Chapter I

Self-determination, human rights and the cases of West New Guinea and East Timor

1. Self-determination: a concept both cheered and reviled

“Self-determination....a great principle once thought applicable to all of mankind” 1

“Self-determination is the most prostituted and disastrous slogan of this century, the bastard orphan of Woodrow Wilson and Versailles.”2

These quotes reflect bitter disappointment over the application of a great principle, that was originally thought capable of realising the democratic ideal to have a government acting according to the demands of its people. This idealistic principle has certainly vastly contributed to bring about democracy and self-government in Europe and elsewhere. Many suppressed people could appeal to ‘self-determination’ to remove suppressive regimes. Unfortunately, however, the concept in many cases failed to bring democracy, and rather than contributing to peaceful and stable relations between democratic states, self-determination has resulted in numerous bitter conflicts within and between states. This thesis

testifies to the tragedy which an appeal to self-determination may bring, endorsing the first quote, but rejecting the second in the strongest possible terms.

The idealistic concept of self-determination has been highly controversial in its meaning and application and has therefore been the cause of much dispute between and within sovereign states. In the absence of a juridical and politically established meaning, self-determination is appealed to by a miscellaneous collection of groups all sharing an aspiration to change their political status and regime. Impinging directly on the survival of an existing state, these demands will be resisted by groups benefiting from the present order. Often the result is a spiral of further oppression and opposition. When other states in their foreign policy endorse the claim of a particular group to self-determination, they will face opposition from the state that feels that its sovereignty is being encroached upon. The ensuing political conflict with the offended adversary will damage the state’s interests, violating the fundamental notion that foreign policy should promote a state’s interests. However, a foreign policy need not be entirely framed for pursuit of material interests but may also be inspired by moral values and ideals.

An analysis of the contradiction between morality as embodied in the concept of self-determination and pursuit of more down to earth interests in foreign policy forms the focus of this study. Although the meaning and application of self-determination have in no other context become as clearly established and received as wide support from the international community as in processes of decolonisation, the current study will show that in spite of this, a foreign policy which adheres to the principle of self-determination is by no means
safeguarded from pitfalls. Tragically the principle of self-determination, acclaimed at the beginning of this century by an enlightened American President, has brought nothing but misery to the claimants in the two cases under review, West New Guinea and East Timor, and has caused havoc to the interests that Australia and the Netherlands pursued in their foreign policy with Indonesia. The present study hopes to make a modest contribution to the exposure of the state’s ineptitude to pursue a principle that in itself is most laudable, but which contradicts a principle that has entitled the state to express itself in the first place and upon which the whole world community rests: state sovereignty. Denying other like units the same entitlements must create a conflict between two basically noble principles, turning both into pernicious contradictions of morality.

2. Research design

Using a research design pre-eminently suitable to highlight changes in international and national opinion regarding the meaning and application of self-determination this study will show the difficulties of implementing a policy of self-determination and human rights for those territories that were denied the right to self-determination. Through a comparison of the cases of West New Guinea and East Timor -- similarities and differences in their aspiration to self-determination and the position of Indonesia, the Netherlands and Australia will be discussed in the next section -- international developments in the conceptual

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3 In order to avoid being stigmatised to support either side in the conflict over West New Guinea’s sovereignty and self-determination for its indigenous population a geographic description is used in this thesis: West New Guinea. Other names under which the territory has been known at various stages during and after the conflict are: Dutch New Guinea, Netherlands New Guinea, West Irian, Irian Jaya and West Papua.
approach to self-determination will be set off against changes in other interests which major international actors perceived in the two cases and which had an impact on the opportunity for the Netherlands and Australia to pursue self-determination and observance of political and civil rights in their foreign policy. The time span between the two cases offers an excellent opportunity to study how tension between differences in interests and the international balance of power affected the application of self-determination and the behaviour of the Netherlands and Australia. At the level of foreign policy theories, this two by two research design allows for an investigation into the way perceptions of foreign policy interests and perceptions of opportunities to pursue these interests interacted with the policy in Australian and Dutch relations with Indonesia. Thus the research design has the merit to investigate and relate international and domestic changes regarding the feasibility for Australia and the Netherlands to pursue self-determination.

Given their similarities and contrasts Australia and the Netherlands are two states highly suitable and interesting for a comparative research into pursuit of self-determination. Both states are highly developed Western style democracies, whose military and political influence does not fully match their economic status. Because of their limited potential to influence international events and their dependency on allies Australia and the Netherlands can be classified as small or at best medium powers. To both states relations with Indonesia have been important. Although geographically distant, Indonesia has been close to the Netherlands as an economic and political bridge-head to Asia. As a consequence of the past, however, bilateral relations have also been sensitive ever since Indonesia became independent in 1949. To Australia, Indonesia has increasingly been of economic and
political importance. Indonesia’s geographic location and its political and economic alliances have vastly contributed to this. Indonesia’s geographic proximity has also made this country of major importance to Australia’s security, as events during World War II proved. Whereas Indonesia’s importance for the Netherlands seems to have diminished, Australia’s growing awareness of the political, military and economic implications of its geographic position have set in motion a process of reconciliation with Asia in which its close neighbour has increasingly been attributed a major role.

History on the side of the Netherlands, and a desire to enmesh with its environment on the Australian side make their respective relations with Indonesia very sensitive and any raising of contentious issues hazardous. Promotion of self-determination by the Netherlands and Australia in the cases of West New Guinea and East Timor had the potential to inflict major damage to their interests at stake in relations with Indonesia, given Indonesia’s rejection of the claims to self-determination. Thus a comparison between Australia and the Netherlands is highly interesting, particularly since their framework of foreign policy making is so different, probably with implications for their foreign policy.

Being concerned also with the consequences of a denial of self-determination for other human rights, notably political and civil rights, both cases are very relevant to the study of international relations and foreign policy as they provide insight into problems which states face when they pursue political, economic and strategic interests as well as human rights in their foreign policy. Many authors would argue that human rights cannot or should not be pursued by states because they endanger their economic and political interests. The two
case studies, however, will show that there need not be an intrinsic conflict between human rights and other interests, and even when there is a conflict, human rights will not be necessarily sacrificed easily. This thesis will therefore try to provide an answer to the question if human rights can be aspired to at all by a state in its foreign policy and, if so, under what conditions.

Having discussed the theoretical merits of the research design and the choice of the comparison, the next section will succinctly introduce the two cases, focussing on differences and similarities between the claims to self-determination by the people of West New Guinea and East Timor, the Indonesian reasons for rejecting those claims, and the position of Australia and the Netherlands.


Fate made the Western half of New Guinea a part of the Dutch East Indies, a Dutch colony. When the colony became independent Indonesian leaders claimed West New Guinea as an integral part of their post-colonial state. They also based their claim on treaties signed in 1660 and 1797 that acknowledged the rights of the sultan of Tidore to the Papuan island. At the beginning of this century, however, the sultan surrendered his rights to the islands for indemnification to the Dutch, who had established themselves on West New Guinea in 1898. The territory came under direct control of Dutch colonial administration but during the Second World War the Japanese occupied the territory. At the time of Sukarno's declaration of independence, 17 August 1945, allied forces were in control.
The Dutch government disputed Sukarno’s declaration of independence and tried to re-establish its authority after the war. The prolonged struggle for Indonesian independence lasted from 1945-1949. During this period, negotiations were held to work out a general settlement. West New Guinea became the ransom Indonesia had to pay for its independence. The territory was officially excluded from the transfer of sovereignty and its political status would be decided within one year after Indonesia’s independence. Since these negotiations failed sovereignty over West New Guinea became the source of a bitter dispute. Indonesia claimed that the Netherlands was illegally administering a territory that belonged to Indonesia as successor state of the colonial state. The Netherlands, however, argued that ethnic, cultural and historical differences between the indigenous people of the territory and the rest of Indonesia justified application of the principle of self-determination. In order to prepare the indigenous people for self-determination the Netherlands claimed to administer its colony as a non-self-governing territory in accordance with the terms of Article 73 of the UN Charter. In 1954 and in 1955-1956, renewed efforts to reach a peaceful solution via talks failed. Between 1954 and 1957 Indonesia repeatedly brought its case before the United Nations General Assembly but failed to acquire the necessary two-thirds majority to have a resolution adopted.

After 1957 the conflict escalated further. Indonesia severed diplomatic relations and a military confrontation seemed more and more likely. Increasingly isolated internationally, the Dutch government, declared its willingness to relinquish its sovereignty and involve the United Nations in the administration. This attempt ultimately failed as there was not enough
support for the Dutch proposal. Eventually in August 1962 a negotiated agreement was 
reached, under much political and military duress, which transferred sovereignty to Indonesia 
after a brief period of UN interim administration. In 1969 the Papuans would get a chance 
to decide their political future. Although this ‘act of free choice’ could by no standards be 
described as a genuine expression of self-determination the Netherlands accepted without 
further demur the unanimous decision of the Papuans to remain a part of Indonesia.

The events described raise a number of questions. Although the economic value of West 
New Guinea was generally regarded as small and with the majority of its indigenous 
population still very primitive, the Netherlands pushed the conflict over self-determination 
and sovereignty to the brink of war. How could the Dutch government make the principle of 
self-determination the corner-stone of its policy? Why was the government prepared to do 
so at immense economic and political cost? And, finally, why did the Dutch government 
eventually agree to transfer its sovereignty, without having secured adequate provisions for a 
proper execution of the Papuans' right to self-determination?

When the 'act of free choice' proved to offer the indigenous people a rather meagre 
opportunity to exert their right of self-determination, this did not affect bilateral relations at 
all. Without any more ado the Dutch government accepted the procedure as a proper 
implementation of the 1962 agreement. What does the stand of the Dutch government 
indicate in the light of the aforementioned questions?
The position of the Australian government is also interesting and highly relevant. From the early stages of the conflict Australia was a fervent ally of the Netherlands, advocating a continuation of Dutch rule as a means to prepare the indigenous people for ultimate self-government and self-determination. This position was in sharp contrast to the strong diplomatic support that the Australian government had given to the Indonesian Republic during its struggle for independence between 1945 and 1949. What reasons did the Australian government have to change sides and support the Netherlands and not Indonesia, a neighbour? Why did self-determination for the West Papuans become an objective in Australian foreign policy, particularly since 1957; and why did the Australian government accept the agreement between Indonesia and the Netherlands which transferred sovereignty to Indonesia, an outcome that Australia had fought against so vigorously between 1949 and 1962, and with highly inadequate provisions for self-determination? Although the ‘act of free choice’ in 1969 was indeed farcical, the Australian government, previously such an inspired public advocate of self-determination for the West Papuans, accepted the result. Why did the Australian government abandon the right of self-determination?


In April 1974 a revolution in Portugal brought to power a regime that favoured a policy of rapid decolonisation. Portuguese Timor, the eastern half of an island in the Indonesian archipelago was one of those colonial assets. However, due to Portuguese neglect this territory had remained backward. Political awareness amongst the Timorese was therefore only nascent. Without a political tradition, sufficient ideological knowledge and established
institutions, the political movement was only in its early stages in 1974 when three political parties were formed: Uniao Democratica Timorense (UDT), Associacao Social Democratica Timor (ASDT), and the Timorese Social Democratic Association (Apodeti). UDT wanted a continued Portuguese presence. ASDT actively pursued independence from Portugal, but also favoured a policy of good neighbourliness and co-operation with states in its vicinity. Apodeti, supported by Indonesia, favoured integration.

Initially the Indonesian government did not oppose the idea of an independent East Timor, but it soon changed its position. Already apprehensive about the security of the region should Portuguese Timor gain independence, Indonesia became increasingly concerned about ASDT’s Marxist overtures. In September 1974 ASDT changed its name into Frente Revolucionara do Timor Leste (FRETILIN). In October Indonesia started operation Komodo, a plan aimed at the annexation of Portuguese Timor.

A UDT-Fretilin coalition which pursued independence was formed in early 1975, temporarily stabilising the situation. The coalition fell apart in May when UDT joined Apodeti. Repeatedly talks aimed at reconciliation faltered. With the Portuguese administration in a state of disarray, UDT, allegedly encouraged by Indonesia, seized power in August 1975. Fretilin managed to strike back and fierce fighting erupted, from which

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5 John Taylor, *The Indonesian Occupation of East Timor, 1974-1989: A Chronology*, London, Catholic Institute for International Relations, 1990, p.2. Dunn claims that the ultimate decision to integrate the territory as soon as possible was taken in October 1974 by President Suharto and his security advisers. However, President Suharto remained opposed to a military intervention until September 1975. J.S. Dunn, 'The Timor Affair in International Perspective', *World Review*, vol. 17, no.4 (Oct. 1978), pp.13-34.
Fretilin emerged victoriously in September. A wave of refugees sought shelter in West Timor, claiming to flee atrocities committed by Fretilin. Fighting continued in the border-area where remnants of UDT, with increasing assistance from Indonesian forces, did not cease to pose a threat to the Fretilin regime. Confronted with an ever graver security situation Fretilin unilaterally declared independence on 28 November 1975, a move immediately countered by an Apodeti-UDT appeal for integration. The political chaos, the continuation of fighting and the suffering of civilians provided the Indonesian government with ample excuse to launch its invasion on 7 December 1975: the crowning piece of operation Komodo.

The Indonesian invasion clearly violated the right of self-determination that applied in colonial situations (See Section 6). Therefore both the Security Council and the General Assembly demanded Indonesia’s withdrawal. Indonesia ignored these resolutions and orchestrated a process of integration, designed to meet the inter-national standards for a genuine process of self-determination. In June 1976 the People’s Assembly and Timor's Provisional Government, set up by Indonesia, submitted a request for integration. Both the Indonesian parliament and the President accepted this request. Indonesia subsequently treated any UN interference with East Timor as violation of its sovereignty. Contrary to the case of West New Guinea, the UN has never accepted the procedure via which East Timor’s integration was established and has therefore continued to reject the outcome: a proper act of self-determination is still being demanded.

The Netherlands elected to abstain over resolutions reconfirming the right of the Timorese to self-determination submitted annually in the United Nations between 1976 and 1982.
Australia gradually shifted its position from support to abstention in November 1976 and to opposition from 1978 until the last resolution was put in 1982. In 1979 Australia officially recognised Indonesia’s sovereignty.

Although neither the Netherlands nor Australia undertook to change the political status of East Timor, they have consistently been concerned about human rights. In the West New Guinea case fear for human rights violations and implementation of the principle of self-determination were clearly, albeit implicitly linked. The Timor case, however, is an example where concern over human rights was expressed after a denial of self-determination and without relating those concerns to the denial of self-determination.

When comparing how Australia and the Netherlands between 1974 and 1992 tried to balance their interests in their relations with Indonesia against their concern about denial of self-determination and violations of human rights one will find that the Australian policy was more careful, conciliatory, and diplomatic than the policy of the Netherlands, which contained stronger rhetoric and some punitive elements. How can one explain these differences; why did the Dutch government push the human rights element to the verge of a break-down in relations with Indonesia after the 1991 Dili massacre (see Chapter VI); and why was the reaction of the Australian government to those events so much more restrained? This last question is particularly relevant since both Australia and the Netherlands pay lip-service to the same internationally recognised human rights. Peculiarities of their relationships with Indonesia will partly explain those differences, but it will be argued in this thesis that differences in foreign policy making processes are important as well.
Having raised a number of questions the central problem of this thesis will be discussed in the next section.

5. Research focus

Having concluded that the relationship with Indonesia is important to Australia and the Netherlands, but that both countries also regard human rights as a major element in their foreign policy, and having noted the difference in emphasis on promotion of the principle of self-determination in the two cases described, the following questions will be central in this thesis:

What explains the importance attributed to pursuit of self-determination and human rights in Dutch and Australian foreign policy in the cases of West New Guinea and East Timor; what explains the differences between the Netherlands and Australia; and why did both states put more emphasis on pursuit of self-determination in the case of West New Guinea than in the case of East Timor?

In order to answer these questions the process of foreign policy making in both states in the two cases will be reconstructed. The differences found make up the first component of an explanation of differences in importance attributed to self-determination and human rights in Dutch and Australian foreign policy. The international environment constitutes the second variable in the equation of foreign policy and will therefore also be considered. The interplay between foreign policy making processes and the international environment as faced by
Australia and the Netherlands will comprehensively explain differences in foreign policy between the two states. An explanation for the difference in emphasis on self-determination between the two case studies will look for changes in the domestic side of foreign policy making and relate those to changes in the international environment. Thus the three central questions allow us to make a very interesting double comparison, hence a two by two research design.

Given the general similarities between Australia and the Netherlands, while also recognising certain differences, most notably Indonesia’s proximity to Australia, explaining self-determination as an element in the policies of the two states becomes an important task. Disclosing relations between the international environment and a state’s foreign policy making processes will help increase our understanding of foreign policy making, and particularly help to better comprehend why states pursue particular interests and goals. The time span separating the two case studies is particularly suitable in this respect, as it allows for an investigation into the effects of changes in the international and domestic attitudes towards the principle of self-determination and political and civil human rights. Also a study can be made of the impact of changes in the structural components of the international system on the pursuit of human rights in the foreign policy of Australia and the Netherlands.

The issue of West Papuan self-determination will be studied from the 1940s until 1992. The emphasis will be on the Dutch-Indonesian clash in the second half of the 1950s and 1962, and particularly on the period when Cabinet De Quay was in office in the Netherlands. This
political landmark formed a clear caesura in the perception and thus the pursuit of self-
determination for the West Papuans in both Dutch and Australian foreign policy.

The Timor case will be studied from the revolution in Portugal in April 1974 until 1992. The
termination of the aid relationship between the Netherlands and Indonesia marks an end to
an era and forms a proper conclusion to the discussion of self-determination and observance
of political and civil rights as elements in Dutch and Australian foreign policy in the case of
East Timor.

6. Human rights and self-determination

Having outlined the intention to explain differences in emphasis on self-determination and
civil and political human rights in Dutch and Australian foreign policy in the two cases, the
focus needs to be on the conceptual development of self-determination from principle to
human right. But first the concept of human rights will be defined and the connection
between civil and political human rights, self-determination and foreign policy explained.

The acceptance that "human rights are the rights that everyone should have by virtue of his
or her very humanity," forms a proper starting point for this discussion on human rights. For
this study it is relevant to classify human rights into civil and political, social, cultural, and
economic rights. Although these five categories are interrelated, this study will concentrate
on civil and political rights, because a government can directly prevent violations of human
rights in these categories and can therefore be held directly accountable. Using the definition of human rights, governments witnessing violations of civil and political rights carry a moral responsibility to intervene in a situation that can, in theory at least, be rapidly reversed, unlike the case of denial of social, economic and cultural human rights. This is no denial of the theoretical relation between the five categories, nor a rejection of a policy-theoretical perspective on the relationship between for example development aid and political preconditions required to achieve development. But this study focuses on political and civil rights only, these being a source of tension between states in the context of sovereignty and self-determination.

The civil and political rights under consideration are mentioned in the Universal Declaration on Human Rights and the International Covenants on Civil and Political Rights and include, *inter alia:* the right to life, liberty and security of the person; the right to a fair trial; freedom from slavery, torture and arbitrary arrest; freedom of thought, conscience and religion; freedom of opinion and expression; freedom of assembly and association; and the right of free elections, universal suffrage and participation in public affairs.7

The Indonesian government has been accused of large scale and systematic violations of these civil and political human rights in West New Guinea and East Timor. In this study it is claimed that the population’s dissatisfaction over denial of the right to self-determination has

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been a continuing source of tension that resulted in a further Indonesian clamp down on any nationalist expressions and violations of civil and political rights. The Indonesian response set in motion a vicious circle of political discontent and further repression. Therefore it is argued that violations of civil and political human rights in West New Guinea and East Timor find their origin mainly in Indonesia’s denial of self-determination to the West Papuans and East Timorese. As will be shown, this causal relation has often been denied by policy makers in Australia and the Netherlands, with major implications for the way these problems have been dealt with in the foreign policy of these two states. Notwithstanding the denial of the cause of continuing human rights violations in West New Guinea and East Timor, these violations formed a main source of contestation in Dutch and Australian relations with Indonesia.

Since the origin of the human rights problems in West New Guinea and East Timor is hard to deny for any outsider, it is essential to study the denial of self-determination in both cases and see why the indigenous populations have remained unwilling to accept integration with Indonesia for so long. Linking the past to the present in a meaningful way in the two case studies requires a discussion of the development of the meaning given to the concept of self-determination by the international community at large and the implications of this meaning with respect to application of the principle of self-determination to West New Guinea and East Timor.
The principle of self-determination first became prominent when the American President Wilson promoted it during World War I. At that stage the principle -- only to be applied in Europe -- gave people the right to determine the sovereignty over the territory in which they lived. Right of conquest was incompatible with the right of people to choose their own rulers. By ‘people’ a nation was meant, since the latter was regarded as based internally upon the will of its members. Wilson intended to offer a solution to the political chaos in Europe, caused by instability of states composed of multiple ethnic minorities. Application of self-determination would remove a source of conflict, dissecting states which had come into being by means of war and conquest. Based upon a democratic will there was harmony between ethnicity and sovereignty of the state.

As Article 22 of the League of Nations Covenant showed, the principle did not apply to the populations of colonies: “[These] peoples [are] not yet able to stand by them-selves under the strenuous conditions of the modern world.” The potentially disastrous implications for political stability if the concept was applied to multi-ethnic and multi-cultural colonies had not yet been understood. However, after World War II the principle would be applied pre-eminently to colonial territories. During the debates the anti-colonialist coalition changed the

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9 Also see Gardiner’s ‘historical meaning’ of self-determination. The concept described the dissection of the European empires into linguistically and culturally homogenous nation states. L. Gardiner, *East Timor: Self-Determination?*, Master of International Studies thesis, Department of Government and Public Administration, University of Sydney, 1993, p.34.
meaning of the concept, with serious consequences for minorities in newly independent states.\textsuperscript{11}

After World War II the international community accepted the principle of self-determination. Article 1 (2) of the UN Charter stated that the purpose of the UN was “to develop friendly relations among nations based on respect for the principle of self-determination of peoples.” Article 55 of the Charter reasserted the principle. The third pillar to form the premises of a future legal concept of self-determination, Article 73 of the Charter, linked the colonial context and required, \textit{inter alia}:

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognise the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation.... to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions.\textsuperscript{12}

The term self-determination subsequently appeared in a number of important UN documents such as the Covenants on Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States. These declarations and covenants further developed the concept. However, this process invoked much debate as

\footnotesize{\textsuperscript{11} For a comprehensive discussion of this problem of meaning and application see L. Gardiner’s discussion of the two main interpretations of self-determination which vied for dominance. Self-determination in the colonial context, ‘territorial self-determination’, is the creation of new and independent states on the borders of the former colonial states, denying any relevance to cultural and linguistic boundaries. ‘Indigenous self-determination’ acknowledges the contradiction between independence of the former colonial states and the denial of the claims of indigenous people residing under their domination to determine their own political future. Gardiner, op. cit., p.35.}
self-determination proved to be a confusing, and highly contested concept. Recurring questions in the debates were: what is meant by ‘determination’; who is ‘self’; under what conditions should ‘self’ be granted the right to ‘determine’; and, to what extent is the principle a right in the sense that it is enforceable? The following discussion will elaborate on the meaning given to the various elements of ‘self-determination’ during successive meetings of the United Nations.

The Third meeting of the General Assembly adopted a resolution expressing the need to devote an article to self-determination in the Covenants on human rights. The text should read: “All peoples shall have the right to self-determination.” Further the article should stipulate:

    All States, including those having responsibility for non-self governing and Trust Territories, should promote the realisation of this right in conformity with the purposes and principles of the UN, and the states having responsibility for the administration of non-self governing territories should promote realisation of that right in relation to the peoples of such territories.

It was further decided that the right of self-determination should be granted to the people of non-self governing territories on their demand for self-government, the popular will being

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14 Ibid. This draft resolution was adopted in February 1952. The final text of Article 1 of the covenant, passed at the Eighth session of the Third Committee, was an exact copy of the first article of the covenant adopted in 1966.
ascertained through a plebiscite held under the auspices of the UN. Australia and the Netherlands both voted against the resolution, which received Indonesia’s support.

The Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted in December 1960, was yet another milestone in the development of the concept of self-determination. The Declaration recommended that political power in all dependent territories be transferred to the people in accordance with their freely expressed will. Principle IX of UN General Resolution 1541 (XV) finally described the exact conditions that make an act of self-determination genuine:

A. the [integrating] Territory should have attained an advanced state of self-government with free political institutions so that its peoples have the capacity to make a responsible choice through informed and democratic processes;
B. [the integration should be] the result of the freely expressed wishes of the Territory’s peoples acting with knowledge of the change in their status, their wishes having been expressed through informed and democratic processes impartially conducted and based on universal adult suffrage.

Thus gradually the principle of self-determination became an established right in the context of decolonisation. Preferably through a plebiscite should the people of the colony, or the non-self governing territory be given the opportunity to freely decide their future.

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15 Johnson, op. cit., p.38. Resolution 637 (VII) also expressed the desire to ascertain the people’s wishes through a plebiscite or other recognised democratic means, preferably under UN auspices. Ibid., p.39.
16 Quoted from United Nations General Assembly, resolution 1514 (XV), 14 December 1960.
In the 1950s and early 1960s the case of West New Guinea was far from clear, however, and allowed Indonesia and the Netherlands to assume diametrically opposed positions. Indonesia defined self-determination as the end of colonial rule and the founding of an independent sovereign state as the natural heir to the entire territory of the former colonial state: the declaration of independence was also the expression of self-determination. This view gave priority to the interests of the sovereign state and refused to acknowledge any potential contradiction and conflict between the state and its peoples. The Netherlands rejected Indonesia as successor to its colonial administration and demanded a separate act of self-determination for the racially and culturally distinct Papuans. Applying the conditions set out in Principle IX of UNGA resolution 1541 (XV) it could be argued, however, that the Papuans did not qualify for self-determination in the absence of firmly established free pre-existing political institutions.

Neither the UN Charter nor the Human Rights Covenants fully support the stand taken by any of the parties. In Article 1 (2) the term 'people' is used, but does this mean a nation only, or could the term also be used for an ethnic minority? If an ethnic minority or indigenous people\(^\text{18}\) can under certain conditions have a right to self-determination, how will this affect relations between states supporting this claim and the state denying this claim?Attributing this meaning to self-determination would create a contradiction with the principle of developing friendly relations between nations, which is also mentioned in Article 1 of the Charter.
Although in the covenants ‘principle’ has been replaced by ‘right’ suggesting that self-determination is enforceable, conditions under which a ‘people’ has an acknowledged claim to self-determination are not specified. Another problem concerned the meaning attributed to political status. The distinction was between internal and external self-determination. Internal self-determination, the concept supported by Indonesia, implied the right of authentic self-government, understood as freedom from totalitarian regimes. Internal self-determination and state sovereignty go together, resulting in a denial of interference by other states into the ‘domestic’ affairs of a state. External self-determination, as supported by the Netherlands, meant freedom from outside coercion or alien domination. Ethnicity played an important role in deciding over what was ‘alien’. Not surprisingly the Indonesian leaders, ruling a multi-ethnic state, did not endorse this idea. States were at liberty to choose the argumentation that best suited their interests. As will be shown, alliance considerations in particular explain much of the voting behaviour in the United Nations on this matter in the 1950s and in 1961.

Unlike the West New Guinea case, East Timor’s case of self-determination was incontestable. Resolution 1542, adopted by the 15th UNGA, recognised Portuguese Timor as a non-self-governing territory under UN Charter Article 73 and as such Portuguese Timor possessed the right of self-determination. From 1962 onwards the General Assembly adopted annual resolutions, starting with resolution 1807 (XVII) reaffirming this right. Indonesia never contested that Portuguese Timor was eligible for self-determination. The question was whether the Timorese had been given a proper chance to execute their right.

18 See L. Gardiner, who refers to indigenous self-determination also called the second
under Indonesian authority. Following a by Indonesia controlled process of self-determination Indonesian officials declared the matter closed for international scrutiny since this would be interference in Indonesia’s domestic affairs. However, since this ‘act of self-determination’ failed to meet any of the conditions mentioned in resolution 1541 (XV) the UN has not accepted Indonesia’s sovereignty over East Timor. Without a proper act of self-determination Indonesia’s presence and proclaimed annexation have remained illegal. In accordance with article 25 of the UN Charter, which declares Security Council Resolutions binding upon members, Indonesia should abide by UN Security Council Resolution 384 which demands a withdrawal.

7. West New Guinea and East Timor in international perspective

Given the comparative nature of this study it is essential to highlight the international context in which Australia and the Netherlands had to design their foreign policy. Not only is it important to emphasise similarities and differences in the impact of international conditions on the two states, it is also important to show how the international circumstances in the 1950s differed from those in the 1970s and later, so as to draw a comprehensive comparison between the two cases.

The world of the 1950s was strongly bipolarised, with two military superpowers dominating international politics. The United States and the Soviet Union had both formed strong political and military alliances in Europe, where a geopolitical stalemate was reached. Given generation of self-determination, p.35.
the extent of the ideological differences between the two opposing blocs security considerations assumed ascendancy in their foreign policy. The international behaviour of individual states was strongly influenced by the political and security interests of the respective alliances, and so it was not surprising that the Cold War conflict had spread outside Europe by the end of the 1940s, when a growing number of colonies in Asia secured independence. Although a movement of non-aligned countries slowly emerged in the 1950s, even before this Asian states could put to use the competition between the United States and the Soviet Union to bargain for economic and political favours.

Anti-colonialism was another trend in the 1950s, and it allowed the Soviet Union to make considerable headway in its efforts to increase its influence in Asia. To the United States and especially its European allies the colonial past was a burden, forcing them to proceed with tact. Each local conflict over independence between a European power and its colony in Asia ran the risk of spinning out of control and becoming part of the all out competition between East and West, allowing the Soviet Union to make friends with the independence movement which would (in practice) sooner or later take over from the colonial administration. Thus decolonisation and the rivalry between the Warsaw Pact and NATO strongly influenced political developments in Asia, but also debates in the United Nations where both Cold War parties were keen to ensure the support of the newly independent states. Voting in the UN was in accordance with alliance interests, often giving the newly independent states a decisive voice. Realist considerations (see Chapter II) prevailed over moralism in international politics, with security issues to the fore. How were Australia and the Netherlands affected by these international conditions when they approached the
problem of West New Guinea’s future? In order to answer this question it is important to
distinguish other international actors closely involved in the issue as well.

The Netherlands and Australia both belonged to the US camp, the former as a NATO ally
and a recipient of Marshall Plan aid and the latter as an ANZUS partner. For their security
they strongly depended on the United States. Although the core security interests of the
Netherlands were not at stake, any reinforcements sent in defence of West New Guinea had
to be withdrawn from Europe, weakening NATO’s defences. Being a NATO member the
Netherlands could count on political support from its allies as long as the interests of the
alliance itself were not put at risk. However in Southeast Asia, where anti-colonialist
sentiments were strong in the 1950s, notably in Vietnam where a major conflict was
developing, and with the chances of damage to the Western alliance very real should
Indonesia turn to the USSR for support, or worse become communist due to the conflict
with the Netherlands over the future of West New Guinea, Western interests were very
much at stake. The Netherlands could not ignore these strategic interests, which would
increasingly direct its policy.

The Second World War had shown Australia’s vulnerability as a Western outpost in a
hostile Asian environment. Great Britain had not been able to offer Australia adequate
support when the Japanese rapidly conquered all of Southeast Asia in 1941-2. Australia had
therefore turned to the United States for its defence, while after the war the presence of
European powers in Southeast Asia again diminished quickly, confronting Australia with an
unfamiliar environment that was going through a phase of rapid transition. As the war had
shown Australia was particularly vulnerable from the North. Being unable to defend its own huge territory a forward defence strategy was developed in which the support of Great Britain and especially the United States was critical. In its attempt to come to terms with its new environment Australia tried to build this forward defence through support for a continued presence of European powers in the region, while also trying to establish good relations with Indonesia, its new northern neighbour. This recent history, decolonisation and the Cold War brought an entirely new kind of insecurity to the forefront of Australia’s foreign policy and, as the discussion of the West New Guinea dispute will show, Australia had great difficulty in adapting to the challenge.

As indicated above the policy of the United States regarding Southeast Asia was very much affected by its military and political rivalry with the Soviet Union. Given hostile local feelings towards the colonial powers, who happened to be its allies, the United States had to proceed with tact so as not to alienate newly independent states of the region, especially Indonesia. Being strategically positioned in Southeast Asia, Indonesia had yet to come to terms with its new status and its internal political situation was volatile. Anti colonialist sentiment against the Netherlands ran high over the West New Guinea issue, which from the beginning constrained the United States from adopting a position in favour of the Netherlands given the risk of driving the Indonesian government closer to the Soviet Union. Thus the United States was not willing to give political, let alone military, support to the cause of self-determination in Eastern Indonesia as defended by Australia and the Netherlands. The position of the United Kingdom was similar to that of the US. Support for self-determination for the Papuans of West New Guinea threatened to damage Western
strategic interests and for this reason the two countries would not support the Netherlands in its dispute with Indonesia.

The Indonesian government skilfully exploited its strategic position. Playing the colonial card in the United Nations, Indonesia managed to secure the support of many newly independent states as well as the Soviet Union and its allies. Voting behaviour in the UN was not a result of the outcome of a debate on the meaning of self-determination in a colonial context, but of alliance interests. Linking its internal stability to the West New Guinea issue Indonesia attempted to isolate the Netherlands from its political supporters and to bring in the United States, whom it knew could not stand idle in a conflict from which communists were likely to benefit.

In the 1970s the world was still dominated by great power rivalry, expressed in political confrontation in international organisations, the arms race and military conflicts in Third World countries. Since the 1950s China had emerged as a third major power and was able to influence the balance of power in Asia. The search for unity among former colonial states in Africa and Asia had continued in the Non-Aligned Movement, but disagreement still prevailed partly due to difference in interests and the search for lucrative deals that could be closed with either the United States or the Soviet Union, both still caught up in their battle for supremacy and continuing their efforts to persuade governments to join their ranks. This search for allies was no longer fully dominated by a desire to exert control over strategically located areas, but was also influenced by the need to have access to raw materials, particularly after the 1973 oil crisis.
Southeast Asia was at the centre of confrontation between the United States and the Soviet Union in the late 1960s and early 1970s, when the war in Vietnam reached its climax. Faced with growing domestic opposition the US decided to pull out, knowing that the North Vietnamese communists would probably overrun its allies in the South. In 1975 the war indeed came to an end with the victory of North Vietnam. The American government believed that this turn of events threatened the security and stability of the entire region, as the other states could “fall” as well, like domino’s. Nevertheless the US did not want to be dragged into another military conflict as Nixon had declared in his policy speech in Guam, which became known as the Nixon Doctrine (1970). Basically this implied greater self-reliance for states, but the US would continue to offer economic support and supply military equipment.

One important potential ally of the United States was Indonesia, whose military government was thought to be pro-Western, although officially remaining neutral. Also Indonesia was an important member of the Non-Aligned Movement, very rich in raw materials and strategically located between the Indian Pacific Oceans. In America’s strategy for the region, which was still compellingly directed by Cold War motives, Indonesia played an important role. Ties with Jakarta were therefore carefully cultivated, which largely explains the position of the US in the debate over East Timorese self-determination.

Since the forced abandonment of West New Guinea in 1962, the Netherlands had turned its back on Asia preferring to concentrate on Europe and the Atlantic region, where its core
economic and security interests lay. The Netherlands had remained a loyal NATO ally in the 1960s, but in the later years of the Vietnam war public criticism of the US had mounted. Although the country had found a new equilibrium, it was left with a post-colonial syndrome: the decolonisation of both Indonesia and West New Guinea had gone badly wrong, humiliating a country that had regarded its colonial administration as enlightened. The Netherlands therefore immediately used the opportunity to improve its relation with Indonesia when Suharto came to power in 1964-5, offering political and large scale economic support. Hence the past strongly influenced Dutch policy, which coincided with the strategic interests of the NATO to support a potentially friendly regime.

As for Australia, it faced some major changes in the early 1970s which resulted in a period of reflection during Gough Whitlam’s term as Prime Minister, between 1972 and 1975. Until 1972 successive governments had identified Australia’s interests with the United States to such a degree Australia had even sent some troops to Vietnam. When the US indicated it was going to reduce its involvement in Southeast Asia, Australia had to reconsider its position as well. The country would for its defence be more self-reliant, and the previous “forward defence” strategy was all but abandoned. Australia had to become more enmeshed politically with the states in its proximity, notably Indonesia. Supporting Southeast Asia politically and economically could help stabilise the region’s security situation, hence serving Australia’s security interests, and more trade could make up for the loss of the British market to Australian products. Thus in the early 1970s a swift general reorientation in Australian policy occurred based on a reassessment of the country’s security, political and economic interests in Southeast Asia.
The conflict in East Timor, and the response to the Indonesian invasion, should be seen in the context of the overall security situation in Southeast Asia, which the US considered unstable, and the important role that Indonesia could play in the region. No Western power was interested in getting involved in another prolonged military conflict. Even though the case for application of the principle of self-determination to East Timor was clear, the assessment of its strategic interests alone guided the US.

When comparing the international conditions surrounding the East Timor case with those surrounding the West New Guinea case, it seems justifiable to argue that there was no fundamental difference: security interests dominated the foreign policy agenda of states. Even though the concept of self-determination had become more clearly established, and was obviously applicable to the case of East Timor, a state’s decision whether or not to support self-determination was still conditional on its security interests and on those of its major allies. When the Cold War came to an end in the 1980s, security interests had no longer such high priority in foreign policy, allowing states to pay attention to other interests as well.

By contrast to the West New Guinea case the Netherlands was no longer physically present in the region when the East Timorese demanded self-determination. The international security environment was therefore no longer to be as restricting as it had been in the previous case. But given Indonesia’s proximity, and the region’s unstable security situation, the international environment strongly influenced Australia’s foreign policy priorities, leaving it little room to consider other interests but its security. To this day Australia, unlike the
Netherlands, has to consider Indonesia’s proximity, when it tries to adopt a plausible position on self-determination for East Timor. As the discussion of the cases will show, Indonesia’s proximity is an important variable, which partly helps to explain why the Netherlands and Australia differed markedly in their approach to self-determination for East Timor.

8. Methods of research

In order to understand and explain the various elements in Australian and Dutch foreign policy in the two case studies, it is essential to reproduce both the policy making process and the foreign policy itself. The concepts of policy and policy making will be explained in Chapter II. Here it suffices to state that the so-called means-goals interpretation of a policy text,\(^1^9\) was used to uncover networks of means and goals which policy makers designed to pursue certain ultimate policy objectives.\(^2^0\)

As much as possible primary sources were used for an accurate reconstruction of these foreign policy frameworks. In the Netherlands the Archive of the Department of Foreign Affairs and the National Archives in The Hague helped to gain invaluable insight into policy making at departmental and cabinet level. In Australia the Australian Archives in Canberra provided many first class primary sources.

In order to increase insight into foreign policy making processes in Australia and the Netherlands it was essential to discover which individuals, organisations, and parts of the

\(^{19}\) See Van de Graaf, op. cit., p.63.
bureaucracy tried to influence the foreign policy in each phase of the foreign policy making process, and to disclose how institutional arrangements and decision making procedures helped or obstructed these actors in their efforts. Also it was essential to find out what views these participants advocated, what power resources they had at their disposal, and what coalitions were formed. A number of interviews with politicians, civil servants and representatives of human rights organisations helped to find the necessary information, as did a literature study of government statements, parliamentary documents, articles in serials and newspapers.

In Chapter II a model will be developed for understanding and comparing foreign policy making in Australia and the Netherlands. A succinct discussion of theories on foreign policy making will introduce the building of this model. Chapter III will further relate the theoretical findings of Chapter II to institutions and processes of foreign policy making in Australia and the Netherlands. In this chapter a number of hypotheses will be formulated regarding self-determination and human rights in Dutch and Australian foreign policy in the two case studies. The West New Guinea case, covering all major developments between 1946 and 1992 regarding the question of self-determination for the West Papuans, and Dutch and Australian policy forms the subject of Chapters IV and V respectively. In Chapters VI and VII Dutch and Australian policy regarding the East Timor case will be studied between 1974 and 1992. Chapter VIII will analyse and compare the findings.

20 For a comprehensive description of this method see G. Kuypers, Beginselen van