opponents and dissidents have been imprisoned, and have even been killed, under laws restricting opposition to the government. Much of this legislation takes the form of presidential or ministerial decrees, directives and decisions that relate to national security. Hundreds of thousands of people have been imprisoned since the mid-1960s under the Anti-Subversion Law, originally a presidential decree. Under this law, anyone can be prosecuted if their words or deeds can be viewed as disruptive of public order, or critical of the government or its policies or institutions, or of *Pancasila*. Under this law, rights of the detained do not apply as they would with other violations, and penalties are harsher than with other political crimes, and include the death penalty. Standards of evidence are not as rigorous in getting a conviction as with other crimes, and pre-trial detention can be for a period one year, which is renewable. Normally, pre-trial detention is limited to sixty days. In political cases, arrests and investigations can be

carried out by the military, not just by the police. The Anti-Subversion Law also provides for expanded powers of search and seizure, and restricted access to legal advice, medical assistance or visits by relatives.

The Anti-Subversion Law is accompanied by "Hate-sowing Articles" (*Haatzaai Artkelen*) of the Criminal Code, part of the colonial legacy which was then used against political opponents. Article 154, for example, provides that "the public expression of feelings of hostility, hatred, or contempt toward the government" is punishable by imprisonment for up to seven years. Article 207 provides for up to 18 months imprisonment for "insulting a government authority or body", and Article 134 allows for six years' imprisonment for "insulting the President".

The use of torture to extract information is forbidden, but it is still possible to use testimony improperly obtained. Complaints about improperly obtained evidence are usually dismissed, or the complainant sometimes threatened with a charge of perjury by the presiding judge. Judges are reluctant to rule against police or the military in cases where torture was used.

Trials of people charged with political offences, including advocates for independence for East Timor, Aceh or Irian Jaya, Islamic activists, former P.K.I. members, and student, farmer or labour activists fail to meet international standards of fairness, according to Amnesty International.<sup>31</sup> These people have been imprisoned on charges of possessing banned novels, participating in protests or flag-raising ceremonies, criticising *Pancasila*, or advocating closer ties among Muslims. (Flag raising is a form of protest used, for example, in Irian Jaya, where the Morning Star flag was adapted as the



national flag in the period before the arrival of the Indonesians. It was subsequently banned.)

In these trials, guilt is assumed. Access to legal counsel of their choice is routinely denied defendants, who are assigned court-appointed lawyers who may be inexperienced or otherwise provide an inadequate defence. Trials are conducted in Indonesian, and translation is not always provided. Cross-examination of prosecution witnesses is frequently denied, and witnesses for the defence are often not permitted to testify. Evidence of ill-treatment or torture is routinely ignored by the courts.

In practice, members of the security forces have immunity from punishment from wrongdoing, and procedures for redress for human rights abuse are ineffective. Investigations into complaints of human rights abuse that are followed up on are almost always carried out by security forces, usually the same unit that is believed to be responsible for the alleged offence. More often, complaints of abuse by security forces are responded to with a flat denial, which preempts any investigation. In the case of charges of human rights abuse involving the military, it is military officers who decide whether or not a case can proceed, and charges are heard in a military court. These proceedings are closed to the public, and any verdict that might be found is not made public.

Workers are not free to establish their own labour unions. The Indonesian Workers' Association (SPSI), which is government sponsored, is the only labour union allowed by the government. There are heavy restrictions on the right to strike or to form unions. Leaders of independent unions have faced intimidation and imprisonment, torture

and killings.

Prior to 1965, somewhere between 20 percent and 40 percent of the workforce was unionized. The most powerful union centre, SOBSI, was allied with the PKI, and so most of its leaders were killed or jailed in the coup in the fall of 1965. The next year it was banned. The 3.5 million members were denied the certificate of non-involvement in the coup that was necessary for them to find employment.

As to cultural expression, in Irian Jaya attempts to assimilate the tribal peoples, who are very diverse linguistically and culturally, have been attempted since the Indonesian occupation in the early 1960s with little success. In 1984, this strategy changed to one of relocation so as to have more effective control, with 125,000 Papuan families moved into "translocation settlements", which are strategic hamlets under military control.

The principle of representative government is recognized both in *Pancasila* and in the 1945 constitution. One problem with the way in which this is operationalized is the requirement that 20 percent of the house of representatives, the DPR, and 60 percent of the consultative assembly, the MPR, be appointed by the president. The executive branch of the government also dominates the rules concerning the electoral process, especially the discrimination against political parties opposed to the Golkar (*Golongan Karya*), the government party. In these ways, the continued domination by the New Order government, established with the rise to power of Suharto, has been guaranteed regardless of public consent.

Similarly, the number of military representatives in the legislative bodies is guaranteed. There is no limit on the number of terms of office a president may hold. And the guidelines of "*Demokrasi Pancasila*", derived from the national ideology of *Pancasila*, have not been clarified and made public; only the vague guidelines provided by the concept of *Pancasila* are available.

Since 1973, only three political parties have been allowed to operate: the government-backed Golkar party, the Indonesian Democratic Party, and the United Development Party. Political party activity is illegal except just prior to national elections, when activities are closely watched, and proposed candidates are screened by the authorities.

In some areas of the country, violent disputes have emerged out of a sense of being deprived of the right to political self determination. In late 1976, an armed resistance group called *Aceh Merdeka* declared the area of Aceh, on the northern tip of the island of Sumatra, an independent country. Support for independence among the 3.4 million people living in the area has increased over the years because of resentment over the unequal benefits from industrial development there, and the perception that local customs and religion are not respected by the central government or by immigrants brought to the area by the economic development.

Indonesia assumed authority over Irian Jaya, the western half of the island of New Guinea, in 1963, and an independence movement has gained popular support there also. This is in part inspired by the Indonesian government's policy of "transmigration", bring settlers in to the area from the more crowded parts of the country, like the island of Java.

The indigenous Melanesian people of Irian Jaya regard themselves as culturally and racially distinct from other Indonesians, and are concerned about a perceived desire on the part of the government to assimilate them in terms of culture and language. Traditional rights, especially with regard to land use and ownership, are threatened by a push for resource extraction, which has also stimulated support for independence.

### **Chapter III**

#### **1975-1977: The Invasion of East Timor**

On the morning of December 8, 1975, a message from Alarico Fernandez, the Information Minister of East Timor, went out on the Red Cross radio in Dili hospital:

Indonesian forces have been landed in Dili by sea...They have been flying over Dili dropping paratroopers...A lot of people have been killed indiscriminately...We are going to be killed...We call for your help.<sup>32</sup>

Indonesian forces had begun the invasion of the newly independent nation of East Timor, beginning with a bombardment of the capital, Dili, and the dropping of elite *Kopassandha* paratroopers in the wharf area. The attack was brutal, with Indonesian soldiers systematically killing people throughout the city as they advanced. There are many accounts of whole families being executed and groups of people machine-gunned. Fretilin supporters and the Chinese population were particularly under attack; five hundred Chinese were killed the first day. Mgr. Costa Lopez, the former bishop of Dili, recalled

the scene: "The soldiers who landed started killing everyone they could find. There were many dead bodies in the streets - all we could see were the soldiers killing, killing, killing".<sup>33</sup>

## **Background**

East Timor is a small island nation that has been subject to occupation and oppression for most of its modern history. Regarded as a backwater colony by the Portuguese, who consolidated their hold on the eastern half of the island in the mid-eighteenth century, it remained a poor, undeveloped source of sandalwood. During the Second World War, the Japanese invaded, fighting Dutch and Australian soldiers for two years until they obtained control of the island. For the Timorese, who had provided crucial assistance to the Allies, the price was high: about 60,000 were killed, their towns and villages destroyed.

With the defeat of the Japanese, the Portuguese returned, reasserting their harsh authority and rebuilding their colony with forced labour. The government in Lisbon had no interest in the well-being or development of those it had subjugated, and in East Timor it was as if time were standing still with the Portuguese administrators and plantation owners once again living well while the Timorese struggled in subsistence and poverty.

Things began to change in East Timor with the overthrow of the Caetano regime in Portugal on April 25, 1974. It appeared that the long-awaited independence from colonial rule was finally going to arrive, and there was a surge of activity as Timorese

began to organize politically.

The first party to establish itself was the Timorese Democratic Union (UDT), headed by members of the established administrative elite and plantation landowners. It also drew on support in some areas from local *liurais*, leaders in the kinship system.

The next group to organize, in May, was the Timorese Social Democratic Association (ASDT), which was headed by urban administrators and teachers. The leader of the party was Francisco Xavier do Amaral, a middle-level government official. The ASDT was different from the UDT in that while both called for political independence, the ASDT added socialist concerns, calling for economic and social reform, literacy and health programs, and an active popular participation in government. The ASDT was soon competing with the UDT for broad popular support.

Indonesia also began to expand its activities in East Timor. It had been watching East Timor since the 1960's, when the Indonesian intelligence service, BAKIN, had set up an information network and later trained Timorese radio broadcasters and translators. At this time Indonesia supported the creation of a new party, called the Association for the Integration of Timor into Indonesia, later called the Timorese Popular Democratic Association (*Apodeti*).

This third political party, *Apodeti*, called for "an autonomous integration into Indonesia" and "the teaching of the Indonesian language as a compulsory subject".<sup>34</sup> The aim of the Indonesians was to orchestrate the peaceful occupation of East Timor, if possible, after the Portuguese withdrew. *Apodeti* was not able to attract substantial public support, which was largely divided between the UDT and the ASDT.

There were some other parties - the *Klibur Oan Timur Aswain* (KOTA), the *Partido Trabalhista* (Labour Party), and the *Associacao Democratica Integracao Timor-Lests Australia* (ADLITA) - but none of these had more than a few members, and in the pre-independence campaign they remained marginal.

The ASDT's steady growth in popularity pushed it ahead of the UDT, and a concerned Indonesia began to scout out the attitude in the international community with regard to East Timor, assessing the probable reactions if Indonesia were to affect annexation. The Australian prime minister, Gough Whitlam, was straightforward: "An independent East Timor would be an unviable state, and a potential threat to the area".<sup>35</sup>

The Indonesian intelligence service, BAKIN, began to prepare for the annexation of East Timor, beginning with a plan called *Operasai Komodo* - Operation Giant Lizard. By mid-1974 the Indonesian government was building support for annexation, at home with government officials and internationally through its diplomats. A propaganda campaign was organized, through the Indonesian news agency *Antara*, and support for *Apodeti* was increased. Indonesian Foreign Minister Adam Malik stated that an independent East Timor was "not realistic", and that the only option with the withdrawal of the Portuguese was union with Indonesia.<sup>36</sup>

In September, the ASDT changed its name to the *Frente Revolucionara do Timor Leste Independente* (*Fretilin*), and restated that its primary aims were political independence and social progress, particularly in health and education. The party continued to gather support throughout the countryside, and by the end of the year was apparently the most popular political organization by a substantial margin. The political

situation at the beginning of 1975 was summed up in a 1976 UN paper reviewing events in East Timor:

UDT has been regarded by some observers of the Timor political scene as originally the strongest and most influential of the Timorese political parties. However, in the view of these observers its lack of positive policies, its associations with the "*ancien regime*", together with its initial reluctance to support the ultimate goal of full independence led many of the party's original followers to swing their support to *Fretilin* which by early 1975 was generally considered to have become the largest party in the territory.<sup>37</sup>

As *Fretilin* gained popularity and influence, the Indonesian government began to move to prevent the formation of an independent nation of East Timor. In early 1975 Indonesia accelerated its propaganda campaign, issuing press reports claiming *Fretilin* brutality, and broadcasting anti-*Fretilin* radio messages both in Indonesia and to East Timor. It built up its military strength along the border with East Timor, and started improving the main road to the border area.

The pressure of the Indonesian government for integration was a serious concern to both the UDT and *Fretilin*, and in January, 1975 the two parties formed a coalition calling for a gradual decolonization process and eventual independence, and stated their desire for good relations with Indonesia. The shared anxiety with regard to Indonesia was not enough to hold the alliance together however, and six months later the UDT left the



coalition, declaring that it was necessary for Timorese "realists" to "follow the Indonesian political line" if they wanted eventual independence.<sup>38</sup> The UDT leaders then began to make frequent visits to Indonesia, meeting with government officials in July and early August.

On August 11, the UDT launched a coup, taking control of Dili and Baucau with the support of the police. The Portuguese were both unwilling and unable to intervene, the governor withdrawing to the island of Atauro along with the Portuguese military and civil personnel. Timorese soldiers began deserting the Portuguese army, the majority bringing their weapons and equipment and joining *Fretilin*. The army headquarters and munitions depot in Dili were then captured by *Fretilin*, and the UDT began to lose control of the urban centres. By the end of September *Fretilin* was in control of East Timor.

The civil war cost 2,000 to 3,000 people their lives, and thousands of others fled across the border into Indonesian Timor.<sup>39</sup> The Portuguese remained on Atauro and *Fretilin* was left in *de facto* control of East Timor. In Indonesian Timor, UDT leaders formed a coalition with KOTA and the Partido Trabalhista, calling for the integration of East Timor into Indonesia, a position that was opposed by those UDT members that remained in East Timor.

The aim of a gradual process of decolonization was effectively ended. Portuguese efforts to have the three parties - *Fretilin*, UDT, and *Apodeti* - meet failed, because *Fretilin* was reluctant to meet with the other two, and because the UDT and *Apodeti* no longer recognized Portugal as the administering power. There was also a problem of 23 Portuguese soldiers that had been captured by the UDT and were still being held. The

three parties finally agreed in principle to a meeting to be in late November, but this final effort failed because of UDT and *Apodeti* complaints about the location and date.

Outsiders who visited East Timor during this period reported that order had been restored, and that the *Fretilin* administration was supported by the majority of the Timorese people. Ken Fry, a member of the Australian Parliament who went to East Timor in September, told the United Nations Security Council that "we found the *Fretilin* administration to be responsible and moderate and it obviously enjoyed strong support from the East Timorese people".<sup>40</sup> James S. Dunn, the former Australian Consul-General in Dili, was a frequent visitor to the island. He described the "warmth and support" of *Fretilin* by the people he saw during a visit in October.<sup>41</sup>

Aware of the dangerous attitude of the Indonesian government, *Fretilin* tried to adopt a careful approach. It stopped calling for immediate independence, and repeatedly asked for the return of the Portuguese administration and the reinstatement of a gradual decolonization process. Efforts of communication between the *Fretilin* leaders and the Portuguese governor on Atauro failed, however, at least partly because of mutual personal distrust resulting from the Portuguese hasty retreat during the UDT coup attempt, and the governor did not return to Dili. Invitations to foreign governments to send observers were all refused with the excuse that Portugal was still legally the administering power. *Fretilin's* efforts to take a cautious diplomatic approach failed; Portugal and the rest of the international community abandoned East Timor, leaving the small country to deal with a hard-line Indonesian government determined to annex it.

In September, as the civil war ended, small groups of Indonesian troops and

guerilla units, supported by aircraft and naval gun ships, were sent into the border areas of East Timor, attacking villages and *Fretilin* forces and then withdrawing. The Indonesian government press agency portrayed these attacks as conflicts between *Fretilin* and the pro-Indonesian *Apodeti* and UDT, and Indonesian Foreign Minister Adam Malik stated that his country was growing impatient with *Fretilin* aggression. A CIA report on the situation indicates that western governments knew exactly what the Indonesian Campaign was about:

Jakarta is now sending guerilla units into the Portuguese half of the island in order to engage *Fretilin* forces, encourage pro-Indonesian elements, and provoke incidents that would provide the Indonesians with an excuse to invade should they decide to do so.<sup>42</sup>

In the weeks following, the Indonesians tried to take villages inside the border for use as small bases for further attacks. Warships were placed in position around East Timor, effectively blockading the island as the Indonesian government declared its intention of preventing any "foreign intervention".<sup>43</sup> On October 16, Indonesian soldiers occupied the town of Balibo; in November, they attacked the town of Atabe, about 15 kilometres from the border, assisted by naval and aerial bombardment of the town. *Fretilin* was unsuccessful in asking the UN Security Council to call for the withdrawal of Indonesian troops, and after two weeks of fighting the town fell to the Indonesians.

*Fretilin* declared the People's Democratic Republic of East Timor to be an independent nation on November 28. Ten days later, on December 7, Indonesia launched its full-scale invasion of East Timor. Commanded by General Murdani, soldiers attacked the capital, Dili, before pushing into other areas, killing and looting as they went. There

are several accounts of the atrocities committed by the Indonesian soldiers, especially towards anyone suspected of supporting *Fretilin*. Groups of people were gathered together for mass executions, and whole families were shot. Chinese people were also targeted, with five hundred killed the first day.

A letter from Dili after the attack on the city described one of the mass executions:

At 2pm, 59 men, both Chinese and Timorese, were brought on to the wharf...The victims were ordered to stand on the edge of the pier facing the sea, so that when they were shot their bodies fell into the water. Indonesian soldiers stood by and fired at the bodies in the water in the event that there was any sign of life.<sup>44</sup>

More Indonesian soldiers were brought in, landing at Baucau and then moving into the interior. Their advance was preceded by heavy naval and aerial bombardment, with the use of incendiaries and chemical weapons, and brought with it more of the wide-scale killings that had come to characterize the Indonesian operation. As the Indonesian troops pushed further into the rural areas of East Timor, the scale of the killing actually increased. Estimates of the number of Timorese people killed in the first months of the invasion range from 30,000 to 60,000<sup>45</sup>. Whole villages were wiped out in the mountainous region of the interior. People left their homes and fled to the *Fretilin*-controlled areas in the mountains trying to escape the extensive bombing, the napalm, and the Indonesian soldiers, leaving their homes and businesses to be looted.

James Dunn interviewed Timorese refugees in 1977, and described the brutality of the Indonesian forces:

I was given an account of how Indonesians shot an entire family simply

because they heard that the family had given a chicken to *Fretilin* soldiers; of families being shot when Indonesians discovered a *Fretilin* flag in their house. According to one source the entire Chinese population of Maubara and Liquica was shot by the Indonesian troops when they entered the villages. A Timorese who said he had accompanied the Indonesians said that when the Indonesian troops captured Remexio and Ailcu, all the Timorese in the village, except children under the age of three, were shot because "they were infected with the seeds of *Fretilin*." An informant also told me that the Indonesians shot more than 150 men in the town of Suai (on the south coast) because they tried to prevent the Indonesian troops from interfering with their women folk.<sup>46</sup>

Indonesia repeatedly denied that it had invaded East Timor, asserting that the conflict was between *Apodeti* and *Fretilin*. Indonesian Foreign Minister Malik again described the patience of the Indonesian government, the restraint with which his country watched as *Apodeti* struggled for freedom and integration with Indonesia, and its concern as Indonesian volunteers rushed to provide their support:

It has been difficult for the Indonesian Government to stop these volunteers in their efforts to protect refugees returning to their homes and to aid their brethren to free themselves from suppression and terror of *Fretilin*.<sup>47</sup>

A "Provisional Government of East Timor" was set up in Dili, with representatives from the UDT, *Apodeti*, Kota and the *Partido Trabalhista*. The new governor was Arnaldo dos Reis Araujo, who was collaborating with the Indonesians much as he had with the Japanese during their invasion in World War II. The thin Portuguese presence evaporated entirely when officials on Atauro departed for Portugal in early December, and the Indonesians occupied the island.

Although Indonesia had been able to prevent journalists from entering East Timor, and the only journalists that were there when Indonesian troops attacked in October were

killed, news of the invasion did reach the outside world. Indonesian Foreign Minister Malik was reported to have told pro-Indonesian parties in Indonesian Timor on December 1 that they would have the support of Indonesia, and he would be in Dili by Christmas.<sup>48</sup>

The government of Portugal informed the United Nations Security Council president of the invasion on December 7, and asked for an emergency meeting of the Security Council to respond to this "act of aggression". Portugal noted that the invasion involved Indonesian naval, air, and land forces, naval bombardment of the town of Dili, and the landing of troops in Dili. Portugal broke off diplomatic relations with Indonesia that day.

On December 28 there were reports in the international press about a new offensive by Indonesia involving between 15,000 and 20,000 troops from Java.<sup>49</sup> In January, reports of atrocities and of the extent of the killings were carried by *The Northern Territory News*, and in February by *The Age* (Melbourne) and the *Sydney Morning Herald*.<sup>50</sup> UDT leader Lopes da Cruz, now Deputy Executive of the "Provisional Government of East Timor", was widely reported to have said that more than 60,000 people, mainly women and children, had been killed since August 1975.<sup>51</sup>

*Fretilin* accused the Indonesian military of using napalm and biological weapons in its arguments before the security council.

On December 22, the UN Security Council voted unanimously on a call for the withdrawal of Indonesian forces. Nana Sutresma, a spokesman for the Indonesian Foreign Office, responded by again claiming that "those people in Portuguese Timor are volunteers and we have no control over them. Who do they want us to withdraw? We have

repeatedly said we have no troops in the area."<sup>52</sup>

Three days later, Indonesia began to move up to 15,000 more troops into East Timor to supplement the 10,000 already there, and they began their push into the interior. The soldiers were well armed and supported by heavy shelling, but the occupation of East Timor was not achieved as quickly or as completely as the Indonesian government had hoped. Up to 2000 soldiers were killed in the first four months of the invasion, and morale was reportedly very low.

In the areas that were captured by the Indonesians, they began to try to control the Timorese by destroying villages and setting up camps on the model of the "strategic hamlets" used by the Americans in Vietnam. Strategic hamlets were also to appear in other parts of the world where repressive regimes sought to tightly control their people in rural areas, such as Guatemala. In order to reduce *Fretilin's* base of support by restricting the movements of the people, villages were built that were more like prisons, with all activity severely restricted and under the surveillance of Indonesian soldiers. People were housed in grass or palm huts in the centres of the villages, with larger homes around the outside for the military and the administrators. Entry and exit was controlled, and passes were required for travel. Forced labour, and forced participation in "guarding" the villages was common.

Villages were often built in lowland areas, with poor water supplies and a higher incidence of malaria than in the mountains. People from the same area were separated into different villages, breaking down the traditional clan and village structures. Farmers were no longer able to work the land, and what agricultural production there was

restricted to small garden plots outside the villages. Unable to grow enough food, the people soon began to suffer under conditions of famine. These conditions of relocation, imprisonment, hunger, sickness and the shattering of their communities came to characterize the lives of the majority of Timorese in the areas under Indonesian control.

*Fretilin* maintained control of some areas in the south, west and central parts of the country, however, and through 1976 the war continued. The Indonesian government grew frustrated with the failure of the Timorese people to embrace their occupiers, and increased the volume and intensity of its attacks. Indonesia dropped its pretence of non-involvement, and Foreign Minister Malik shrugged off criticism of his government's actions in East Timor:

Fifty thousand people or perhaps eighty thousand people might have been killed during the war in East Timor. So what?...It was war...Then what is the big fuss?<sup>53</sup>

### **Perceptions of the invasion**

In preparing for the invasion of East Timor, the Indonesian government took care to protect its international relations, first by carefully sounding the reactions of other governments, particularly Australia and the United States, and second by trying to control information coming from the region and international public perception of the invasion. As it became understood that the governments of other nations with an interest in the area would not make a strong reaction to the annexation of East Timor, especially if it was done quickly and quietly, the Indonesians started to close the island off from public view.



Journalists were barred from travelling to the border area, and the naval blockade restricted travel to East Timor by sea, so when the Indonesian military began its attacks, there were only a half-dozen journalists in the region. All of them were killed by Indonesian soldiers.

Five of these journalists - two Australians, one New Zealander, and two British - accompanied Timorese soldiers in October as they waited for an expected attack in the village of Balibo. They had painted a large Australian flag on the house in which they were staying and began to film the activity. On October 15, journalist Greg Shapleton spoke to the camera about the situation:

We were the target of a barrage of questioning by men who know they may die tomorrow, and cannot understand why the rest of the world does not care. Why, they ask, are the Indonesians invading us? Why, they ask, if the Indonesians believe that *Fretilin* is communist, do they not send a delegation to Dili to find out? ...All they want is for the United Nations to care about what is happening here.

The next day the Indonesians attacked the village. As the journalists came out of the house to film, one was shot dead by the advancing troops. The other four were executed shortly afterward. Indonesian commando leader Colonel Dading arrived later that day, with BAKIN agent Louis Taolin, and the bodies were placed in Portuguese military uniforms and photographed with weapons. The bodies were then placed in a building which was set on fire.

After the five journalists were killed in Balibo there was only one journalist from the outside world left in East Timor, Australian Roger East, and he was killed during the attack on Dili on December 8.

In North America, initial news reports of the Indonesian invasion did refer to *Fretilin* accounts of the invasion alongside Indonesia's claim that Dili had been captured by *Apodeti* troops and Indonesian volunteers, and reported the bombing of Dili by Indonesian warships, the landing of Indonesian paratroopers and the indiscriminate killings, but as the area was sealed off, the coverage declined, especially in the mainstream media. References to Timor in *The New York Times* in 1976 were less than a tenth of the references made in 1975, and by 1977 these had dropped to almost nothing. In the alternative press, coverage remained high in 1976, but fell by half in 1977.

*Fretilin* radio transmissions to Australia were an important means of providing information to the outside world about the situation in East Timor, but these were short-lived. Australian authorities confiscated radio equipment and tried to stop communication links.<sup>54</sup> Other than the visit by the United Nations representative, outsiders were kept out of the territory until 1977, when a few politicians and journalists were escorted on two short tours orchestrated to show how happy the Timorese people were with Indonesian annexation.

The success of the Indonesian government in controlling international perception of events in East Timor is evident in a story in *The New York Times* in June, 1976 which claimed that "Indonesia completes takeover of East Timor, ending 400 years of Portuguese rule" and that the "action comes 6 months after Indonesian troops defeated leftist Revolutionary Front for an Independent East Timor forces".<sup>55</sup> After this declaration of the Indonesian success, the newspaper basically ignored East Timor for years, until a 1980 series of articles on the mass starvation created by the Indonesian occupation.

## The response at the United Nations

The United Nations General Assembly adopted a resolution on December 12, 1975 in which it "strongly deplores the military intervention of the armed forces of Indonesia in Portuguese Timor". The resolution recognized the "inalienable right of the people of Portuguese Timor to self-determination, freedom and independence and to determine their future political status in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples".

The resolution was adopted by 72 votes to 10, with 43 abstentions. Canada was one of the states abstaining.<sup>56</sup>

On the 22 December, the Security Council (of which Canada was not a member) unanimously adopted a resolution again "deploring" the invasion, "regretting that the Government of Portugal did not discharge fully its responsibilities as administering Power" and calling for the withdrawal of Indonesian soldiers. It also called for a representative of the Secretary-General to visit East Timor and make an assessment of the situation.<sup>57</sup> The Security Council repeated its call for an Indonesian withdrawal in April, with the U.S. and Japan abstaining from the vote.<sup>58</sup>

In August, 1976, the United Nations published a paper on decolonization analysing the situation in East Timor. The UN analysts described *Fretilin*:

Contrary to the claim of some of its critics at home and abroad *Fretilin's* programme has been regarded by most observers of the Timorese scene as more reformist than revolutionary. It called for the "gradual elimination of colonial relations" and for agrarian

reform, large farms and fertile lands not under cultivation to be expropriated and turned into people's cooperatives... *Fretilin's* foreign policy was to be based on a policy of non-alignment and of good neighbourliness and non-interference with the countries of the geographical area in which Timor was situated.<sup>59</sup>

### **1977 and after**

By 1977 Indonesia was keeping 40,000 soldiers in East Timor. Villages in *Fretilin*-controlled areas were heavily bombed, so much so that the Indonesian military became concerned with a shortage of armaments and began shopping for more hardware. It ordered more equipment from the U.S., Malaysia, the Netherlands, Taiwan, South Korea, West Germany and Australia. Thirteen Bronco OV-10F aircraft were bought from the Rockwell International Corporation, and in September, 1977 a new offensive was launched.

Areas under attack were subjected to saturation bombing, and crops were destroyed by chemical defoliant sprays. The Indonesian soldiers used a technique of encircling villages one at a time, then moving in to kill suspected *Fretilin* supporters, removing the rest of the people to the camps. As the Indonesians expanded their offensive, people fled from one area to another, unable to plant or harvest their crops. Hunger became more and more of a problem through 1978 so that by the end of the year, as a result of the dislocation of so many people and the restricted agricultural production at the strategic villages, famine was widespread and thousands of Timorese began to die of hunger.

*Fretilin* was unable to maintain a central headquarters, and could not continue its civil administration, or run its schools and hospitals. It broke into smaller guerilla groups that continued to fight using Portuguese weapons, but without outside support they began to run short of food, medicine and arms. By 1980, low on supplies and with many of its leaders either killed or captured, *Fretilin* had lost much of its effectiveness. It still managed to retain its popular support, however, and through the next decade was able to launch offensives in many parts of East Timor.

## **West Papua**

The occupation of West Papua by the Republic of Indonesia was formalized with the passing, by 83 votes, of a United Nations resolution on 19 November 1969, recognizing Indonesia's claim to the territory. The territory takes up the eastern half of the island of New Guinea, and was formerly a colony of the Netherlands, under which it was known as West New Guinea, and then as West Irian. It is now called the province of Irian Jaya.

When Indonesia became an independent state in 1949, West Papua was not included in the Dutch territory that became part of Indonesia, but remained under Dutch control. By 1961, tension had mounted in the area as the Dutch military presence was increased to over 7,000 soldiers, and Indonesia sent over 1,000 commandos in as saboteurs to begin what President Sukarno called the liberation of the region. In 1962, discussions between the Dutch and Indonesian authorities, arranged by the United States with Australian backing, brought an agreement by which the territory was taken over by a United Nations

Temporary Executive Authority.

Several months later, on 1 May 1963, Indonesia was granted authority, with the condition that there would be an Act of Free Choice whereby the Papuans who lived in the territory could choose whether or not to remain under Indonesian control. Immediately after Indonesia was granted formal ownership of the territory, Papuan political parties were made illegal, and political meetings were banned.

The Act of Free Choice took place in 1969, when 1,025 delegates voted for continued Indonesian authority. The process was not one of universal suffrage, or of one vote per person. The delegates were appointed by regional councils, and most often there was only one candidate, selected by the Indonesian authorities. As well, the Indonesian army threatened to kill any delegate that voted for independence, which it regarded as treason.

The U.N. representative assigned to monitor the implementation of the Act of Free Choice, Otiz Sanz, communicated his concerns with the way in which the Act was respected in his report to the General Assembly. His report was particularly critical of the way Indonesian authorities acted to prevent a free and open vote:

The petitions opposing annexation to Indonesia, the cases of unrest in Manokwari, Enarotoli and Waught (Wagete), the flight of a number of people to the part of the island that is administered by Australia, and the existence of political detainees, more than three hundred of whom were released at my request, show that without doubt certain elements of the population of West Irian held firm convictions in favour of independence. (para.250)

I regret to have to express my reservations regarding the implementation of Article XXII of the Agreement relating to 'the rights, including the rights of free speech, freedom of movement and of assembly of the inhabitants of the area'. In spite of my constant efforts, this important provision was not fully implemented and the Administration exercised at all times a tight political control over the population. (para.251)<sup>60</sup>

In the years of Indonesian governance in West Papua, there have been ongoing conflicts between the original Melanesian inhabitants, and the Indonesians, mainly from Java. Most of these conflicts arose over problems of land ownership and use. Traditional land relationships are recognized under Indonesian law, but only if these are not in conflict with national law in some way. In practice, this has meant that national interests, by way of logging or mining operations for example, have resulted in the seizure of land. Legal title, under Indonesian law, is only given to titled land, and only if that land is under cultivation. For land lying fallow, the right of ownership is not valid. Tribal custom with regard to the use of land, and the philosophy of communal ownership, has resulted in disputes between the indigenous users of the land and the development plans of the Indonesian government.

In 1965, armed resistance to Indonesian rule began, and for two years, Arfak people from the area south of the town of Manokwari, and Ransaki guerillas fought with the Indonesian military. Out of this fighting, the West Papuan Liberation Movement expanded into an armed resistance that numbered about 20,000 over a two-year period.<sup>61</sup>

Out of this uprising, an armed resistance movement emerged, calling itself the "Free Papua Movement". This organization declared an independence for West Papua in 1971, and launched a series of operations against the Indonesian military through the 1970s and 1980s.

Since 1967, the government of Indonesia has been implementing a program of "transmigration", bringing new settlers, primarily from Java, to West Papua. After 1980, the scale of the program was increased. Before 1980, there were less than 1,500 people

moved into the region through this program; by 1986/87, there were up to 50,000 people a year coming to West Papua from Java.<sup>62</sup>

The mineral resources of West Papua were made available to outside interests, the largest of which is the Freeport-McMoran Copper and Gold company, based in New Orleans, USA. The company mined copper in the area until the mid-1980s, and was ready to wind down operations when it discovered gold deposits near its copper operations. After 1987, the company began mining in earnest, and got a 30-year deal with the Indonesian government, with two options signed in 1991. By the early 1990s, the company became the fourth-largest taxpayer in Indonesia.<sup>63</sup> The mining operation has been repeatedly criticized for both its negative social and environmental impacts. Local people have lost their land, and derive little from the operation of the mine. Opponents of the mine have been arrested, tortured, and killed.

In areas of Irian Jaya that are logged or mined, local resentment has grown, as people from outside the area are preferred by the employers, and little money from production stays in the area. Local workers often found that they became indentured labourers, through debts incurred at company stores.

Forest destruction from logging operations have meant that indigenous people in those areas have to travel farther to find game, and have been left without enough topsoil to grow enough taro, their staple crop. Medicinal plants that used to grow in the areas are no longer available to the tribespeople, who cannot afford to purchase medication.<sup>64</sup>



## Chapter IV

### An overview of Canadian policy

A relationship between human rights and foreign policy, especially development assistance, was recognized frequently between 1970 and 1990 in various statements and documents of the government of Canada and its agencies.

In 1970 the government published *Foreign Policy for Canadians*. This series of books, which was designed to explain Canada's policy priorities, explored the rationale for development assistance programs. Four broad reasons were given: that large-scale poverty had become an important international issue, that there was universal awareness of the economic disparities that existed because of increased communications abilities, that there was increasing public concern, and that the eradication of poverty was an attainable goal.

The discussion of why the eradication of poverty in developing countries should be a priority began with a statement of principle, that "one basic value of Canadian society is the importance of the individual person, and of his rights and welfare", and so citizens have both rights and obligations towards others. This sense of obligation extends beyond borders, so that "the increasing awareness of poverty in the developing countries will thus be imposed upon a Canadian society in which concern for the welfare of others is one of the central values."<sup>65</sup>

The quantity and type of Canadian aid provided were to be determined by several factors: the degree of poverty in a recipient country, the possibilities for mobilizing

resources and for attaining self-sufficiency, project and programme availability, and Canadian expertise.

Following on the argument that Canadians have an obligation toward others as members in the world community, *Foreign Policy for Canadians* maintained that "assistance to the less-developed nations serves Canada's interest in some other and more immediate respects" specifically the financing of the export of Canadian goods and services and to "help support the expansion of Canadian commercial interest overseas". The government did not hesitate to reassure Canadians that "successful economic expansion in the less-advanced countries will assist in the expansion of world trade as a whole and provide a growing market for Canadian goods and services".<sup>66</sup>

The two objectives, then, of the Canadian government as the 1970s began was to respond both to the growing concern individual Canadians had for their fellows were struggling in poverty in the poor countries, and to explore the potential for future export markets. With this in mind, "all allocations and commitments of development assistance funds should be measured chiefly against criteria relating to the improvement of economic and social conditions in the recipient countries", with the concern that "this objective does not lessen the necessity of relating the development assistance programme to other Canadian national objectives". The government clarified what this meant by specifying that "development assistance will tend to be concentrated in countries whose governments pursue external and internal policies that are broadly consistent with Canadian values and attitudes".<sup>67</sup>

On May 19, 1976, the Canadian government became a party to the International

Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, after getting agreement from the ten provinces. Agreeing to the conditions of these covenants would, in the words of the External Affairs Minister, "enable us to play a still more active role internationally in the human rights field".<sup>68</sup>

These two covenants reinforce the principles outlined in the Universal Declaration of Human Rights by providing signatories with a legal obligation under international law to comply with their provisions, which focus particularly on the rights of people to self government and self-determination. Part 1, Article 1 of the International Covenant on Civil and Political Rights states that:

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The covenants also provide that every person has the inherent right to a life in liberty and security, free from arbitrary detention or torture, with the rights to freedom of thought, conscience and religion, and of expression.

The broad policy guidelines linking human rights to financial assistance were not, however, to be given the support of a formal framework. For example, in 1977 the government under Pierre Trudeau responded to the introduction of two private members' bills in the House of Commons through Parliamentary Secretary W. Kenneth Robinson, who stated that linking human rights with foreign aid would put the country in the position of being a moral arbiter. Robinson questioned where one would draw the line and deny assistance, pointing out the large number of countries that were accused of human rights abuse by organizations like Amnesty International. Canadian sanctions at the time were

those that were given wide support at the United Nations - the actions targeting South Africa and Uganda.

The Clark government of June 1979 to March 1980 took a stronger position on attaching human rights criteria to development assistance, including food aid, but with the return of the Trudeau government, the link between human rights and food aid was not made explicit, although the issue of human rights as an aspect of development policy did become a stated feature by 1984: "For Canada, human rights are not only a moral issue, but an important feature of the social justice theme of our foreign policy framework".<sup>69</sup>

A 1982 recommendation that "Canadian development assistance be substantially reduced, terminated, or not commenced in cases where gross and systematic violations of human rights make it impossible to promote the central objective of helping the poor" was accepted as policy.<sup>70</sup> At the same time, however, the government sought to "resist pressures to have funding decisions based on political considerations, rather than economic or financial criteria" when considering whether human rights "considerations" should influence the decisions of the international financial institutions, since "they could affect the stability of managing projects of a long-term nature involving very large sums of money".<sup>71</sup>

This approach was confirmed by the External Affairs Minister in 1984, when he said that "the government of Canada is often told to limit development assistance to those developing countries in which the human rights situation gives cause for concern. We resist the invitation most of the time".<sup>72</sup>

In 1987, the *Report of the Standing Committee on External Affairs and International Trade on Canada's Official Development Assistance Policies and Programs* recommended that "human rights criteria be developed coherently as part of overall Canadian foreign policy, and that these be applied in a universal, consistent and transparent manner". This report, also called the Winegard Report after the committee's chair William Winegard, also recommended that "progress on human rights be considered part of development, with assessments of the human rights situation in a given country being related to the overall record of development, particularly from the vantage point of the poorest people".

The Winegard Report also provided general guidelines for assessing the human rights records of recipients of development assistance. Governments that were judged by the international community to be "guilty of persistent, gross and systematic violations" would be ineligible for direct government-to-government assistance. The report argued that since it was possible for there to be many grey areas, with cases in which there had been enough allegations of rights abuse to warrant a "human rights watch", in which any bilateral assistance would have to be "very carefully targeted and monitored".

In its response to the Winegard Report, the government was supportive of most recommendations, and agreed that "as a starting point in Canada's development assistance policies, assessments of human rights policies and practices will be made concrete factors in decision-making on aid determination".

But the government was cautious about evaluating a country's human rights record, arguing that "it is difficult to draw fixed and coherent rules in an area as

controversial as human rights", referring to the "diversity of legal systems, social values, and traditional structures in the countries in which CIDA functions" in a context in which international human rights standards "are very general in nature".

The government response did not endorse the kind of categorization of human rights abuse that was recommended in the Winegard Report, arguing that "it is difficult to establish strict theoretical criteria in the field of human rights that would be operationally effective in development policy". The government response also stated that "differences of emphasis and value cannot easily be reconciled within a global framework".

Although the Canadian government's policy on human rights and development assistance was thus to be qualified in this way, the response to the Winegard Report did hold that "to the extent that criteria can be established against which to judge the performance of other countries, the most valuable guide is to focus on those violations of human rights which are patently systematic, gross, and continuous, whether in the field of civil and political rights, or in the field of economic, social and cultural rights".

Later in 1989, the link between human rights and development assistance was tested by the Chinese government's response to the demonstrations in Tiananmen Square. Some cuts in aid were made, and then aid activity resumed at a slightly lower level.

By 1991, the government policy appeared to harden, when the Prime Minister, Brian Mulroney, spoke to the Commonwealth Heads of Government Meeting in Zimbabwe. He stated that "human rights have been a concrete factor in Canada's annual cabinet review of development assistance policy" since 1987. He went on to say that in the future, Canada would be "increasingly channelling our development assistance to those

countries that show respect for the fundamental rights and individual freedoms of their people. Canada will not subsidize repression and the stifling of democracy".

### **Policy toward Indonesia**

Since the 1950s, when Canada began providing foreign aid (as it was then called) under the Colombo Plan, decisions about which nations are to receive assistance, and of what type and quantity, have been made in terms of Canada's overall foreign policy objectives. This meant primarily two things - combatting the spread of communism in the developing nations and encouraging the adoption of pro-Western attitudes and policies in a world polarized by the Cold War.

In Southeast Asia, strategic considerations in the 1960s and early 1970s were dominated by the Vietnam War and the concern of the United States with communist expansion. From the perspective of the Canadian government, the growing desire on the part of the United States to withdraw from Vietnam and reduce its active involvement in Southeast Asia provided an opportunity for Canada to increase its presence in the area.

In the 1960s, relations between Canada and Indonesia became strained when Sukarno launched his "crush Malaysia" policy. From 1963 to 1965 Indonesia enforced a trade embargo on Malaysia, supported guerilla activity in Malaysian Borneo, and threatened a military invasion. Although food aid from the United States was cutback at this time, the Canadian government publicly announced that it did not support the withdrawal of non-military aid. The External Affairs Minister at this time argued that the

suspension of food aid would be an unwelcome shift in government policy of not basing this type of aid on political and strategic considerations.

In the fiscal years 1964-65 and 1965-66, however, no food aid was shipped although some \$350,000 of wheat had been scheduled to be sent during the first year.<sup>73</sup> The difference between the publicly stated policy and what actually occurred may have been the result of several different factors, including the pressure on the government at a time when it was in a minority position, and the reports that three Canadian Otter aircraft, sent to assist the Indonesian government's domestic transport system, were used in attacks against Malaysia. (Malaysia was a Commonwealth country, and still had ties with England and other members of the Commonwealth, including Canada, which had been providing assistance, including military hardware and training.)

When the confrontation with Malaysia was ended with the arrival of the Suharto government, food aid shipments resumed.

The Pierre Trudeau government, elected in 1968, sought a much more active role in world affairs, motivated by Trudeau's belief that Canada should take the initiative rather than be reactive in its foreign policy. Canadian interest in Indonesia gradually increased, beginning with the 1968 review of Canadian foreign policy.

The re-evaluation of Canadian interest in Southeast Asia followed the formation of ASEAN, the Association of Southeast Asian Nations in 1967, and the coming to power of Suharto's New Order government. Both of these signalled the introduction of economic stability and security. Indonesia immediately joined the World Bank and demonstrated its desire to open trading arrangements. The Suharto regime ended the isolationist policies of



the Sukarno era, which rejected foreign aid and investment.

The Trudeau government initiated a major review of Canadian foreign aid in light of changing foreign policy objectives. In 1968, the Canadian International Development Agency was organized as the successor to the External Aid Office. Indonesia began attracting more attention thereafter, and in 1970 the Canadian government regarded it as a "nascent power among the non-Communist nations because of its position and population, and the development potential of its natural resources".<sup>74</sup> References to Indonesia as a country of particular interest were made in the publication of *Foreign Policy for Canadians* and in a speech by Prime Minister Trudeau, known as the "Mansion House Speech".

In the case of Indonesia, the provision of development assistance was based on the recognition that "the strategic position which Indonesia occupies in the Asia/Pacific area, its large population, and its immense natural resources place this country in a key position to play a major role in international affairs", as Allan MacEachen, Secretary of State for External Affairs, would later say. Canada made no expression of concern about human rights when it began increasing its development assistance in the 1970s, and few were made in the years that followed.

In 1971 Prime Minister Trudeau indicated the extent of Canadian government interest in Indonesia by visiting the country and announcing a \$4 million interest-free loan.

The following year, CIDA formally designated Indonesia as a core "country of concentration", and foreign aid to Indonesia began to increase dramatically. This shift of attention to Indonesia came largely at the expense of Malaysia, which had traditionally

been a focus for Canadian development assistance, mainly because of its membership in the British Commonwealth and the Colombo Plan. In 1976, Malaysia was dropped from the list of primary aid recipients.

The growth of Canadian bilateral assistance, from \$4 million in 1971-72 to over \$21 million in 1973-74, made the program in Indonesia one of Canada's five largest.<sup>75</sup> The following year almost \$37 million was provided, a ten-fold increase from the \$3.5 million of 1970.

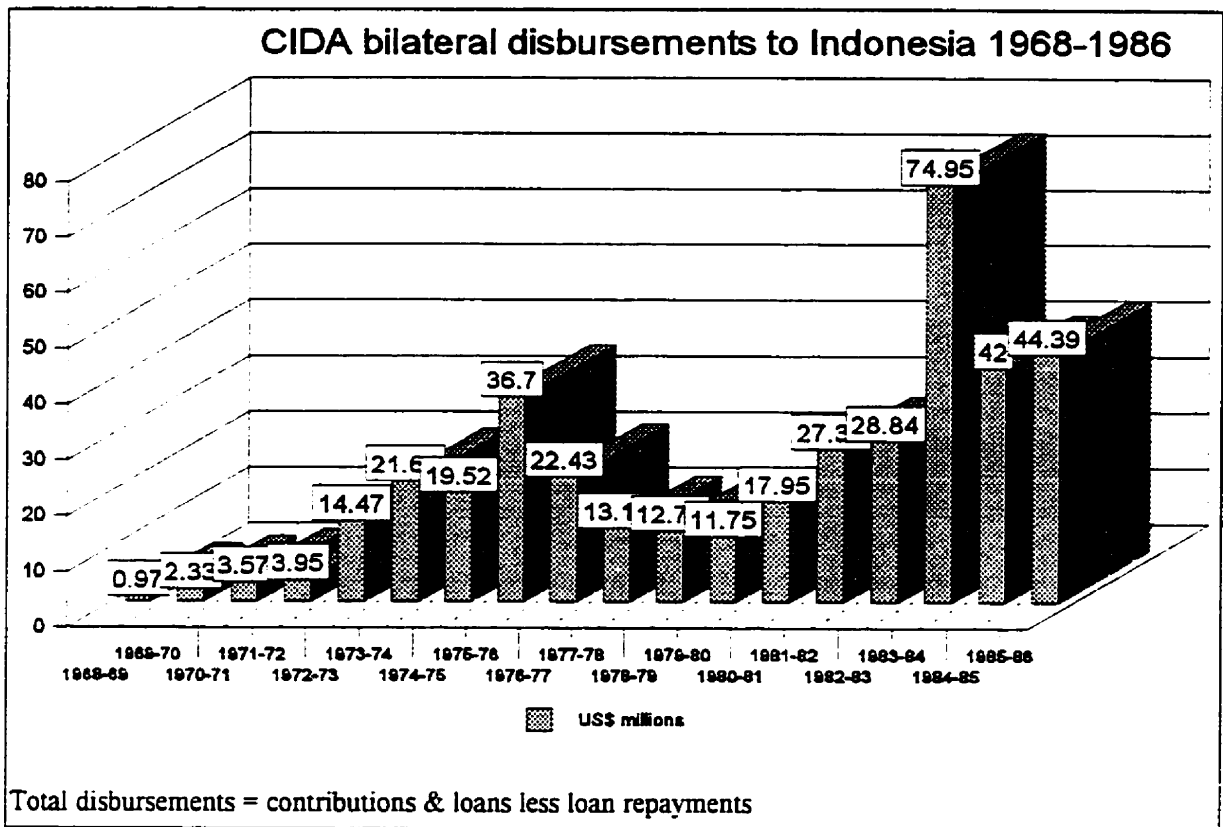


Table 1

The importance of Indonesia in Canadian foreign policy decisions arise out of three factors: the richness of its resources, its strategic importance in South East Asia, and the sheer size of its population. Indonesia is the fifth-largest country in the world in terms of population (approximately 180 million), and the third-largest developing country after China and India. Located where the Indian and South Pacific Oceans meet, with some of the world's busiest shipping lanes, it is formed from some three thousand islands over an area of as many square miles. Most of the people live on the island of Java, which is very densely populated. Of the nations in the area, Indonesia attracted Canadian attention as the one with the greatest potential for economic development.

In July 1975, President Suharto visited Ottawa, and a \$200 million assistance package was announced. This joint Export Development Corporation, CIDA, and chartered bank package was designed, in large part, to promote the sale of Canadian goods and services. The Export Development Corporation contribution to this package was to be \$100 million. The CIDA contribution was \$25 million, which was additional to its regular program.

The provision of this aid was beneficial to several Canadian organizations as well as to Indonesia. Projects were contracted with Swann Wooster Engineering Co. Ltd., the University of British Columbia, Stadler-Hurtee Ltd., Acres International Ltd. and Aviation Planning Services Ltd., mainly for consulting work. The province of Alberta got a 30-month contract worth \$3.4 million assessing development needs in the eastern islands. Industrial sales were also made by companies like Bow Valley and Foremost International Industries Ltd., Westinghouse Canada Ltd., Macmillan Bloedel Ltd., and Sandwell and

Co. Ltd. as both government and private interests were "cashing in on [the] burgeoning activity".<sup>76</sup>

Canadian business interests were also attracted to Indonesia, with Alcan Aluminum Ltd., MacMillan Bloedel, International Nickel Co. of Canada Ltd. (Inco), Bata Industries Ltd., Swann Wooster, and Bow Valley Industries all doing business there. Sherritt Gordon was involved in a joint venture with P.T. Pacific Nikkel Indonesia. Canadian exports were on the rise as well, reaching \$64.7 million in 1973, a big increase from \$2.9 million in 1969<sup>77</sup>.

The enthusiasm with which Indonesia was regarded by Canadian government and business was at least partly inspired by the huge investment made by INCO. Beginning in 1976, the company began a US\$850 million investment program in a mining venture. The money Inco put into the mega-project represented some 98% of the total Canadian investment in Indonesia for the period 1967-1982, so this one project dominated the investment picture.<sup>78</sup>

In the summer of 1975, the *Globe and Mail* described the optimistic forecast:

Massive oil, mining, petro-chemical, fertilizer, natural gas, steel, nickel, forestry, agricultural and transportation projects should start in 1975, and the Indonesian government is expected to make trade, investment and procurement decisions in the next year that could be worth more than \$3 billion.<sup>79</sup>

In part, the interest in Indonesia was stimulated by the increase in oil prices in 1974, which brought Indonesia's oil revenues up to \$6.4 billion, from \$1.7 billion the previous year. 1974 was also a time when Western banks were provided with billions of "petro-dollars" as a result of the dramatic rise in oil prices worldwide, and were actively

seeking places to invest.

The rationale for providing Canadian aid, focussing on economic growth and the payoff for the business community, was summed up in a memorandum from the prime minister's office to the embassy in Jakarta just prior to the Suharto visit:

Aid to Indonesia... can be justified on development criteria alone... but Canada and other IGGI donors also view aid as a factor in promoting internal stability in Southeast Asia as a whole. In addition, the continuation of a successful Canadian aid program in Indonesia which realistically adapts Canadian capacities to Indonesia's requirements will contribute to a range of Canadian foreign policy interests including economic growth and quality of life. Finally, the commercial spinoff is proving to be a not insignificant benefit to Canada of aid to Indonesia.<sup>80</sup>

The Inter-Governmental Group on Indonesia (IGGI) was the association of creditor countries which preceded the formation of the Consultative Group on Indonesia. Canadian assistance pledged to Indonesia through the IGGI in 1975 came to \$40 million. In May of that year the IGGI agreed to provide \$900 million in aid - even more than had been requested by the Indonesians.

The Canadian government's intense interest in Indonesia was made very apparent in the spring of 1976, as subsequent visits to the country were made by Canadian International Development Agency president Paul Gérin-Lajoie, the Minister for Industry, Trade and Commerce, Don Jamieson, and Secretary of State for External Affairs Allan MacEachen.

CIDA president Gérin-Lajoie lead a mission to Indonesia from January 25 through February 1, 1976, to evaluate the role of Canadian assistance to the country. The visit by

the CIDA president came just weeks after Indonesian troops began the invasion of East Timor. The highlight of the visit was the signing of a \$25 million development loan, part of the \$200 million package promised Suharto the past summer when he was a guest in Ottawa. Gérin-Lajoie was impressed with the economic potential in the country, and enthusiastically endorsed the increased bilateral aid.

In his report, Gérin-Lajoie began by recognizing the apparent paradox in providing development assistance to a country that was a member of the Organization of Petroleum Exporting Countries (OPEC) and making considerable gains in its export earnings from the sale of oil.

Gérin-Lajoie argued that the country suffered from high unemployment and heavily skewed distribution of income in favour of the wealthy, but that "the emphasis on economic stability during the First Five-Year Plan created a favourable investment climate", and that "from a developmental point of view... Indonesia is in transition from the consolidation and rehabilitation of its economy to the planned expansion and development of its human and physical resource potential".<sup>81</sup>

In his mission report, Gérin-Lajoie emphasized the "logic" of concentrating Canadian aid on Indonesia, remarking on its "capacity to absorb" assistance, with "all the prerequisites for growth, including a large, cheap supply of labour, a wealth of natural resources, and a growing body of managerial and technical expertise".<sup>82</sup> In his analysis of the problems of poverty in Indonesia, Gérin-Lajoie was convinced that technology would provide the solution, describing technical training as "the very essence of true development".<sup>83</sup>

His report made no mention of concern for human rights abuse.

CIDA assistance was targeted to regional development, transportation (particularly civil aviation), natural resources, power and education. The mission's report dwelt on the poverty and low health standards in many areas of the country, and argued that its programs would assist the Indonesian people in their social programs and standard of living.

The report also argued that Canada had an interest in maintaining its bilateral programs, because "as an important member of ASEAN and a member of OPEC, Indonesia is a geopolitically important country with an increasing impact on regional and world affairs".<sup>84</sup> The 1975 regional assistance development program established relations with ASEAN - the Association of Southeast Asian Nations - (Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand), formalized two years later when Canada officially became one of ASEAN's dialogue partners.

Three weeks after the visit, before Gérin-Lajoie's report was filed in Ottawa, the President of the Provisional Government in East Timor estimated that 60,000 people had been killed in the ongoing war.<sup>85</sup>

The tour by the president of CIDA was shortly followed by a visit by Industry, Trade and Commerce Minister Donald Jamieson as part of a trade mission to Southeast Asia. Jamieson and a group of Canadian businessmen spent two weeks at the end of March drumming up sales of Canadian goods in the region and trying to increase Canadian visibility. While in Jakarta, Jamieson signed an agreement to provide the \$175 million in

credit that had been promised Suharto the previous summer. "I can see a way to make a hell of a lot of money in Asia now", Jamieson declared on his way back to Canada.<sup>86</sup>

Articles about the trade mission and the possibilities for Canadian business in the region in the *Financial Post* briefly mentioned the problem of "domestic left-wing insurgency" supported by a "cocky North Vietnam". By comparison, the paper indicated that these impediments to doing business were not a problem in "tightly-run Singapore".<sup>87</sup>

The newspaper also repeated the government position that the U.S. withdrawal from Vietnam had created a vacuum in the area, which Canada was ready to fill.

Secretary of State Allan MacEachen continued the courting of the Indonesian government with a visit in August, 1976. In a speech to the Press Club of Jakarta, he spoke at length about the parallels and similarities between Canada and Indonesia, and the "logic" of expanded relations, describing the Canadian government's "special interest" in Indonesia as "natural - indeed, inevitable".<sup>88</sup>

MacEachen also described the appreciation that Canada has for the problems Indonesia faced of "fostering national unity" and creating "a common national purpose" in a land of many cultures and traditions. He also spoke about how "Canadians are impressed by Indonesia's pragmatic leadership" and how "we share a belief in the virtues of flexibility and compromise".

In his speech, MacEachen described why the Canadian government had decided to regard Indonesia with "special interest". In large part, he referred to the "concept that Canada, as an active member of the world community, and more particularly as a Pacific nation, had a direct stake in the peace and stability of the Asia/Pacific region".



On the importance of Indonesia, MacEachen talked of how the "strategic position which Indonesia occupies in the Asia/Pacific area, its large population, and its immense natural resources place this country in a key position to play a major role in international affairs".

He related the objective of political stability with the desire for economic growth opportunities by referring to a connection between the two made by Suharto who, MacEachen said, "dealt in a realistic and constructive way with the relation between the internal security of the ASEAN countries and economic development".<sup>89</sup>

While in Indonesia, MacEachen met with President Suharto, and with the ministers for industry and foreign affairs. He signed some agreements on industrial assistance, saying that the economic development of the ASEAN nations was a "vital ingredient for stability in the area".<sup>90</sup>

In East Timor in early August, just prior to MacEachen's visit, hundreds of people in the Zumalai area in the southeast were murdered and their villages burnt. Radio reports on these and other atrocities were broadcast to Darwin, Australia, until the equipment used to receive them was confiscated by the Australian government.<sup>91</sup>

The human rights situation in Indonesia at this time was serious enough to be part of broad public discussion. Following several years of criticism of the Suharto regime, Amnesty International came out with a report, in 1977, on political prisoners in Indonesia, claiming that as many as 100,000 people were being held in prisons throughout the islands of that nation. The 150-page report detailed the status of these people, stating that "tens

of thousands of political prisoners in Indonesia are held captive without trial, or used as servants by local military commanders, or exploited as forced labour, or subjected to an archaic policy of transportation to penal colonies. They are ill-treated by the authorities". Amnesty International contended that "with regard to numbers, time-scale, methods used by the government and the history of mass killings and massive arrests, political imprisonment in Indonesia is without parallel today".<sup>92</sup>

With reference to the judicial system in Indonesia, the report claimed that "the courts have never been known to acquit a single defendant, and convictions have been based on the merest shred of evidence". As to the reaction of the international community, the report argued that "although there has been growing international concern over the last few years about the plight of political prisoners in Indonesia, governments and ordinary people have been reluctant to express their views because of the complexity of the problem, and because its dimensions often seem incredible".<sup>93</sup>

The report argued that the Indonesian government violated rights by arbitrarily imprisoning large numbers of people "unconstitutionally, illegally and contrary to the rule of law", that prisoners were held within a military system of administration, with local commanders given complete, arbitrary power over them, including power to seize their goods and property and those of their families, that prisoners were held without trial, and transported to permanent penal settlements. and that prisoners were used as forced labour.<sup>94</sup>

In considering the abuse of rights involved in the incarceration of the political prisoners, "Amnesty International has consistently pointed out that the Indonesian

Government's policy of political imprisonment amounts to persistent and gross violation of human rights. The facts are terrible and simple."<sup>95</sup>

As the 1970s came to a close, the Canadian government watched Indonesian export earnings grow to \$9 billion a year, "and all of it is available for imports from countries such as Canada", observed *Canada Commerce* in 1979. "Indonesia is an important market: It has a large population; it is an excellent credit risk, demonstrated by the colossal loans being granted to the country; it is industrializing rapidly; and the country's large size and island makeup creates a demand for services and expertise which Canada is well-suited to provide".<sup>96</sup>

At the United Nations, the General Assembly did not register the strong opposition to the annexation of East Timor that had characterized its position since 1976, but did call for self-determination and humanitarian assistance. The Canadian representative abstained from the vote, "recognizing that the territory's annexation had not been accompanied by a full exercise of self-determination, but accepting it as an accomplished and irreversible fact to which the appropriate international response was relief for the past deprivations of the inhabitants".<sup>97</sup>

By the end of 1979, the situation in East Timor was well known to the Canadian public. *Macleans*' magazine published an article on the "horror story" that had been taking place, while the outside world "chose instead to believe Indonesia's promise that it would care for and educate the people of the territory it had claimed". The article's depiction of the scenes in which "driven by starvation, nearly a quarter of a million men,

women and children had stumbled out of the dense fog and clouds that shroud the hills" was straightforward. The article also referred to the blatant corruption, the "ruthless suppression" of demonstrating students, and the worsening standard of living for the poorest 40 percent of the population despite the economic growth.<sup>98</sup>

In 1983, Prime Minister Trudeau visited Indonesia, but said that he would not address human rights violations. An External Affairs official said that "we do not have a view on whether the Indonesian invasion [of East Timor] was a good or bad thing".<sup>99</sup> At the time, the Center for Defence Information in Washington was referring to the ongoing conflict in East Timor as one of the three most violent in the world, after Cambodia and Afghanistan. Prior to the Trudeau visit, the *Globe and Mail* newspaper reported on human rights violations, and describing the "widespread hunger and famine" in East Timor. Trudeau was also briefed on the situation by representatives of Amnesty International before his visit.

The Canadian government has tried hard not to recognize any "gross and systematic" violations of human rights in Indonesia, choosing instead to excuse them as they occur. In 1986, External Affairs reviewed problems of human rights abuse in Indonesia, including death squad activity, tight media control and political detention, and concluded that "the evolution of political institutions, freedoms and obligations has tended to reflect indigenous Javanese cultural values". In referring to the executions by some 4,000 people by death squads in 1983-84, in a campaign acknowledged by Suharto as being directed by the government, the Canadian government mildly expressed its "concern over the implications of this extra-legal implementation of the death penalty...although it is

generally considered that these activities have been targeted fairly accurately on gangsters and other criminals".<sup>100</sup>

With regard to East Timor, the Canadian government remained opposed to continuing the "futile debate" on self-determination in the face of "political realities", and was "impressed by [the Indonesian government's] demonstrated commitment to the economic and social advancement of the Timorese people".<sup>101</sup> The Canadian government's approval was further indicated when the ambassador to Indonesia accompanied the Golkar candidate on a campaign tour in East Timor (which the candidate won, not surprisingly, receiving even more votes than the number of eligible voters).

In September 1991, External Affairs Minister Barbara McDougall said in the House of Commons that "Canada considers that Indonesian sovereignty over East Timor is a fact, recognizing that there has never been any history of independence or self-determination or self-government in that territory".

One month later, the Prime Minister made his Zimbabwe speech stating that Canada would be increasingly linking its development assistance to concern for human rights. One month after that, this policy was to be tested when Indonesian soldiers fired on a crowd of demonstrators in Dili.

The government was openly critical of the Indonesian government immediately after the killings on November 12, 1991. No decision on development assistance was taken immediately, however. The decision that was announced on December 9 was cautious, with three project agreements with the government of Indonesia put on hold. The suspension of aid was limited, and the government announced that it did not intend to

interfere with ongoing assistance, arguing that they were targeted to human resource development and environmental protection.

Writing about Canadian policy at this time, Christopher Dagg, Project Director at the Eastern Indonesia University Development Project at Simon Fraser University, with experience in Indonesia working at the Canadian Embassy and with P.T. INCO Indonesia, was sharply critical of the government's position. He argued that the government was influenced by human rights activists and reports in the press that were critical of Indonesia, and so hesitated from moving toward a reconsideration of the limited aid suspension. He complained that public policy at the time was unduly influenced by a small number of activists and an unformed press, so that "the public stage was left to the vocal critics of Indonesia and of the Canadian aid program, and public input into ministers' offices, in the way of press coverage, editorial comment and letters from constituents and interest groups reflected this lack of balance".<sup>102</sup>

## **Economics**

Economic objectives have usually been concurrent with strategic objectives, with nations and regions acquiring or losing strategic significance as their perceived importance and value in the global trading structure rise or fall.

At the time of rising Canadian interest in Indonesia, its economy was healthy, fuelled by rising commodity prices, especially for oil, and becoming a more attractive market for Canadian goods and a destination for Canadian investment. The New Order

government joined the World Bank, and in 1967 the main creditor countries formed the Inter-Governmental Group on Indonesia (IGGI), of which Canada is a member. Through the IGGI, loans outstanding were rescheduled so that payments were postponed, and new loans and credits were arranged. By 1974, \$4.5 billion were disbursed by IGGI.<sup>103</sup>

There was a sense of optimism about the Indonesian economy in the late 1960s and early 1970s, as it grew stronger - largely because of rising commodity prices, especially oil. The International Nickel Company (INCO) grew interested in a 25,000 square mile tract of land on the island of Sulawesi in 1967, winning the concession after competing with ten other multinationals. In 1976, INCO began putting US\$850 million into the mining venture in Sulawesi, and in 1977 the first shipments of nickel matte were made to Japan. Full production was targeted for 1978.

An executive with the International Nickel Company (INCO) explained his company's growing interest in Indonesia: "[It] has, in our estimation, vast resources, is also becoming quite stable politically...I think the most important consideration is the freedom of movement of funds, and the necessarily favourable climate to make investments satisfactory and relatively safe".<sup>104</sup> The INCO mining investments in the late 1970s and 1980s made Canada one of the largest foreign investors in the country.

Canadian government support for the project was provided through the Export Development Corporation, which lent \$17.25 million for the first phase of the project and \$40 million for the second. Other assistance came from government agencies in Australia, Norway, Great Britain and Japan. Japanese steel companies were minority investors in the project.

In 1978 the Department of Industry, Trade and Commerce continued to promote Indonesia as a market for Canadian exporters, pointing out that "economic relations between Canada and Indonesia increased dramatically in the mid 1970s" in one of its publications.<sup>105</sup> Trade between Canada and Indonesia had grown by almost thirty times in less than ten years, from \$3.2 million in 1969 to \$91 million in 1977, of which \$66 million were Canadian exports.<sup>106</sup> The Department view was that "Indonesia presents opportunities for many Canadian exporters", and suggested possible sources of financing to assist them, including the Export Development Corporation and the Canadian International Development Agency, supplemented by the support of the Commercial Division of the Canadian Embassy in Jakarta.<sup>107</sup>

Although trade with Indonesia declined in the 1980 and 1981, because of the Canadian recession, by 1989 it had reached \$502 million, of which \$311 were Canadian exports.<sup>108</sup> Canadian investments in Indonesia at that time were almost exclusively through Inco, Asamera, and Bata Shoes. In 1982, an agreement came into effect which allowed for the possibility of trade in nuclear materials, equipment and technology.

The government designated the telecommunications, oil and gas, forestry, chemical and electrical power industries as targets of special effort, and the embassy in Jakarta developed market surveys for Canadian exporters, including the food, animal feed, and pulp and paper sectors. An External Affairs paper on economic relations between the two countries stated that "because Indonesia is a natural market for Canada in terms of skills available, it is included in the focus of Canada's National Trade Strategy".<sup>109</sup>

Through the embassy in Jakarta, the Canadian government assisted companies



participating in trade fairs, with funding assistance available through the federal Program for Export Market Development (PEMD). For companies unable to participate in trade fairs directly themselves, the embassy maintained information booths to promote their goods on their behalf. During the 1980s, PEMD provided \$3.7 million in assistance to Canadian businesses seeking to expand sales to Indonesia.<sup>110</sup>

The Export Development Corporation was the largest supporter of Canadian businesses wanting to expand to Indonesia, providing \$440 million on 16 projects between 1979 and 1990. Almost a quarter of this money went to a rail transportation project, carried out in conjunction with CIDA.<sup>111</sup>

Other efforts to improve the business relationship included the establishment of the Canada Indonesia Business Council (in Canada), and the Indonesian Canada Business Council as part of the Indonesian Chamber of Commerce and Industry.

The results of the Canadian government's efforts to increase trade with Indonesia were mixed. Although trade between Canada and the ASEAN countries grew from \$1 billion in 1980 to \$1.5 billion in 1986, Canadian share of trade in the region had declined by almost half between 1975 and 1990. The highest growth, though, was in Indonesia, which was the destination for just over half of Canadian exports.<sup>112</sup>

By the mid-eighties, it was even the view of some in the business community, as expressed by an article in the *Canadian Business Review* (Spring 1984), that "the desired result of our aid, expanded commercial sales to Indonesia, has not materialized". And although Canada was the third largest source of investment revenue in Indonesia at the time, after Japan and Hong Kong, the bulk of it was an INCO investment in a Sulawesi

nickel mining operation; in terms of the type of investment opportunities open to Canadians, the choice was limited.

Frustrated with the lack of development of either a large, new market or the opening of a range of investment possibilities, the business community wanted a change in Canadian policies. Blaming the protectionist policies of the Indonesian government, and the resulting limitations on Canadian investment and trade, the business community began to press the government to shift its development funding to multilateral agencies with the leverage to demand economic liberalization. The pressure from the international financial institutions, combined with a decline in oil revenues in Indonesia, resulted in a series of austerity programs, structural adjustments and deregulation.

The expansion of Canadian business relations with Indonesia continues to be a priority for the government. In 1990, the Department of External Affairs and International Trade was pointing out to the business community that "the government is urging Canadian exporters to look at opportunities opening up in Indonesia's private sector" which will "provide new opportunities for foreign suppliers". The Department also argued that since "Indonesia remains one of the highest recipients of development funds from the multilateral development banks... Canadian trade priorities in this market continue to include the vigorous pursuit of procurement funded by these institutions".<sup>113</sup>

## Conclusions

There are three broad areas of discussion that are incorporated in this paper:

1. the proper role of ethics, and human rights in particular, in international relations,
2. the extent to which human rights in Indonesia have been recognized or abused, and
3. the extent to which concern for rights abuse affected Canadian government policy choices.

The discussion of human rights and ethics provides an understanding of how international relations ought to be affected by concern for human rights. To a large extent, this is a prescriptive discussion which tries to make explicit the proper role of ethical considerations in foreign policy decisions in a democratic, liberal state. Aspects of intervention and non-intervention, in consideration of respect for state sovereignty and the capacity of a state to act, are part of the evaluation of the extent to which the state should incorporate ethics and concern for human rights in its foreign policy.

The legalistic aspects of arguments of non-intervention based on the primacy of respect for state sovereignty are challenged by recognition of human rights as a universal concept. This stimulates a broader discussion which includes consideration of the extent to which a state can be considered representative of the people within its boundaries.

Although discussions of ethics in international relations are filled with contentions of the obligations of the state and assumptions of how moral considerations ought to be incorporated in the policy choices of a democratic state, these do not have the support of formal operating frameworks to the same extent as do other aspects of international relations. Economic relations and trade between nations take place with the support of regulatory agreements and dispute resolution mechanisms, while human rights agreements have no real enforcement capacity.

In terms of the three general patterns of policy practice that are discussed here, the realist, state moralist and cosmopolitan, the same dynamic can be seen at work, contrasting the practical with the ideal.

Cosmopolitan arguments, in which universal values transcend state assumptions of sovereignty, incorporate ethical assumptions to the largest extent, while the realist sets aside moral considerations with the recognition that international relations is a competitive realm of power struggles, with the predominate concern one of national security and prosperity. The state moralist argument also attempts to incorporate ethical concerns in foreign policy, but within a context of respect for legitimacy of the state deriving from its representative status on behalf of its people.

Similarly, a review of Canadian government foreign policy choices reveals a divergence between cosmopolitan ideals and realist assumptions of the competitive nature of international relations. Government statements, for example make reference both to the values of Canadian society as motivating policy choice evaluations and to opportunities for the expansion of business and trade. In the case of Indonesia, these

can be seen to be contradicting goals.

The policy statements of the government during this time did reflect aspects of state moralist and cosmopolitan assumptions of how ethical considerations ought to be reflected in policy choices. The historical review of actual policy actions, however, provides a stronger case for the strength of the realist argument as the story was actually played out.

To a large extent, concern for human rights motivated some prescriptive statements of what ought to be the Canadian position, but was not strong enough to displace economic competitiveness as the primary influence on policy toward Indonesia.

This review, considering relations between Canada and Indonesia, began with an evaluation of several aspects of the human rights situation in Indonesia. The historical review of Indonesia during the time period under consideration provides a steady display of examples of consistent and systematic abuse of a number of human rights that are universally recognized.

The standards by which we might evaluate the extent to which these abuses transgress universal standards is outlined in the United Nations' documents and agreements that have been outlined and described. These standards provide the closest approximation to the ideal in the cosmopolitan model, providing a universalistic approach which transcends the limitations of state-centred logic.

The particular historical and cultural context of the situation in Indonesia is taken into consideration, as it provides an understanding of the reference to collective

rights, including social development, as a priority over the rights of the individual.

Assumptions of the universality of human rights is placed in the context of the extent to which these are recognized explicitly in Indonesia, through the state philosophy of *Pancasila* and under the law. The policy statements of the Indonesian government especially give explicit recognition to the universality of human rights.

The recognition of ethical consideration as a valid component of foreign policy is repeatedly recognized in the public statements of Canadian governments over the time period considered. The universalistic standards that are manifest in the United Nations and other agreements are supported without ambivalence, as ethical ideals.

State moralist arguments, resting as they do so heavily on assumptions of legitimate representation, can also be perceived as an influence on Canadian government policy, at least in terms of the public pronouncements. This is an argument which situates the relations between states in an arena of mutual respect, based on a perceived legitimacy of representation. In the time period under consideration, the extent to which the government of Indonesia did or did not indeed legitimately represent the people within the sphere of its control did not strongly affect Canadian government policy choices.

The "lack of fit" between the state and the community it presents itself as representing that Walzer described as being difficult to ascertain, which must be radical to warrant outside intervention, can arguably have existed at times, with regard to specific communities, during the period under consideration. Concern for legitimate representation arose most clearly in the years following the invasion and occupation of

East Timor, but was not strong enough to become the dominant influence on policy formation.

The review of policy choices that were made by the Canadian governments over the years, in the historical context of events in Indonesia at the time, indicate that the policy decisions were framed in manner that is best approximated by the realist model. In explaining these policy choices, the realist argument provides the clearest explanation of how the choices were made.

The competitiveness of the international arena and the struggle for economic advantage provided a stronger rationale for policy choices than did universalistic ideals or concerns about legitimacy of representation. Concern for the ethical was largely set aside, except in public statements on general guidelines that referred to the desire of the government to see human rights broadly situated in its foreign policy.

The policies of the Canadian government were formed in the context of a low level of interest in coordinated international responses to situations in Indonesia as they evolved. The reaction at the United Nations to the East Timor events indicated that while these were widely perceived as violations of accepted ethical standards and respect for the concept of self-determination, there was no support for actions of intervention. Even if the desire was there, the capacity for Canada to act effectively in response to rights abuse, especially in the absence of an effective international legal framework beyond what was achievable through the United Nations system, was limited.

The strengthening of the economic relationship between the two countries was

regarded as the first goal of Canadian foreign policy, to be encouraged through various avenues of funding support for business investments, promotion and support of export sales, and by direct political contact at the highest levels.

The dominant determinant was economic rather than ethical. While the government statements on foreign policy reflected aspects of cosmopolitan ideals, the effect of these on policy choices with regard to Indonesia during this historical period were insubstantial.

Similarly, if there was a concern about the legitimacy of the Indonesian government as one that was genuinely or even adequately representative of the majority of the people, it did not emerge as a substantive influence on foreign policy. Respect for the sovereignty of the state and the anti-interventionary aspects of the state moralist approach did not emerge as having provided guidelines for policy formation.

Rather, the policy choices made by the Canadian government during this time indicate an active and energetic desire to compete economically in the international arena, reflecting the dominance of realist assumptions. Indonesia was identified as an appropriate target for expanded business relations; ethical considerations and human rights were not significant factors in this approach.



## Notes

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4. Vincent, *Human Rights and International Relations*, p. 117-9.
5. Richard Falk, *Human Rights and State Sovereignty*, (New York, Holmes and Meier, 1981), p. 37.
6. Joseph S. Nye, "Ethics and Intervention", in *Ideas and Ideals: Essays on Politics in Honor of Stanley Hoffmann*, Linda Miller and Michael Smith, eds., (Boulder, Westview Press, 1993), p. 135.
7. Stanley Hoffmann, "Reaching for the Most Difficult: Human Rights as a Foreign Policy Goal", in *Janus and Minerva: Essays in the Theory and Practice of International Politics*, (Boulder: Westview Press, 1987), p.371-2.
8. Nye, "Ethics and Intervention", p.134; he refers in the text to Stanley Hoffmann, *Janus and Minerva: Essays in the Theory and Practice of International Politics*, (Boulder, Westview Press, 1987), p. 180.
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  20. *Ibid*.
  21. *Ibid*.
  22. *Ibid*.
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  25. Amnesty International. *Report on Indonesia*. New York, 1994, p.2.
  26. *Ibid*, p.9.
  27. *Ibid*, p.35.
  28. *Ibid*.
  29. *Ibid*, p.45.
  30. *Ibid*.
  31. *Ibid*, p.53.

32. Taylor, 1991, p. 64.
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34. Manifesto of the Associacao Popular Democratica Timorese, Dili, 27 May, 1974, quoted in Taylor, 1991, p.28.
35. *Sydney Morning Herald*, 19 November 1974; quoted in Taylor, p.32
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50. *The Northern Territory News*, 29 Jan.1976; *Sydney Morning Herald*, 14 Feb. 1976.
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