Chapter VI

Dutch foreign policy and the East Timor case: 1974-1992

1. Introduction

Since the 1960s human rights have developed into an established element in the foreign policy of the Netherlands. This chapter will explore key developments in the conceptual relation between human rights and foreign and development co-operation policy. The formation of this comprehensive policy framework and institutional mechanism to deal with human rights violations coincided with Indonesia’s invasion and annexation of East Timor, making this case most suitable for investigating and explaining the implementation of human rights policy. In its design this chapter will therefore differ from the chapters which discussed the policy of Australia and the Netherlands in the West New Guinea case. Each section of this chapter will compendiously summarise the policy-theoretical framework used by the government concerning the relation between human rights and foreign policy. This summary of policy-theoretical principles will be followed by a succinct analysis of their implementation. For an account of events in East Timor, the reader is referred to Chapter I and Chapter VII.

During the years of the Den Uyl Cabinet, a coalition of PvdA, KVP, CHU, ARP and PPR, human rights became a prominent issue in foreign and development co-operation policy. Both the Minister for Foreign Affairs, Van der Stoel (PvdA), and the Minister for Development Co-operation, Pronk (PvdA), were committed to the cause of human rights and tried to promote respect for human rights accordingly in their policy. Establishing a theoretical connection with other foreign policy objectives, cabinet used an integral approach to the promotion of peace, security, a world legal order, a just distribution of prosperity, and respect for fundamental human rights.\(^1\) Human rights were thus given prominence as a functionally related element, the realisation of which was a condition for the achievement of the other goals.\(^2\)

The policy theory of the Den Uyl Cabinet saw human rights violations as reflections of unjust political and economic structures. Since the government intended to contribute to remove tensions that endangered peace and unjust international relations,\(^3\) promotion of human rights was made an important element in both foreign policy and development co-operation policy:

> In case human rights are violated seriously on a large scale, the cause is to be looked for in a system of political and social injustice and inequality, in which

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\(^3\) Quoted Prime Minister Den Uyl (PvdA), Handelingen der Tweede Kamer, 1974-1975, part 3, p.402, 10 October 1974.
repression and intimidation dominate. A policy aimed at peace and economic and social well-being may not ignore these serious violations of human rights.\(^4\)

Thus the government set about concentrating on the development of an international legal order that would revere democracy, respect for human rights and social justice.\(^5\)

Concentrating on fundamental violations of human rights cabinet stressed its determination to do what was reasonably possible to protest against such violations, irrespective of the nature of the regime.\(^6\) Since the use of standard procedures of response to human rights violations was rejected only vague and general instructions for response were given, ranging from a public expression of concern to the use of conventional diplomatic channels.\(^7\) The government stuck to a case-by-case approach, with the choice of means depending on the nature and magnitude of the violations and the type of regime.\(^8\)

A reluctance to be pinned down on a clear script of response was characteristic for all governments in the period under concern. Without such a script the government had considerable leeway to take into account specific factors of the case, but it also caused arbitrariness and reduced parliamentary control. Officially though the government rejected

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\(^4\) Ibid., pp.38-39.
\(^6\) Begroting Buitenlandse Zaken 1974, Memorie van Toelichting, Bijlagen Handelingen der Tweede Kamer, 1974-1975, 13100-V, no.2, pp.41, 55, and 76.
\(^7\) Handelingen der Tweede Kamer, 1974-1975, p.1318.
selective indignation, declaring that it would appeal whenever human rights were being violated.\footnote{Comment made by Prime Minister Den Uyl, \emph{Handelingen der Tweede Kamer, 1975-1976}, part 3, p.193, 8 October 1975.}

Cabinet intended to promote human rights, which were claimed not to play second fiddle to the interests of the state, using established bilateral diplomatic channels and international fora, notably the UN.\footnote{\emph{Begroting Buitenlandse Zaken 1974}, Memorie van Toelichting, Bijlagen \emph{Handelingen de Tweede Kamer, 1973-1974}, 12600-V, no.2, pp.24-25.} Van der Stoel cautioned against overrating the possibility to exert pressure bilaterally, and spoke with appreciation of quiet diplomacy, to be applied non-selectively and not restrictively. Practice according to the minister required choices, to which maximum effectiveness served as a motive.\footnote{\emph{Begroting Buitenlandse Zaken 1978}, Memorie van Toelichting, Bijlagen \emph{Handelingen der Tweede Kamer, 1977-1978}, 14800-V, no.2, pp.40-41, and p.51.} As much as possible the Netherlands would work together with other countries. A further starting-point of Van der Stoel’s policy was to effectively achieve something without being guided by emotions.\footnote{M. van der Stoel, ‘De plaats van mensenrechten in het Nederlandse buitenlandse beleid’ [Human Rights in the Foreign Policy of the Netherlands], \emph{Internationale Spectator}, vol.31, no.4 (July 1977), pp.441-447.}

The complementary effort of human rights Non-Governmental Organisations (NGOs) was appreciated, but their role not further specified.\footnote{See \emph{Begroting Buitenlandse Zaken 1974}, Memorie van Toelichting, Bijlagen \emph{Handelingen der Tweede Kamer, 1973-1974}, 12600-V, no.2, pp.24-25. The government repeatedly confirmed the importance of NGOs as defendants of human rights. See for example \emph{Begroting Buitenlandse Zaken 1975}, Memorie van Toelichting, \emph{Handelingen der Tweede Kamer, 1974-1975}, 13100-V, no.2, p.41.} The government promised to support
attempts to charge NGOs with the protection of human rights.\textsuperscript{14} This recognition gave these groups access to key decision makers, at least in theory.

Cabinet’s development co-operation policy became elementary in the effort to improve human rights conditions in Third World countries. The policy theory linked a recipient state’s social-political structure to deprivation and poverty. Development co-operation should contribute to a more just social-economic and social-political structure in developing countries, but not facilitate repression. The theory was most notably applied as a criterion to select the so-called ‘concentration countries’, states specially chosen to receive extra attention in Dutch development aid efforts. Application of this criterion in the selection process meant assessing the extent to which a state had a social-political structure that offered a chance to a policy that truly focused on improvement of the situation and assured that aid would come to the benefit of society as a whole.\textsuperscript{15}

The policy theory indissolubly linked economic and cultural rights to civil and political rights. Although development aid could serve as a means to put pressure on a regime this measure should not harm the poorest people.\textsuperscript{16} Regarding a development aid relationship as a most effective instrument to achieve results Pronk was opposed to its termination as ultimate remedy.


\textsuperscript{15} \textit{Begroting Buitenlandse Zaken 1974, Memorie van Toelichting}, 12600-V, no.2, pp.2 and 4.
Although the foreign policy plan seemed to set out clearly what the policy objectives were, implementation of these general principles was problematic nevertheless. A definition of fundamental human rights was never given, making any judgement of a situation arbitrary. The case-by-case approach and general lack of clear guidelines, showed that the human rights policy framework was inchoate and in need of fine tuning.

Personal relations also proved an obstacle to consistency in implementation. Although both Pronk and Van der Stoel belonged to PvdA, their function and personal style brought them into conflict. While Van der Stoel was a typical careful and experienced diplomat, Pronk’s personality reflected the prototype of a young idealist. Inconsistency was the result of these disagreements. Being aware of these brewing conflicts the opposition, notably VVD wondered who was in charge of foreign policy and human rights, often hearing different sounds from the Prime Minister, the foreign minister, the Minister for Development Cooperation, and also the Congress of PvdA.  

With PvdA dedicated to human rights, its representation in cabinet guaranteed human rights an established place in the government’s policy. However, without a set of well-defined criteria for implementation of human rights concerns, clashes within cabinet and between individual ministers and the PvdA Congress occurred frequently, hampering application of the criteria. This opened the inner circle of policy makers to outsiders in favour of a more

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17 *Begroting Buitenlandse Zaken 1976, Handelingen der Tweede Kamer, 1975-1976*, 11 and 12 November 1975, 13600, pp.981 and 1011; see comments by VVD and BP
radical approach. The discussion of the East Timor case will illustrate the shortcomings in the government’s policy framework.

3. Cabinet Den Uyl and the East Timor case

In order to comprehend the handling of the Indonesian invasion by the Dutch government the matter should be seen in the wider context of more urgent matters that were compromising Dutch-Indonesian relations in 1975. In that year South Moluccan activism in the Netherlands reached new heights. It took on such proportions that the plight of the South Moluccans, who were still in exile in the Netherlands, became a major issue in relations with Indonesia. Young South Moluccans, increasingly desperate and frustrated with the lack of initiative from the Dutch government to pursue an independent South Moluccan Republic in negotiations with Indonesia, were using ever more radical means of terrorism.

The Netherlands wanted to rid itself of this plague, but depended on Indonesia’s co-operation. In 1975 the Indonesian government sent a delegation to the Netherlands in an effort to find a solution to the problem.¹⁸ To the relief of the Dutch government an agreement was reached with Indonesia, which, although it denied the political claims of the Moluccans, helped to take pressure of the issue, and in time pacified the South Moluccan community in the Netherlands.¹⁹

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Indonesia's invasion of Timor coincided with the violent occupation of the Indonesian consulate in Amsterdam by South Moluccans. Since this event dominated the news, it would have distracted politicians, the media, and hence the public from events on a small and little known island in the Indonesian archipelago. The brutality of the hostage takers contributed to the felt urgency to find a political solution, for which Indonesian co-operation was essential. This matter effectively denied the government the opportunity to oppose Indonesia’s invasion of East Timor.

East Timor’s violent decolonisation, preceding Indonesia’s invasion, had not drawn much public and political attention in the Netherlands in the first place. Komitee Indonesië, a small outsider human rights group, declared its opposition to any intention President Suharto might have to intervene in East Timor, and urged like-minded people to take a similar stand.\textsuperscript{20} After the first major attack by Indonesian forces on East Timor in October,\textsuperscript{21} Politieke Partij Radicalen (PPR -- Political Party Radicals), a small left wing political party, did indeed pose questions to the Minister for Foreign Affairs.

East Timor was also on the agenda of the debate on the budget of Foreign Affairs for 1976. On that occasion PSP and ARP wanted to know if the minister was prepared to support the right of self-determination for East Timor, particularly via pressure on Indonesia.\textsuperscript{22} The foreign minister assured that the government supported the right of self-determination, which should not be interrupted by external interference. A claim which Van der Stoel tried to

\textsuperscript{20} \textit{Indonesië, Feiten en Meningen}, vol.2, no.5 (October 1975), p.16.
\textsuperscript{21} \textit{Traill}, p.10.
\textsuperscript{22} \textit{Handelingen der Tweede Kamer}, 1975-1976, 13600-V, pp.999 and 1018.
substantiate by cryptically declaring that in contacts with various governments who were directly involved in the matter the government had given evidence of this.\textsuperscript{23} No real proof of this concern was provided, however.

On 2 December the previously mentioned occupation and hostage taking of the Indonesian consulate in Amsterdam by a group of South Moluccans took place. The news regarding these terrorist acts, conducted with brutal force, dominated the headlines of the Dutch press for the next three weeks, overshadowing events on Timor.\textsuperscript{24}

Following Indonesia’s invasion of East Timor on 5 December 1975 both the UN General Assembly and the Security Council adopted resolutions\textsuperscript{25} demanding Indonesia to withdraw its forces without delay and calling upon “all states to respect the inalienable right of the people of Portuguese Timor to self-determination, freedom and independence and to determine their future political status.”\textsuperscript{26} The Netherlands acted in concert with its partners in the European Economic Community and abstained on these resolutions. At the request of

\begin{footnotesize}
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\item \textsuperscript{23} Ibid., p.1042.
\item \textsuperscript{24} The action against the Indonesian consulate in Amsterdam preceded the hijacking of a train in 1976, during which a number of people was kept hostage for several weeks. In 1977 another train was hijacked and a primary school taken over, teachers and children being taken hostage. The people in the train were liberated after a bloody rescue operation. In 1978 a final South Moluccan act involving hostage taking followed when the Provincial Council of Drenthe was occupied. Compare J.J.P. de Jong, ‘De Nederlands-Indonesische betrekkingen 1963-1985’, \textit{Internationale Spectator}, vol.40, no.2 (February 1986), pp.129-139.
\item \textsuperscript{26} Quoted from Jack Bizot, \textit{Timor: The Forgotten Cause of East Timor’s Right to self-determination}, London, Parliamentary Human Rights Group, 198ng [c. 1985], p.9; Quoted from General Assembly resolution 3485 (XXX) of 12 December 1975.
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Portugal the Netherlands made a conciliatory move, accepting to represent Portuguese interests in Indonesia.

The invasion did not captivate Dutch public at large, so there was no public outcry. Small protests did occur; for example at the occasion of the IGGI meeting in January 1976. Several hundred people protested against the Indonesian campaign in East Timor, insisting on a termination of all aid to Indonesia and demanding that the government should speak out clearly against the Indonesian action. The protest had no noticeable impact on the government’s policy. In April minister Pronk travelled to Indonesia to attend a meeting of the Asian Development Bank, but it is not known if he discussed East Timor.

In May more small scale protest meetings were organised in several towns, a joint effort by Komitee Indonesië and student, youth and women-groups. They again demanded an end to the supply of development aid in the face of Indonesia’s reluctance to withdraw from East Timor. On this occasion Pronk did respond, repeating his previously expressed threat that in case he remained discontented over the human rights situation in Indonesia, he would not hesitate to suspend development aid as a means to put pressure on the Indonesian government. Later Pronk indeed suited the act to the word, reducing the amount of aid for 1976 by 25%. This step, however, was inspired by the bad human rights situation in Indonesia at large and not particularly by Indonesia's continued presence in East Timor.

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29 Peter van Tuijl, ‘Van kolonie tot konsentratieland’ [From Colony to Concentration-State], in a special report by Evert Vermeer Stichting, ‘Verstrikt in verbondenheid:'
In June 1976 Fretilin representative Ramos Horta held talks with human rights groups the Netherlands. His trip was organised by a number of leftist human rights NGOs including Komitee Indonesië, Mondlane Stichting, Angola Komité and ‘X-Y-beweging’. At the same time Komitee Indonesië and Indonesië Werkgroep Leiden organised another small scale protest-meeting against IGGI.

In the Second Chamber PSP wanted to know if the government had known anything about Indonesia’s meddling with East Timor’s status back in August 1975. Van der Stoel firmly gainsaid any such knowledge. He also denied perceiving any direct relation between military operations in East Timor and the supply of three Dutch corvettes to Indonesia, due for delivery in 1979. This proves that Dutch condemnation was rationally measured so as not to damage economic relations with Indonesia.

In November 1976 Indonesië Groep Nijmegen tried to draw attention of the Second Chamber Committee on Foreign Affairs, sending members a report about developments in East Timor since April 1974 and requesting them to raise the issue during the debate on the budget of Foreign Affairs. The response was meagre. Only PSP wondered why the Netherlands had abstained over the motion in the UN General Assembly on 12 December 1975, instead of condemning the Indonesian intrusion. PSP submitted a motion, supported

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31 Ibid.


33 Ibid., p.18.
by Communistische Partij Nederland (CPN -- the Netherlands Communist Party), that “events in East Timor indicate that Fretilin enjoys general support from the people of East Timor, [therefore]...the government [should] recognise the Democratic Republic of East Timor.”

Van der Stoel defended the abstention in the UN by stating that there existed the impression that Indonesia would comply with an execution of self-determination. Since East Timor did not meet any of the criteria in use for recognition of an independent state, he rejected the motion. PSP and CPN were the only parties to vote in favour of the motion.

The PvdA Election Congress was more radical than the party’s parliamentary group, who had failed to support the PSP motion. The Election Congress regarded Pronk’s measures against Indonesia as too soft and voted for a complete termination of the aid program. The Congress’ influence on the minister was limited, however, since Pronk ignored the resolution, stating that aid would continue for at least the coming year. Pronk wanted to lay down his future policy regarding Indonesia in a special memorandum, but the fall of the cabinet and PvdA’s relegation to the opposition benches prevented the report from entering the political arena.

34 *IFM*, vol.3, no.4 (November 1976), p.16.
36 Ibid., p.908.
37 Ibid., p.1192.
38 Pronk’s successor as Minister for Development Co-operation De Koning (CDA) said about the memorandum: “I put it in a drawer and I never looked at it again.” De Koning, conversation by phone, 18 July 1993.
In March 1977, during a special interpellation at the request of the PSP Second Chamber group that constituted the first real debate dedicated to Dutch policy regarding East Timor, Van der Stoel found himself again justifying the abstentions of the Netherlands in the UN in December 1975 and April 1976. This time he used the government’s responsibility as caretaker of Portuguese interests in Indonesia as excuse. Further he emphasised that the legacy of Dutch colonialism required a careful approach, as the relationship with Indonesia was still sensitive. The minister used a lack of reliable information to discharge any claims of Indonesian atrocities, but assured that the government would condemn any proven actions of human rights violations. The situation in East Timor prior to the invasion had been confusing, with the population divided in two opposing groups. This had made it difficult to take a stand. Nevertheless Van der Stoel claimed to put self-determination first, although he did not indicate what this meant in terms of policy. Given the sensitive nature of the relationship with Indonesia, he considered the frequently used diplomatic talks best suited to serve human rights.  

The minister’s answer did not satisfy PSP floor-leader Van der Spek and ARP’s spokesman on foreign affairs Scholten because at the time of the resolution in the UN, the Netherlands was not yet representing Portuguese interests in Indonesia. Therefore Van der Spek introduced a motion stating that the Chamber was:

Of the opinion that many reports indicate large scale human rights violations by the Indonesian army in East Timor, [therefore the Chamber] requests the government to

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push for a UN commission of inquiry to visit East Timor and to allow international relief organisations entry to the Territory.\textsuperscript{40}

PvdA was divided over the motion, but the party totally disapproved of the Indonesian actions in East Timor which prevented an execution of the right of self-determination. Therefore PvdA expected the government to exercise pressure on Indonesia, using both bilateral and multilateral channels, to force it to give the people the chance to exert their right of self-determination.\textsuperscript{41} VVD, the main opposition party, supported the policy of the foreign minister. The motion, called otiose by Van der Stoel, was only narrowly defeated, 64 votes against and 62 in favour.\textsuperscript{42}

With Van der Stoel and Pronk in disagreement over the issue, PvdA representatives had been able to freely join a motion highly critical of the policy of the foreign minister, nearly forcing him to abandon his careful approach. VVD's support for the foreign minister and his policy prevented a further dispute inside the government's ranks. Thus parliamentarians themselves were responsible for crushing an attempt to widen the centre of policy making, with a view to changing the goals of the government's policy. The foreign minister was clearly aiming at, although he did not publicly admit this, a smooth phase of transition with sovereignty befalling on Indonesia, but without violations of human rights. Self-determination had to be sacrificed for the sake of good relations with Indonesia. Wider geopolitical motives -- the withdrawal of American forces, the subsequent fall of South Vietnam and the Communists threatening to overpower the other Southeast Asian dominos -- would also

\textsuperscript{40} Ibid., p.3579.
\textsuperscript{41} Ibid., p.3582.
\textsuperscript{42} See Walraven, op. cit., p.31.
have been powerful arguments preventing the minister from criticising and weakening the pro-Western regime in Indonesia.

In the same debate PPR and CPN also wanted to bring the aid relationship with Indonesia to an end. On this subject, however, PvdA only stated that it expected the government to exert bilateral and multilateral pressure on the Indonesian government to respect the right of self-determination for East Timor. What means the government should use to exert this pressure remained unclear. Christen Democratisch Appèl (CDA -- Christian Democratic Appeal) gave priority to good relations with Indonesia and supported the government.43

The narrow defeat of the government’s opponents did not silence them. In September PSP submitted a list of questions concerning East Timor, and in November 1977 Komitee Indonesië went in the offensive, starting a national campaign in support of Fretilin. Komitee Indonesië demanded an end to the arms-supply, an initiative to isolate Indonesia internationally, and recognition of the Democratic Republic of East Timor.44 Of course none of these demands was acceptable to the government, and since cabinet had resigned, signs did not augur well for the supporters of Timorese self-determination: CDA and VVD, two parties giving priority to the relationship with Indonesia over self-determination, were about to form a coalition.45

44 See, IFM, vol.4, no.5 (1978), pp.2 and 16.
45 CDA was a merger of KVP, ARP, and CHU uniting mainstream Catholic and Protestant groups.
Resuming the account of events, the invasion of East Timor had not become a major issue in Dutch politics. Neither cabinet nor the main factions in the Second Chamber paid much attention to it, lacking accurate knowledge of the situation and being aware of more important issues at stake in relations with Indonesia, particularly the solution to the Moluccan problem. In its human rights policy the government gave priority to the release of political prisoners in Indonesia. The criteria of the human rights policy were not applied to the case of denial of human rights in East Timor.

Although Pronk wanted to reconsider the future of the aid relationship, his report never saw daylight as cabinet resigned. Pronk’s involvement with East Timor had been limited. He was purposely kept unaware of the deal to supply three corvettes to Indonesia, out of fear that his passionate defence of human rights would make him a zealotic opposer. With the Minister for Foreign Affairs not prepared to condemn Indonesia’s invasion and occupation of East Timor, supported by a small majority in the Second Chamber, no action was taken against Indonesia. Although two ministers disagreed over the policy, a bureaucratic trick and the fall of cabinet helped to prevent a major confrontation. The considerable rift between Van der Stoel and Pronk was obvious, however, and was reflected in the Department of Foreign Affairs, where Pronk’s own civil servants were working on the radical policy paper for the aid relationship with Indonesia. The loyalty issue of civil servants working in a bifurcated department where two ministers were in disagreement, with all dramatic consequences for the consistency of the foreign policy, only failed to emerge because of

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Walraven, p.13. Permission was granted by Van der Stoel in March 1974 with full knowledge of the Department of Economic Affairs, but, although according to the rules for
cabinet’s resignation. It would remain a potential source of instability in the foreign policy making centre in the Netherlands.


In spite of its election victory PvdA was unsuccessful in its efforts to form a new coalition cabinet and was sent back to the opposition benches in 1977. The new coalition cabinet of VVD and CDA, however, also acknowledged the importance of human rights, which were attributed a similar central place in foreign policy and development co-operation policy. During the four years that this cabinet was in office a comprehensive framework for human rights policy was constructed. However, CDA and VVD agreed to a careful promotion of human rights. Unlike their predecessors, the new Minister for Development Co-operation De Koning (CDA) and Minister for Foreign Affairs Van der Klaauw (VVD) worked together harmoniously. The relationship with their respective caucus and party congress was solid as well.

In his first speech to parliament as the new Prime Minister, Van Agt (CDA) proclaimed that his cabinet would pursue world peace, co-operation with the powers of the West and development of the Third World as three connected goals. The policy theory did not directly link promotion of human rights to these goals, but van Agt promised to continue the policy of the supply of weapons to concentration countries, the Minister for Development Co-operation should have been consulted, this was not done.
the previous government.\textsuperscript{47} Van der Klaauw emphasised the need of cohesiveness of policy in the fields of foreign affairs and development co-operation.\textsuperscript{48} Human rights would be maintained as a criterion for the selection of concentration countries.

The policy did not seem to have undergone major changes, but the emphasis on co-operation in the Western alliance, implied support for anti-Marxist regimes in the Third World, including Indonesia. References to structural changes in world relations and inside Third World countries had also been dropped. Finally, the personality of the new ministers differed very much from their predecessors. They would co-operate, and look for compromises, thus obstructing any possible interference by their party groups in parliament in the selection of policy goals and means.

Notwithstanding the strong shackles of the coalition commitment, an increased awareness of and interest in human rights issues made the Second Chamber groups of the coalition parties request that the government present a bill outlining the position of human rights in the foreign policy of the Netherlands.\textsuperscript{49} The Minister for Foreign Affairs responded favourably to this request, although it would increase parliament’s control regarding implementation of human rights policy.

\textsuperscript{49} Ph. P. Everts and J. L. Heldring (eds.), \textit{Nederland en de rechten van de mens} [the Netherlands and Human Rights], Baarn, In den Toren, 1981, p.64.
Van der Klaauw introduced the human rights bill in the Second Chamber on 3 May 1979. All future policy would be based on this framework which outlined criteria, means, and goals of the government’s human rights policy. A lengthy phase of deliberation, in which the Department of Economics, the Second Chamber and NGOs active in the field of human rights had been given ample opportunity to express their views, had preceded the submission.

The Bill stated that human rights were an essential element of foreign policy, but their promotion depended on other foreign policy values and interests as well: “Support for human rights is one of the most important, although not predominant, aims. Human rights will be pursued without inflicting unacceptable damage to other Dutch values and interests.”

Omission of any attempt to define unacceptable damage was a clear weakness, setting the stage for arbitrary decisions. Instead of giving a general definition, a case-by-case procedure would be followed, weighing likely damage and human rights.

A human rights policy was said to aim at the creation of international norms and their observance. The second goal was subdivided into three distinct activities: dissemination of information, promotion of procedures for inspection and supervision, and responses to human rights violations. The last point comprised both activities aimed at improving a particular human rights situation as well as suppressing activities supporting these

50 Quoted from Bijlagen Handelingen der Tweede Kamer, 1978-1979, 15571.
51 Bijlagen Handelingen der Tweede Kamer, 1978-1979, Nota naar aanleiding van het verslag, 15571, no.3.
encroachments. Since this element in particular would prove a pot-hanger in Dutch foreign policy and development co-operation in the case of East Timor, it will be discussed in detail.

The Bill stated that the government wanted to help prevent human rights abuses that were gross and structural.\textsuperscript{52} Again, however, these terms were not defined which hampered any interpretation of and response to situations in which human rights were violated. This deficiency once more weakened parliamentary control in the phases of policy deliberation and evaluation.

A number of criteria were formulated for a response to these ‘gross and structural violations of human rights’. Measures should not damage bilateral relations. This would be counterproductive since good relations were conditional for the realisation of other goals. An impact assessment should precede the choice of means, in order to achieve a positive result. In case of a bilateral relationship of trust a confidential bilateral approach was considered best. In general the choice between a confidential and a public response depended on the assessment of the likelihood to achieve a better result through going public. Because of the limited influence of a bilateral representation, the government preferred to operate in concert with other states. A grave step like suspension of diplomatic relations was only allowed in exceptional cases.\textsuperscript{53}

\textsuperscript{52} Ibid.
\textsuperscript{53} Bijlagen Handelingen der Tweede Kamer, 1978-1979, Nota naar aanleiding van het verslag, 15571, no.3.
The Bill made some specific comments about the relation between the instruments of human rights policy and the Netherlands’ economic relations with a culprit state. Conditions of gross and systematic violations of human rights could lead to economic measures against a state, but these would only be taken when other means had proven inadequate, and economic steps were expected to be successful. A case-by-case approach would be followed to decide whether limitations of economic relations were consistent with general policy activities that could create positive conditions for optimal realisation of human rights. In accordance with the rule of response to human rights violations, economic measures should not have a negative impact on the humanitarian interests of people nor inflict disproportionate damage to the Dutch economy. Far-reaching actions, like trade sanctions, would therefore be taken in co-operation with other states only.\footnote{Bijlagen Handelingen der Tweede Kamer, 1978-1979, 15571, parts III and IV.} The Minister for Foreign Affairs was put in charge of any initiative involving economic measures.\footnote{Ibid., Nota naar aanleiding van het verslag, 15571, no. 3. Van der Klaauw later declared that discussions on co-ordination of the human rights policy with the Minister for Development Co-operation De Koning had always been very thorough, with no disagreement. Van der Klaauw, conversation by phone, July 1993.}

The Bill also specifically dealt with the problem of human rights violations in the context of development co-operation, apparently a complicated relationship. In its selection of concentration countries the government would consider the classical freedom rights and rights of minorities.\footnote{Other criteria in use were the degree of poverty and the need for aid. No order of importance was used.} Development aid, however, was not an instrument for manipulation, another undefined concept but implying that aid should not serve as a reward or punishment. The aid supply would focus on the needs of people, not the behaviour of governments.
Reticence would characterise action in case of human rights violations, because the contribution of aid as a means to increase respect for human rights was considered limited. A judgement of response to serious abuses would consider the type of rights that was being violated and the seriousness of the violation in combination with the effect that could be expected from a particular measure. Aid should not make a direct contribution to a continuance of repression. In case of gross and systematic violations of fundamental human rights — gross and systemic were terms left undefined — suspension or refusal of aid could be contemplated, but only after all relevant policy considerations had been taken into account, including implications for poor people. Fundamental rights included the right to life, freedom, immunity of the body, and freedom of religion and opinion. This category did not include political rights.

Given all reservations regarding the use of sanctions in development co-operation, and the lack of any clear definition of key concepts, development aid was unlikely to become a major instrument to correct human rights abuses. Should parliament agree with the vague criteria, to be applied to undefined concepts, it would give the policy making centre considerable leeway for arbitrary decisions.

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57 Fundamental rights included the right to life, freedom, immunity of the body, and freedom of religion and opinion. This category did not include political rights. Ibid., Nota naar aanleiding van het verslag, 15571, no.3.

58 According to one of the drafters of the Bill, former Minister for Development Co-operation gross and systematic violations were violations on a large scale resulting from the structure of the regime/government. De Koning, conversation by phone, 18 July 1993.

Regarding the implementation of the policy by the Department of Foreign Affairs guidelines for judging values and interests would not be used: a case-by-case approach was the rule with Bureaus and Directorates of the Department doing the weighing. Horizontal exchanges of views with Directorates of other Departments occurred in this process. Problems that could not be routinely solved were handled at the level of Director-General. If necessary Undersecretaries or ministers would decide. Regional Directorates handled matters relating to particular states. Facts regarding these states would enter the Department as a rule via these Directorates that took care of the processing. Problems regarding the relation of human rights and development co-operation were handled by equivalent regional sections in the development co-operation half of the Department.

The Second Chamber had ample opportunity to scrutinise the policy intentions of the government and the organisational structure it would confide with the execution, and made good use of it. A long list of questions was formulated, followed by extensive debate.

Thereto encouraged by the Chamber, the Minister for Foreign Affairs unfolded a plan to improve the institutional framework of the human rights policy. He suggested to set up a standing task-force comprising all those sections of the Department of Foreign Affairs involved in human rights. This task-force would deal with aspects of general human rights problems. Further the minister was in favour of establishing an advisory body that would conduct studies into the relationship between human rights and foreign affairs: Commissie van Advies inzake de rechten van de Mens (Advisory Committee Human Rights). Several parliamentarians also raised organisational adaptations required to make human

60 Ibid.

Scholten, who had become CDA’s spokesman on foreign affairs, doubted whether the formation of a special task-force to assure co-ordination of human rights policy between the various divisions of Foreign Affairs was enough. Recognising the contribution of NGOs he further wanted to strengthen the Department’s relations with NGOs. Replying to his concern, he was informed that the government had annual contacts with Amnesty International and frequent contacts with other human rights NGOs. Scholten also claimed that communication between cabinet and parliament needed to be improved.61 Ter Beek, PvdA’s spokesman on foreign affairs, also criticised the organisational component of the Bill, advocating a stronger human rights desk, at the risk of making human rights an issue of contention inside Foreign Affairs. An interdepartmental working-group should guarantee human rights a more prominent place in overall foreign policy.62 Brinkhorst (D’66) complained that criteria of the policy and organisation of the Department were opaque, making the policy unpredictable. Therefore he wanted an extra human rights section in the annual budget papers of foreign affairs.63

In his reply Van der Klaauw indicated his preference not to change the Departmental structure that took charge of human rights co-ordination. Several Directions of Foreign

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62 Ibid.
63 Ibid., pp.1379-1380. PPR supports the idea of better criteria. See p.1384.
Affairs were involved in execution of human rights policy, while DGIS was in charge of overall human rights. There would be a stronger task-group composed of members of DGIS and representatives of all those Directorates where human rights came into play. This way the whole Department would be infused with human rights.64

Van der Klaauw and De Koning successfully defended the means they intended to use against human rights violations. They made no concessions to parliamentarians who rejected the case-by-case approach. Van der Klaauw added that in principle the government was prepared to contemplate suspension of aid65 and to take economic and financial steps in case of gross and systematic violations of human rights,66 but only when other measures had proven unsuccessful. De Koning added that he preferred to use development aid as a positive instrument. Restraint was required with respect to sanctions. He was opposed to a separate section on classical human rights in the Annual Report on Development Cooperation.67 Ter Beek, however, insisted and therefore submitted a motion asking the minister for an extra section to the budget papers of Foreign Affairs.68 Like his colleague Van der Klaauw rejected the idea to report on the human rights situation in a selected number of countries, as he feared angry response from those countries. The motion was subsequently defeated; the two ministers successfully defended the Bill.

64 Ibid., p.1388.
The period of Cabinet Van Agt I was characterised by cohesion and agreement within the coalition cabinet itself and between cabinet and its representatives in the Second Chamber about both goals and means for promoting and protecting human rights in foreign policy and development co-operation policy.

Although the human rights Bill was bulky and in many ways detailed, its failure to define gross and systematic human rights violations and its rejection of an accurate prescription of response in a situation where human rights were being violated, opting for a case-by-case approach instead, were significant weaknesses. This human rights policy framework allowed the policy centre considerable leeway to manoeuvre during the phases of policy evaluation and implementation, restricting parliamentary control. This conclusion particularly holds in situations where there is broad agreement inside cabinet and between cabinet and its parliamentary representatives. However, should ministers disagree over the response to be given, a case-by-case approach, with no clear-cut means to respond to a situation of human rights violations, allowed for major parliamentary involvement and a say in the policy. In theory, the loose connection between policy plan and implementation, intended to give the government flexibility in conducting its foreign policy, could backfire in case of internal disagreement and, through a widening of the circle of policy makers, restrict the centre’s policy leeway. No one realised this in 1979, however.

5. Cabinet Van Agt I and the East Timor case

68 Ibid., p.1434.
In 1978 only a few small protests were organised such as a demonstration in May against the meeting of IGGI and in support of freedom for East Timor. These protests did not impress the government as De Koning did not discuss East Timor when he visited Indonesia in September and met with Suharto.

In parliament, Van der Spek (PSP) brought East Timor back in the spotlight asking the Minister for Foreign Affairs to explain why the Netherlands had abstained on the latest UN resolution. Van der Klaauw claimed that no reliable information about human rights violations was available, but he denied reports about a large scale Indonesian offensive. Van der Spek disagreed since Australian newspapers made clear that an offensive was raging, and therefore he submitted a motion:

"Indonesia is involved in acts of war in and around East Timor...these operations are of such a magnitude and nature, that the use of three corvettes which are to be supplied by the Netherlands is likely;...the situation will still be similar by the time of delivery of the first corvette; [and] these circumstances belong to the weighty circumstances formulated by the government as a reason to reconsider the decision regarding permission to export the corvettes; [therefore] the government [should] postpone a final decision until the Chamber has been informed and consulted."

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70 In a conversation by phone in 1993 the former minister indicated that the information he initially received had all been indirect. Later on diplomats provided more reliable direct information. The bishop of Timor also gave important information. Direct government contacts with the major human rights NGOs regarding East Timor were notably absent.

71 Handelingen der Tweede Kamer, 1978-1979, 8 February 1979, 15300-V, no.89, also see p.3112.
Ter Beek (PvdA) wanted to know what the government could do to guarantee the right of self-determination in East Timor.\textsuperscript{72} Responding to criticism on the Netherlands’ voting in the UN Van der Klaauw stated that, “the government remained of the opinion that since the end of the Portuguese presence....the principles, as set out in the 1960 declaration on decolonisation, had not been shown to full advantage;”\textsuperscript{73} therefore the Netherlands had not supported the resolution. He added that the Netherlands would have voted in favour of a resolution that exclusively demanded admission of a humanitarian mission.\textsuperscript{74} In his argumentation the minister did not relate human rights violations to the island’s political status.

Regarding objections to the supply of three corvettes the minister suddenly did possess accurate information: unprejudiced Australian and American observers had reported that acts of war had almost fully ceased and therefore the corvettes could be supplied.\textsuperscript{75}

The firm backing of the coalition parties prevented the opposition from persuading the minister to assume a more principled policy, at the risk of economic relations with Indonesia. The existence of a human rights policy framework proved no protection against an utterly realist foreign policy. Van der Spek’s motion received support from PSP, PPR and CPN only, three small parties. PvdA voted against the motion because, as Van der Stoel

\textsuperscript{72} Ibid., p.3079.
\textsuperscript{73} Quoted form ibid., p.3188.
\textsuperscript{74} Ibid.
\textsuperscript{75} Ibid., p.3220. In a phone-conversation in July 1993 Van der Klaauw reconfirmed his opinion that the human rights situation in the late 1970s had not been as bad as in later years.
explained, it was unrealistic to assume that fighting of a magnitude that might bring into action corvettes would be going on by the time that the first corvette would be supplied.76

Notwithstanding the lack of political support, Komitee Indonesië remained active and issued a statement demanding an end to the war in East Timor. The statement was, subscribed by CPN, PPR, PSP and a number of NGOs and student groups.77 These supporting organisations were mainly small and none had direct access to the Minister for Foreign Affairs.78 Any direct impact on the policy was therefore highly unlikely.

In October 1979 PvdA submitted several questions about East Timor and during the debate about the budget of Foreign Affairs, Ter Beek attacked the government for yet again abstaining on a UN resolution on East Timor.79 CDA also wanted an explanation for the abstention. Staatkundig Gereformeerde Partij, (SGP -- Politically Reformed Party) CPN, and PPR were all concerned about the situation in East Timor and urged the minister to do more.80 Citing a report by the Australian Council For Overseas Aid (ACFOA) which

76 Walraven, op.cit., p.32.
77 These groups included, *inter alia*, Stuurgroep Christenen voor het Socialisme (Christians for Socialism), Nederlandse Vrouwenbeweging (the Netherlands’ Women Movement), Algemene Studentenvereniging Amsterdam (ASVA -- Amsterdam Student Association), Jonge Socialisten (Young Socialists), PPR-Jongeren, Nederlands verbond van Vakverenigingen (NVV -- Netherlands Association of Trade Unions), Gerakon Pattimura, and Werkgroep Indonesië. *IFM*, vol.5, no.7 (April 1979).
78 Humanistisch Overleg Mensenrechten (HOM), Komitee Oost-Timor, and Pax Christi can be added to the list of active NGOs without direct contact with the minister. Van der Klaauw did have annual meetings with Amnesty International. Van der Klaauw, conversation by phone, July 1993.
80 Ibid., pp.1114, 1129-1133.
criticised the Indonesian government for its refusal to admit relief organisations, Van der Spek called it naive to believe that the famine in Timor was caused by drought.\textsuperscript{81}

Notwithstanding parliamentary concern, Van der Klaauw remained unwilling to do anything and came up with various excuses. Regarding the ACFOA report he replied that it did not mention a policy of starvation as the cause of the famine. Besides, recently he had received accurate information from observers -- the minister did not disclose their identity -- who did not report any coercive military measures or a food-blockade. Therefore he concluded that there was no question of an intentional food-blockade. Thus the minister blamed natural conditions.\textsuperscript{82}

According to Van der Klaauw the UN resolution had not received Dutch backing because Indonesia had indicated its willingness to co-operate in the supply of humanitarian aid. The minister avoided discussing the political aspects of the resolution, a tricky subject. Van der Klaauw also claimed that it was hard to verify reports. This excuse absolved him of the duty to start an active human rights policy in accordance with the criteria set out in the human rights Bill.\textsuperscript{83} Again the minister received support of CDA and VVD for his policy.

At a later stage the minister gave additional information on the motivation behind the government's abstentions on UN resolutions that affirmed the people’s right of self-determination. The government recognised the right of self-determination of former colonies,

\textsuperscript{81} Ibid., p.1135.  
\textsuperscript{82} Ibid., p.1209.  
\textsuperscript{83} Ibid.
but the process of decolonisation in East Timor had gone wrong. In concert with the other members of the European Economic Community, the Netherlands had abstained on the latest resolution in order to contribute to a maximum relief effort. Since the resolution was not acceptable to Indonesia, its adoption would have probably resulted in Indonesian reluctance to assist in relief operations. Also the Netherlands had to be careful since it represented Portugal’s interests in Indonesia.  

In December the Minister for Foreign Affairs made a small concession, informing the Second Chamber that the government continued to monitor developments in East Timor with utmost concern. The government would not hesitate to show its concern, should there be any reason and, when possible, support the humanitarian situation and economic development after first relief had been given. Komitee Indonesië sent its reply to all political parties represented in the Second Chamber, but it only managed to arrange talks with Den Uyl (PvdA), and Scholten (CDA), a dissident in his party. According to Komitee members these talks did bring about a change in PvdA’s voting in the corvettes’ case.

During the debate on the 1980 budget for Development Co-operation, PvdA indeed expressed sincere doubts about the human rights situation in East Timor. The party suggested to continue only those aid-programs where the intended effect was foreseeable; all other aid should be frozen. However, De Koning could easily reject the idea -- PvdA

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84 Ibid., p.1299.
86 Walraven, p.53.
being the only party to raise the subject -- without even mentioning the situation in East Timor, a move consciously made since he considered a public discussion on the relation between human rights violations in a particular country and development aid inappropriate. The criteria formulated in the human rights Bill were therefore not put to use.

In February 1980 the Second Chamber debated a Foreign Affairs report about East Timor and the supply of the three corvettes. There was widespread concern over the situation in East Timor, but disagreement prevailed regarding the cause and subsequently, in the absence of an agreed diagnosis, over the measures to be taken.

The foreign minister’s depreciatory qualification of the death toll mentioned by Dunn (see Chapter VII), as ‘fantastic and mendacious’ infuriated PPR. The minister was also accused of failing to admit that the war was the main cause of famine in East Timor.  

Gualthérie-Van Weezel, CDA’s spokesman on development co-operation, however, mentioned the drought as one of the causes of the famine, and in spite of his concern over

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88 De Koning, conversation by phone, 18 July 1993. However De Koning seemed reluctant to enter into any discussion with policy makers on East Timor, since he purposely never put the issue on the agenda of the Council of Ministers. Since no other minister ever put the issue on the agenda, East Timor was never discussed by Cabinet Van Agt I. De Koning also expressed his satisfaction over the fact that human rights never became a separate agenda-item of IGGI meetings. De Koning declared his willingness to listen and reply to arguments of human rights organisations, but these groups did not influence his opinion.


90 Van der Spek, ibid., 3253. De Koning agreed with Van der Klaauw that one could hardly blame a blockade as the cause of the devastating famine in East Timor since crop-failure caused a precarious situation in other parts of Indonesia as well. When asked whether Indonesia met the requirements of the third criterion for concentration-countries he said: “Not by a long chalk,” but Indonesia’s great need for aid was decisive to continue its status as concentration-country. Conversation by phone, 18 July 1993.
East Timor he preferred to intensify relations with Indonesia.  

VVD dismissed the reports from East Timor as very contradictory and therefore inconclusive.  

Pronk (PvdA), the former Minister for Development Co-operation, disagreed with the minister’s denigrating comments about the death figure. The Netherlands ought to contribute to a political solution and help to end the blockade of humanitarian aid to East Timor.

According to Van der Klaauw the humanitarian situation had improved somewhat. Further the Netherlands did not recognise East Timor’s occupation. What implications this comment might have for Dutch policy he did not explain. The debate ended disappointingly without a consensual conclusion or expression of condemnation. While no motions were submitted, it was clear that, although both coalition parties had expressed their concern over the humanitarian situation, their desire to have good relations with Indonesia came first and therefore they supported Van der Klaauw. Again a parliamentary majority had refused to apply the principles of human rights policy to the East Timor case.

1980 was important year for bilateral relations between the Netherlands and Indonesia since De Koning, Van der Klaauw and Prime Minister Van Agt all visited Indonesia, giving their hosts the opportunity to elucidate their development efforts in East Timor. During his visit Van Agt refrained from critical talks with Indonesian leaders about East Timor. He only

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92 Ibid., p.3265.
93 Ibid., p.3266.
94 Ibid., p.3268.
exuberantly expressed his satisfaction with the positive developments. 95 According to Van der Klaauw human rights were discussed, and could be discussed, since Indonesian foreign minister Malik was very open and frank. 96 No details were released about the results of these talks.

In September 1980 Komitee Indonesië held a torchlight procession in Amsterdam. 97 Like the previous year Komitee Indonesië failed to draw parliament’s attention; only PSP briefly touched upon the issue. 98 Although Komitee Indonesië managed to organise a debate between all political parties in June 1981 at the occasion of the IGGI meeting, 99 there was no denying that social and political interest in the East Timor issue was waning. The re-entry of PvdA to government, however, would bring a modest revival.

During the period of Cabinet Van Agt I an elaborate and comprehensive, although far from explicit framework of human rights had been constructed by the CDA-VVD coalition. However, ministers and their parliamentary groups had been unwilling to apply it to the East Timor case: human rights principles had been sacrificed for the sake of support for a pro-Western regime and Dutch economic interests.


95 NRC, 18 April 1980.
96 Personal comment by Van der Klaauw, conversation by phone, July 1993.
During its brief life, this cabinet made no noteworthy contribution to the human rights policy, but its party political and personal composition deserves some attention. Formed in 1981, Van Agt II saw the return of PvdA and Van der Stoel, who reclaimed the post of foreign minister. CDA and D'66 joined PvdA in the cabinet. Van Agt remained Prime Minister. His fellow party member Van Dijk (CDA) became Minister for Development Co-operation. With ministers of different parties in charge of the fields of foreign affairs and development co-operation there was a chance of discontent, but cabinet was a prey to continuing disputes that led to its demise before a clear foreign policy had been developed.

When PvdA left the coalition Van Agt temporarily assumed the foreign ministership (Cabinet Van Agt III). With CDA in control of foreign and development co-operation policy, disagreement between top level decision makers was as unlikely as it had been during the years of brotherly co-operation between Van der Klaauw and De Koning. Especially during Cabinet Van Agt III peripheral actors would have been unlikely to penetrate the centre of decision making. It suffices therefore to discuss the main events surrounding the unaltered human rights policy only briefly. Interesting in particular is the way Van der Stoel applied the human rights policy framework during his second term.

Dealing with development co-operation, Van der Stoel upheld the human rights criterion in the selection of concentration countries. A human rights situation also had implications for the choice of means of aid, since the extent to which the fundamental rights of people were being respected by its government had a direct impact on the effectiveness of certain types of aid. The budget papers for 1982 reconfirmed that aid should never bolster a repressive
regime nor contribute to a continuation of human rights violations. However, development co-operation was not regarded as the most appropriate means to improve a human rights situation; the needs of people, not the behaviour of governments, determined what aid would be supplied.\(^\text{100}\) Suspension or termination of aid was an instrument to be used with extreme caution and, as it could harm exactly those people whose fate one was trying to improve, only in case of gross and systematic violations of human rights where aid did not contribute to making relations in that state more fair.\(^\text{101}\) The failure to define gross and systemic human rights violations made this otherwise sound reasoning unfortunately analytically faulty. An arbitrary implementation of the policy could again not be ruled out. For this reason Ter Beek (PvdA) continued his demand for an annual report on the human rights situation in a number of states, but again to no avail. This failure impeded parliament’s influence on the implementation of the human rights policy.\(^\text{102}\)

Being an experienced diplomat Van der Stoel emphasised the importance of finding supporters to influence a human rights situation: lobbying was elevated to a major means of policy to exert pressure. Another important point to him was indiscriminate indignation:


\(^{101}\) Ibid.

whatever the nature of the regime one ought to improve the human rights situation. Van der Stoel referred to the criterion in the human rights Bill and his predecessor's maxim that no disproportionate damage should be inflicted on Dutch business interests. He agreed when this meant that repercussions of certain measures would be stronger in the Netherlands than in the country on which one tried to exert influence. Thus, in contrast to Van der Klaauw, he was prepared to accept an economic toll for the sake of human rights.

Van der Stoel’s replacement by Van Agt did not have significant consequences for the government’s human rights policy framework. Not surprisingly Van Agt continued to adhere to the principles set out in the human rights Bill, drafted during his first term as Prime Minister. Respect for human rights remained a central objective of foreign policy, on equal terms with other goals of foreign policy. Development co-operation, however, was declared pre-eminently a means to pursue social and economic rights that were thought to create conditions conducive to respect for civil and political human rights. Creating favourable conditions was thus on equal footing with another instrument of human rights policy in development co-operation: the response to human rights violations. The principles of non-selectivity and effectiveness were starting-points for responses: the most appropriate means in the forum most suited.

Development co-operation should not become a means of manipulation, still a term not defined nor distinguished from influence. Should human rights be violated grossly and systematically, again concepts still left undefined, then the aid relationship could be

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terminated. That final step should not be taken easily because of the adverse effects on the position of the poorest people and also because contacts with Third World governments could be made subservient to an improvement of the human rights situation.\textsuperscript{104}

In summary the human rights framework was still analytically fraught with undefined concepts, allowing Van Agt to revert to a more careful application of its criteria to foreign affairs and development co-operation. Again parliament failed to tighten its control on the implementation of the human rights policy plan.

7. Van Agt II and III and the East Timor question

During the annual debate on the Foreign Affairs budget in the Second Chamber in February 1982 both PSP and PvdA paid attention to the situation in East Timor. PSP as the more radical party demanded diplomatic action against “the Indonesian policy of starvation and slavery.”\textsuperscript{105} The party introduced a motion, requesting the government to play a mediating role and assist in bringing about an agreement between Portugal and Indonesia that would allow for a democratic and independent expression by the Timorese on their political future.\textsuperscript{106} In the light of bilateral negotiations between Portugal and Indonesia, foreign minister Van der Stoel judged the motion not opportune. Further, the Netherlands as representative of Portuguese interests in Indonesia had to proceed with tact. In principle

\textsuperscript{106} Handelingen der Tweede Kamer, 1981-1982, 17100-V, no.40.
Van der Stoel claimed to endorse the right of self-determination for the people of East Timor, an unprecedented stand, but a mediating role played by the Netherlands was an inappropriate means to achieve that goal.\(^{107}\) PSP, PPR, CPN, SGP, GPV and notably PvdA, the minister’s own party, voted in favour of the motion, which was nevertheless defeated as CDA, VVD and D’66 voted against.

During his visit to Indonesia in February 1982, Minister for Development Co-operation Van Dijk denied that human rights were being violated on a large scale, relieving him of any duty to raise human rights issues.\(^{108}\) The Committee on Development Co-operation of the Second Chamber debated his journey in April. Terpstra, VVD’s representative to debates on development co-operation, wanted to know whether the minister had discussed East Timor, and if reports about an Indonesian offensive, famine, and incarceration of 60,000 people were correct. Gualthérie-Van Weezel (CDA) was satisfied with his minister’s careful handling of human rights while in Indonesia. Van der Spek (PSP) questioned Indonesia’s status as concentration country.\(^{109}\)

The inexperienced minister responded carefully, refusing to answer any questions about East Timor without prior consultation with the Minister for Foreign Affairs, who was after all in charge. He established, however, that in Indonesia human rights were not violated systematically and grossly to such an extent that this would have consequences for Dutch

\(^{107}\) Ibid., pp.1947 and 2027.

\(^{108}\) NRC, 15 February 1982.

\(^{109}\) Handelingen der Tweede Kamer, 1981-1982, 22 April 1982, 17100-V, no.90. The term ‘concentration’ implied that a country was a long-term receiver of a relatively large amount of aid.
aid.\textsuperscript{110} Thus the minister added ‘to such an extent’ as an extra condition to the already opaque criterion of gross and systematic violations. In typical CDA fashion, the minister was very vague in his answer. In doing so he denied parliament any interference in cabinet politics, but he was not prepared to live up to the expectations created by the human rights policy in the first place.


VVD benefited from the turmoil and chaos that characterised the last two cabinets, winning enough seats to form a coalition with CDA, led by Lubbers (CDA). Van den Broek (CDA) became Minister for Foreign Affairs and Schoo (VVD) assumed the role of Minister for Development Co-operation. Excluding the impact of the international environment, and given the coalition’s composition -- similar to Cabinet Van Agt I -- a broad endorsement and continuation of the human rights policy pursued by that cabinet could be expected.

Cabinet Lubbers’ first budget did not confirm the ambitious claim that promotion of human rights would be a central element of foreign policy, equal to other objectives.\textsuperscript{111} Measures aimed at protecting human rights, including economic and political sanctions, would still be dealt with on a case-by-case approach to judge their effectiveness,\textsuperscript{112} but a solitary action, although quite the exception, was not ruled as a useful signal with a direct impact. Most

\begin{footnotesize}
\textsuperscript{110} Ibid.
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cases, however, required international co-operation to produce any result. As expected cabinet offered no new vision on human rights and foreign policy, but soon some changes would be made.

In the 1984 Bill *Ontwikkelingssamenwerking en werkgelegenheid* (Development Co-operation and Employment) Schoo strengthened the links with Dutch companies through introduction of a policy sub-goal: aid should make a contribution to the economy of the Netherlands, which had been badly hit by a recession, and create much needed jobs. The business community thus saw its relations safeguarded by the goals set out in the policy and through its involvement in the discussions on the achievement of the new sub-goal. This development obviously weakened the position of those groups advocating human rights in Indonesia. This was only one disappointment to them, more would follow.

The 1984 Bill *Herijking Bilateraal Beleid* dealt extensively with the relationship between human rights and development co-operation. However, the paper merely restated the fundamental principles that had supported the human rights policy since 1979, including non-selectivity, the case-by-case approach, and effectiveness of measures. Respect for human

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rights remained one of the criteria to select concentration countries.\textsuperscript{116} The underlying theory in the Bill, linking development co-operation and human rights, and the justification of their promotion and protection, was quite different, however, and distinctly liberalist, as a major policy speech by minister Schoo showed.\textsuperscript{117}

According to the minister, promotion of social-economic growth, would contribute to create a climate that assisted in bringing about the full enjoyment of civil and political rights. However, economic growth alone would not automatically result in a more equal division, and there might still be repression. A social structure, she argued, prevented achievement of a more equitable share. Changing such a structure was exceptionally hard. Often human rights violations were exponents of these deeper, underlying structures of injustice, especially in countries of the Third World where systematically maintained situations of disparity caused resistance, creating a spiral of insurgency and repression. These policy theoretical assumptions allowed the minister to concentrate the aid policy on promotion of economic and social rights that would change the social structures causing the injustice. Ultimately political relations of a country would be affected, and an improvement in the status of civil and political rights associated such a fundamental change.

Schoo distinguished a direct impact of aid, from an indirect effect via the policy dialogue between supplier and receiver. The dialogue offered an opportunity to exert influence on the


\textsuperscript{117} Speech delivered by the Minister for Development Co-operation Schoo, ‘Development Co-operation and Human Rights’, in Ministerie van Buitenlandse Zaken, Jaarboek Buitenlandse Zaken 1983-1984, Bijlage, pp.77B-81B.
policy of the aid receiving government, including its policy regarding civil and political rights. However, this influence should not become manipulation, meaning, the exertion of pressure on a government in such a way as to limit its leeway to an unacceptable extent. Although one should applaud the attempt to define the concept of manipulation, the definition offered little illumination, and only introduced more vague terms in dire need of clarification. The minister did add that aid should not serve as a reward for a good human rights performance, nor as punishment for a bad record. She took seriously, she said, objections from the side of the aid-receiving countries about the possibility of blackmail. The individual case would determine what amount of pressure was allowed: back to square one.

Given the subordinated position of civil and political rights in the policy theory and with the emphasis on the sensitivity of Third World countries, the minister was unlikely to become the brave heart of human rights. The theory about fundamentally unfair social and political structures would hypothetically allow to question Indonesia’s presence in East Timor, but a more careful track was also open: reduce tensions through the supply of aid, and discuss human rights issues privately. This was the more likely course, given that East Timor was very ‘sensitive’ to Indonesian leaders.

In the same speech Schoo tried to define gross and systematic violations of human rights in the context of development co-operation. The minister made a promising start delimiting application of the policy to questions concerning fundamental human rights, including the right to life, freedom and inviolability of the person and freedom of religion. She then went on to discuss on the nature of the violation of these rights. The minister gave a few examples

118 Ibid., p.79B.
of how human rights could be violated, but unfortunately she did not make an effort to rank these violations: whether the examples given were gross or not remained unclear. Subsequently the minister argued that it was important to know on what scale fundamental rights were being violated. Disappointingly, the minister only formulated a question; she did not really attempt to provide an answer. The degree of central government involvement in a violation of fundamental human rights and its willingness to fight against arbitrary acts should also be considered according to Schoo. Finally, she did define the term ‘systematic’: were the violations in question incidents or a conscious and structured policy? But how could one establish that there was a conscious policy behind human rights violations? Replacing the term ‘systematic’ by ‘structural’ did not explain the concept and at the end of the discussion ‘gross’ and ‘systematic’ both remained vague concepts. Any judgement of a human rights violation therefore ran the risk of being branded arbitrary.

Having gone through all those steps to ascertain that there was a case of gross and structural violations of human rights, the minister addressed the problem of response. Aid was ruled out as a means of pressure or sanction. Any measures taken would only try to reduce or prevent the side effects of those human rights violations, notably regime confirmation and compliance. Also there was the criterion of effectiveness, meaning that a poor human rights situation should not frustrate the realisation of the aims of development co-operation. Possible steps would thus be taken to prevent compliance and regime confirmation. Representations and actions in international organisations were also appropriate means. Suspension of aid was a highly exceptional decision, only to be taken on the basis of

119 Ibid., p.80B.
considerations directly related to the circumstances of the particular case, which included the expected impact on the people in need and the possibility of using the aid relationship as a means to influence that state via dialogue. These conclusions regarding the means of implementation were disappointing given the extensive intellectual effort that went into establishing clear analytical criteria of the human rights policy and achieve consistency in their implementation.

The aims of the foreign policy for 1985 reconfirmed the intention to promote respect for human rights and prevent violations. No new elements were added to achieve these goals. The budget of Foreign Affairs for 1986 likewise contributed no new elements to the policy; on the contrary. It soberly explained that development aid was only laterally concerned with civil and political human rights: the government was becoming increasingly conservative in its policy theory on development aid and human rights, making a forceful implementation ever more unlikely.

Recapturing this section, Van den Broek and Schoo formally continued to adhere to the policy guidelines of the human rights Bill, but their policy theory made them more conservative, certainly in respect to human rights and development co-operation.

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120 Ibid., p.81B.
9. Cabinet Lubbers I and the East Timor issue

During cabinet’s first year in office social and political interest in East Timor was at a low, allowing the two ministers to ignore the issue. In January 1983 more than 600 people signed a letter about East Timor addressed to the Dutch delegation at the UN, but their plea had no noticeable impact. The government was satisfied with the positive development in relations with Indonesia. The situation in East Timor, particularly the disappearances reported by Amnesty International, was claimed to remain a matter of concern, although no initiatives were taken to convey this concern to the Indonesian government.

In the Second Chamber Van der Spek (PSP) reproached Van der Broek for playing a waiting game regarding human rights violations in East Timor. Characteristically for this period of oblivion, the minister did not even reply to this remark. No other parliamentary group raised the issue.

Minister Schoo reported upon her return from an inspection in Indonesia that she had discussed human rights; she had come to the conclusion that these were not being violated systematically and grossly hence there would be no repercussions in the sphere of aid.

The Memorie van Toelichting to the budget of Foreign Affairs for 1984 reported that the government continued to follow the human rights situation in Indonesia closely. ‘Appropriate means’ were being used to verify reports on the situation in East Timor, brought to the attention of the government by organisations such as Amnesty International. Since these inquiries had led the government to conclude that human rights were not violated systematically and fundamentally in East Timor there would be no repercussions for Dutch aid to Indonesia. The government made good use of these vague terms, successfully silencing any opponents, who apparently remained unaware of the government’s failure to come up with proper definitions of main policy concepts.

In the Second Chamber, Schoo expressed her disappointment over the resumption of the fighting in East Timor after the armistice between the Indonesian army and the Timorese resistance had collapsed in September 1983, following a breakdown in talks between Fretilin and the Indonesian government. On this occasion she did confirm that cabinet supported the right of self-determination for East Timor. However, she quickly recovered, concluding that she would not have to undertake action since the latest Indonesian offensive codenamed Persatuan, was not a new fact.

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During the debate on the budget of Foreign Affairs for 1984 Van der Spek (PSP) was again a lonely voice, demanding action from the government in liaison with other states. The minister did not respond.

In January 1984 Van den Broek visited Indonesia in an attempt to strengthen relations. He did discuss the human rights situation on East Timor and offered assistance to find a solution. He did not indicate, however, what solution he envisaged. Schoo informed the Second Chamber that she had not discussed East Timor during her latest visit as chairman of IGGI to Indonesia. 1984 turned out to be another year of very limited parliamentary interest, allowing the two ministers in charge to keep the implementation of human rights policy to themselves, in line with their preferred approach of quiet diplomacy and serving the goal of building of better relations with Indonesia.

Komitee Indonesië organised a political manifestation in Amsterdam in June. During the IGGI meeting in The Hague, Komitee Indonesië offered minister Schoo a petition, which she accepted. Nevertheless the minister did not put human rights on the agenda of IGGI, as the demonstrators had demanded.

Signalling yet another year of inactivity in the defence of human rights in East Timor, the budget papers of Foreign Affairs argued that the human rights situation in East Timor had

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131 Ibid., no.81.
133 Ibid., 23-5-1984, 18100-V, no.125.
improved in 1984. This did not satisfy Van der Spek (PSP) who wanted an explanation from the foreign minister about the Netherlands’ abstention during recent voting on East Timor in the UN Sub-committee on Human Rights. The outcome of the voting meant that Indonesia was no longer on the list for countries requiring special attention in the face of systematic and gross violations of human rights. Van der Spek therefore wanted to know if the minister would be prepared to place East Timor on the agenda of the next General Assembly considering that negotiations between Portugal and Indonesia had failed? Van den Broek, bound by secrecy concerning the voting, refused to comment. His reply was accepted by the Second Chamber.

Minister Schoo reported to the Second Chamber that she had discussed human rights informally during her annual visit to Indonesia in December. She called the situation still critical, but announced no measures to try to bring about a change. In the ensuing debate with the Second Chamber’s Committee on Development Co-operation, PvdA advocated to make human rights an agenda item in the IGGI, since any deterioration in the human rights situation would erode stability, and instability was a bad ingredient for development. CPN floor-leader, Brouwer, suggested that the Netherlands refuse to chair the IGGI any longer in the face of multiple human rights violations in East Timor. Van der Spek (PSP) proposed to close the IGGI meeting immediately after the opening-speech. The coalition parties were not so radical. CDA once again demanded careful management of the relationship with

137 Ibid., p.3840.
Indonesia. Since co-operation in IGGI was to the benefit of both countries, this forum should not be jeopardised. Human rights should therefore not be discussed in IGGI. D’66 spokesman on development co-operation, Tommel, disagreed and wanted to discuss human rights in the margin of IGGI. In a motion he suggested to ask the Advisory Committee on Human Rights and Foreign Affairs to study the situation regarding violations of human rights in East Timor, and see if these violations were indeed gross and systematic.¹³⁹

The motion was not carried as CDA and VVD supported minister Schoo. Either the situation in Indonesia was clear to them, or they feared that an investigation into the situation might be offensive to Indonesia. In any case they did not want to support the opposition. Thus the coalition parties denied the Second Chamber the chance to judge whether the situation required application of any punitive means as formulated in the human rights policy framework.

Four small leftist parties, PSP, CPN, PPR, and Evangelische Volkspartij (EVP -- Evangelical People’s Party), also introduced a motion, stating that human rights in Indonesia were being violated grossly and systematically; therefore the aid relationship should be terminated.¹⁴⁰ The motion was in accordance with the criteria of the human rights policy but, with the submission of the more moderate motion by Tommel, stood no change and received minimal support only.¹⁴¹

¹³⁹ Ibid., no.130.
¹⁴⁰ Ibid., no.131.
¹⁴¹ PPR, PSP, CPN, and EVP voted in favour of the motion. Ibid.
In late 1985 Schoo again reported to the Second Chamber on a visit to Indonesia. Responding to concerns by Van der Spek and her own party colleague, Terpstra, the minister again claimed that the situation in East Timor was improving. Therefore she had not discussed human rights.\textsuperscript{142}

In spite of increased parliamentary interest in 1985, and a corresponding awareness on the side of cabinet, loyalty to the coalition had prevented CDA and VVD to support a motion that tried get a grips on the implementation of the policy. Since this motion, requesting an inquiry into the extent of human rights violations, had been rejected, cabinet could continue to insist that the human rights situation was not that bad, improving, and not demanding any Dutch encouragement. The unwillingness on the side of the government and its parliamentary group obstructed a proper test of the human rights policy framework.

In 1986 there was little attention for East Timor in the general debate on foreign affairs. In reply to a question by Van der Spek, the foreign minister repeated his argument that he could not comment on the secret Portuguese-Indonesian talks.\textsuperscript{143} Schoo, was just as unwilling to link human rights to her field of policy as Van den Broek, reporting to the Second Chamber that she had [again] not discussed human rights during latest journey to Indonesia.\textsuperscript{144} Replying to questions put forward by the Committees of Foreign Affairs and Development Co-operation, the government declared that human rights in East Timor were

\textsuperscript{142} Ibid., 1985-1986, 19200-V, no.9.
\textsuperscript{143} Handelingen der Tweede Kamer, 1985-1986, 10 December 1985, 19200-V, p.2338.
\textsuperscript{144} Ibid., 1985-1986, 19200-V, no.106.
a matter of continuing concern. An assurance without meaning, since any reflection of concern was lacking in the implementation.


The new cabinet, Lubbers II, was again a coalition of CDA and VVD. Van den Broek remained in office, while a fellow CDA member, Bukman, became minister for Development Co-operation. Concentrating on the domestic context, with CDA ministers running the two main policy fields dealing with human rights, one would expect minor modifications in the relation between foreign policy and human rights. Given Van den Broek’s preference to manage the relationship with Indonesia carefully and diplomatically, well hidden to any outsiders, and the high level of party discipline, any major open confrontation in parliament regarding Indonesia’s human rights violations in East Timor was unlikely.

As always, the budget papers for Foreign Affairs gave a promising impression, stating that efforts supporting human rights would be vigorously continued in 1987. They would be twofold: aiming to create conditions conducive to more respect for human rights, and correcting abuses. No new measures were suggested.

145 Ibid., 1986-1987, nos. 20 and 37. Foreign Affairs adds with little imagination: “reports about East Timor were followed with attention.” Ministerie van Buitenlandse Zaken, Jaarboek Buitenlandse Zaken 1985-1986, p.127; see Begroting van het Ministerie van Buitenlandse Zaken 1987, Memorie van Toelichting, Bijlagen Handelingen der Tweede Kamer, 19700-V, no.20.

In May 1987 the Ministers for Foreign Affairs and Development Co-operation published an update on the human rights Bill. In this *Vademecum mensenrechten: voortgangsnotitie mensenrechten in het buitenlands beleid* [Vademecum Human Rights: Progress Report on Human Rights in Foreign Policy] they discussed the implementation of human rights policy in foreign affairs, arguing that responses had become an important hallmark of human rights policy. The claim was made that the Netherlands did not shun to use its bilateral relations to put human rights violations in the pillory; a claim hard to defend in the case of East Timor that had been virtually ignored by De Koning, Van der Klaauw, Schoo and Van den Broek alike. Human rights were said to have become a standard subject during visits to states with a poor human rights record, with informal contacts in bilateral relations being an instrument used more and more frequently.

The ideas regarding the use of development co-operation to alleviate suffering caused by gross and structural denial of human rights were still in conformity with the views expressed in the bill of 1979.

Human rights remained an integral part of Dutch foreign policy, and as such were of equal importance to other foreign policy goals. The two ministers remarked that the complexity of human rights problems required a tailor-made, case-by-case solution. Therefore they rejected the use of general criteria for a response.147

As a *Vademecum* of development in theoretical thoughts about human rights and foreign policy the paper was most disappointing: there had been no development. The paper merely repeated the conclusions of the Bill of 1979 and broadly discussed the implementation of its directives. Either CDA and VVD ministers had identical views on the relation between foreign policy and development co-operation policy and human rights, or civil servants masterminded and controlled the policy in the absence of any confrontation with a strong political personality: a ‘Yes Minister’ situation.

In parliament *Vademecum Mensenrechten in het buitenlandse beleid* was debated in March 1988, after the process of written questions by parliamentarians and replies by the government had been completed. On this occasion De Hoop-Scheffer, CDA’s expert on foreign affairs and development co-operation, asserted that the government’s policy should rest on the following criteria: the seriousness of human rights violations, the degree to which a government could be held accountable, and the duration of the violations. Human rights policy should be non-selective, credible, and efficient.\(^{148}\) Although not contravening the government’s policy, this was quite a daring speech for a CDA parliamentarian.

PvdA and D’66 agreed with the advice given by the Advisory Committee on Human Rights and Foreign Policy, that criteria should be described and used publicly in development co-

operation policy.\textsuperscript{149} Motions were submitted requesting an annual report on developments in various countries and a set of clearer criteria for judging human rights violations.\textsuperscript{150}

In his reply Van den Broek made a distinction between external criteria and internal criteria for human rights policy. External criteria referred to the situation of human rights violations, whereas internal criteria pertained to the relation between policy means and effectiveness. In the internal judgement human rights interests would be weighed against other interests. According to the minister human rights violations in all countries were judged similarly, but the response accounted for relations of the Netherlands with the state involved and considered the most efficient means.\textsuperscript{151} In this respect the minister disagreed with, and refused to implement the conclusions of the Advisory Commission on Human Rights and Foreign Policy.\textsuperscript{152}

Bukman denied improvement of human rights and stimulation of democratic processes the status of separate goals of his development co-operation policy. They were included as sub-goals in the structural fight against poverty.\textsuperscript{153} Presumably his policy theory was very similar in this respect to Schoo’s: alleviation of poverty will demolish unfair social and political

\textsuperscript{149} Ibid., 44-8/10. The Advisory Committee on Human Rights and Foreign Policy in its advice ‘Ontwikkelingssamenwerking en de rechten van de mens’ (Development Co-operation and Human Rights) also suggested an annual report on the human rights situation in states receiving Dutch aid.

\textsuperscript{150} The motions are recorded as 20200-V, nos.93 and 94. Van den Broek showed his repugnance and the motions did not receive majority support.

\textsuperscript{151} Ibid., p.44-20.

\textsuperscript{152} See Adviescommissie mensenrechten buitenlands beleid,\textit{ Ontwikkelingssamen-werking en de rechten van de mens} [Development Co-operation and Human Rights], The Hague, 1987, pp.74-75.

\textsuperscript{153} Ibid., p.44-29.
structures, to the benefit of civil and political rights. The policy dialogue with the government of the aid-receiving state could also make a contribution to human rights. Although he mentioned IGGI in this respect, he never discussed human rights as separate issue during any of the meetings he presided.

Bukman and Van den Broek agreed on the need for careful diplomacy, hidden to outsiders. As foreseen at the introduction of this section hardly anything changed with these two caretakers at the wheel. The next section will disclose whether the ministers more seriously implemented the criteria of human rights policy to the case of East Timor.

11. Cabinet Lubbers II and East Timor

The change of government did not bring about a difference in the careful way the issue of human rights in Indonesia was treated. The aim was to intensify relations with Indonesia while also exchanging views on human rights.\textsuperscript{154} Bukman, however, followed the line of his predecessor and did not raise the issue during his first trip to Indonesia.\textsuperscript{155}

During a Second Chamber debate Bukman declared that the human rights situation in Indonesia was stable, but nowhere near ideal. The minister had discussed the issue with NGOs in Indonesia, but not with the government.\textsuperscript{156} He gave no pretext for his lukewarm implementation of the human rights policy. Terpstra (VVD), who had consistently expressed

\textsuperscript{155} NRC, 18 March 1987.
concern, declared that the human rights situation in Indonesia was still bad. She inquired what the minister could do about it. PSP floor-leader Van Es classified the violations as gross and systematic, and wanted the minister respond to an aide memoir produced by the International Non-Governmental Group on Indonesia (INGI). On behalf of PvdA, Knol, harassed the minister with the suggestion to raise human rights in the IGGI, but De Hoop Scheffer (CDA), loyally supported his minister, opposing even an informal discussion in IGGI. On balance, however, the minister had received a fair amount of criticism, even from the ranks of coalition partner VVD.

In March 1987 Amnesty International launched a campaign demanding attention for the problem of disappearances in East Timor. Local divisions were summoned to contact politicians, but the action had no noticeable effect on parliamentarians. PSP remained the only party to raise concern over the situation in East Timor during the debates about the budget of Foreign Affairs for 1987 and 1988. In both instances Van den Broek ignored the issue. Except for the Amnesty action human rights groups developed few activities in support of East Timor in 1987. Komitee Indonesië held its annual actions against IGGI in June, but the protest did not specifically target East Timor this year. Bukman discussed human rights in the margin of IGGI.156

Although the Foreign Affairs annual report for 1987 mentioned human rights in East Timor as a matter of continuing attention,\textsuperscript{161} Bukman repeated his performance of the previous year and did not discuss human rights with the Indonesian government during his annual visit to Indonesia:\textsuperscript{162} an expression of contempt for an opinion prevailing amongst parliamentarians in 1987 that more needed to be done. During the debate with the Standing Committee on Development Co-operation, following his visit, Bukman declared that the human rights situation was far from ideal, but he confessed not to have paid much attention to human rights while meeting with Indonesian leaders. On this occasion the Committee was not very critical and condoned the minister’s lack of initiative.\textsuperscript{163}

In its bilateral affairs with Indonesia for 1989 the government aimed at a further intensification of these highly validated relations.\textsuperscript{164} In an effort to achieve this goal Prime Minister Lubbers and the Minister for Foreign Affairs visited Indonesia in late 1988. On this occasion Van den Broek discussed human rights both with Indonesia’s foreign minister and President Suharto.\textsuperscript{165}

According to the Department of Foreign Affairs the human rights situation in East Timor deteriorated in 1989, due to excesses by the Indonesian army. Between April and August about 50 people were killed. With the ban on foreigners entering the territory lifted in

\textsuperscript{162} \textit{NRC}, 27-4-1988.
January -- the ban had been in place ever since Indonesia’s invasion in 1975 -- the media reported on a few more incidents that occurred in short succession, and contributed to mounting tension. Prior to the visit by Pope John Paul II in October 1989 large numbers of people were arrested and taken into custody. Nevertheless protest rallies occurred during the Pope’s visit. When the American Ambassador visited East Timor in January 1990, a peaceful protest was brutally suppressed by the Indonesian army.\(^{166}\) For the first time cameras provided indisputable evidence of the graveness of human rights violations. The pictures also exposed that negative sentiments about Timor's integration prevailed among Timorese youths and students. The problem was obvious and Dutch politicians could no longer claim a lack of reliable information as viable excuse for inactivity.

Coinciding with these events in East Timor there was an upsurge in lobbying activities in the Netherlands that turned East Timor into an issue that policy makers had to address seriously. Komitee Indonesië was particularly active. It stepped up its campaign against IGGI and foreign aid, organised a press-conference in The Hague, and held a demonstration at embassies of IGGI members. Also a petition demanding termination of all aid to Indonesia was presented to Foreign Affairs officials.\(^{167}\) At the occasion of the Pope’s visit Amnesty International started a media-campaign and during a visit to The Hague in December Portuguese President Soares also allegedly urged the Netherlands' government to defend the interests of the Timorese people with more vigour.\(^{168}\)

\(^{166}\) Ibid., 1989-1990, 21662, no.1.
\(^{167}\) *IFM*, vol.14, no.5 (August 1989).
These protest voices helped to put the plight of the East Timorese back on the political agenda. Thus the Annual Report on Development Co-operation reported that the situation in East Timor gave reason for concern in 1989. The opening of the area to foreigners on the other hand was seen as a positive sign. Security operations by the Indonesian army, however, worsened the situation.\textsuperscript{169} The opening of the area to foreigners denied policy makers, ministers and bureaucrats alike, the excuse that reports of human rights violations were just unsubstantiated rumours which did not require any response of the government: Indonesia itself offered the opportunity to apply the principles of human rights policy at last.

\textbf{12. The period 1977-1989: Conclusions}

With a brief interval in 1982-1983, CDA and VVD had been in government from 1977 until 1989. Their Ministers for Foreign Affairs and Development Co-operation had worked together harmoniously, sharing opinions on human rights issues in East Timor and foreign policy towards Indonesia. Party discipline had secured these ministers of support from a (small) majority in the Second Chamber for their activities, or rather the lack thereof. Thus the expectation formulated in Chapter III that the policy making centre had weakened compared with the 1950s and 1960s due to changes in its composition, organisational changes within Foreign Affairs, and stronger external opposition, is not substantiated by the findings. There was low level opposition to the government’s policy, but since the decision making centre remained united and could rely on loyal support of its parliamentary groups the policy was never in jeopardy.

\textsuperscript{168} \textit{NRC}, 12 October 1989.
Although inactivity regarding human rights and East Timor characterised this era of CDA-VVD policy, concern about the fate of human rights in East Timor increased over the years. During Cabinet Van Agt I, the Minister for Foreign Affairs and the Minister for Development Co-operation could hide behind the argument that no reliable information about East Timor was available or alternatively discard those reports on large scale human rights abuses as blatant lies. With more reliable, and equally critical reports becoming available cabinet was forced to respond more seriously. Reluctant to take drastic steps involving sanctions, the two ministers directly involved then denied that human rights violations in East Timor were structural or gross, two concepts that, as outlined before, were never properly defined. Unfortunately parliamentarians never demanded an accurate definition of these important concepts. The government greatly benefited, giving it considerable leeway to conduct the policy it preferred.

Quiet diplomacy became the preferred means to serve human rights interests, keeping exacting voices in parliament at bay while not endangering Dutch corporate interests. Very much afraid to politicise human rights the Minister for Development Co-operation hardly ever raised human rights concerns in respect to East Timor with the Indonesian government. The parliamentary groups of CDA and VVD were satisfied with this implementation of human rights policy. Although human rights organisations contacted their parliamentary groups they did not strike a chord. Most of the NGOs concerned with the well-being of the

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169 Ministerie van Buitenlandse Zaken, *Jaarverslag Ontwikkelingssamenwerking 1989*. 
Timorese were affiliated with left wing or extreme left wing parties, who lacked the required numbers in parliament to influence the policy.

With the opening up of East Timor, cameras filmed protests against the Indonesian regime and the brutal force that the Indonesian military used to quash this popular opposition. Action groups, in particular Komitee Indonesië, developed activities focussing the attention of the media and politicians once again on East Timor. The fact that parliamentarians from all major parties participated in its forums, supports the conclusion that Komitee Indonesië and the case it stood for had found increasing political acceptance. However, with CDA and VVD parliamentarians and ministers still favouring quiet diplomacy, and without evidence of a case involving gross violations of human rights the policy remained virtually unchanged; the policy centre and its peripheral parliamentary groups were still in broad agreement on the policy means to fight human rights abuses. This situation was about to change with the fall of the CDA-VVD coalition.


A coalition of PvdA and CDA replaced the CDA-VVD cabinet in 1989, which saw Pronk (PvdA) return as Minister for Development Co-operation. Van den Broek stayed on as foreign minister. From the outset it was clear that co-operation between Pronk and Van den Broek would be difficult; they were direct opposites in almost every sense. Pronk was rather straight forward if not churlish but deeply moved and inspired. He was prepared to take an issue outside the narrow scene of decision making so as to include social groups.
Van den Broek on the other hand was an articulate, calculated and realistic diplomat, perfectly at ease in the bureaucratic decision making situation so characteristic in foreign policy making. He relied on moderate demands, personal trust and secrecy to achieve his goals. The stage seemed set for a confrontation on application of means to the long running problem of East Timor. Before discussing that interesting political fight, the policy theory regarding human rights and foreign and development co-operation policy needs to be recaptured.

The foreign affairs budget papers for 1990 reconfirmed promotion of human rights as an essential element of foreign policy. The Netherlands would take issue with human rights violations irrespective of the country and circumstances.\textsuperscript{170} In contrast to previous years, a more assertive parliament would put these intentions to a test.

During the debate on the budget of Development Co-operation members of the opposition applauded the policy. Both VVD and D’66 were happy with Pronk’s intentions, but the latter party wanted clearer criteria to judge whether the government was living up to its policy plan. PvdA and Groen Links once again demanded a better formulation of the position of human rights in foreign policy and also wanted an annual country-specific report. In case of serious violations of human rights a reduction or a complete termination of aid should be considered.\textsuperscript{171} CDA was the only party to ignore the issue completely.

\textsuperscript{170} \textit{Begroting Buitenlandse Zaken 1990, Memorie van Toelichting, Bijlagen Handelingen der Tweede Kamer, 1989-1990, 21300-V, no.2, p.56.}

\textsuperscript{171} Van Es based her case on objections put forward by human rights NGOs united in ‘Breed mensenrechten overleg’. \textit{Handelingen der Tweede Kamer, 1989-1990, 21300, pp.30-1334 and 30-1480.}
Pronk in reply reconfirmed that human rights violations would have consequences for the aid given. Concentrating on Indonesia, he declared that human rights had become an institutionalised element of discussions in the framework of IGGI, and he wanted to continue that policy. He rejected making human rights an explicit agenda item, opting for raising the issue as an element in the fight against poverty. This was in conformity with the policy theory he had used during his first term as minister. Thus he lived up to the expectations that his policy plan had created. Linking human rights directly to development co-operation, he weakened the position of the Minister for Foreign Affairs, with permission of the Second Chamber.

In line with Pronk’s long held vision, the appendix of the 1991 budget of Foreign Affairs stressed the need to employ development aid to support processes of democratisation which would structurally transform whole societies and improve respect for human rights. The focus of development co-operation was on a positive policy that would create conditions favourable to an improvement of the human rights situation. 

During a debate on Pronk’s major policy plan, *Nieuwe kaders voor ontwikkelings-samenwerking* (New Frameworks for Development Co-operation), VVD, supported by D’66, submitted a motion demanding better criteria for implementation of human rights in development co-operation: times were really changing. Pronk declared such a motion otiose since the criteria were already clear. CDA was wary of politicisation of development co-operation, since the use of sanctions would violate other policy objectives. Although PvdA
supported the Bill, parliament was assuming a more assertive role, increasing pressure on
the government to put its cards on the table.

In the Bill *Een wereld van verschil* (A World of Difference), tabled in 1991, Pronk
endorsed the theory, in fashion since the 1970s, which claimed that economic and social
development would also eventually result in increased freedom and dignity, but he further
refined the relation, linking development to participation and democracy. He argued that
respect for those human rights that made up the core of democracy, freedom of expression
and meeting, etc., was conditional for participation. Remarkable was the order in which
classic and social rights were linked: freedom rights came first, generating the spin-off to
social rights. Pronk reasoned that an unfree society would lead to a concentration of power
depriving the majority to share in prosperity. Democracy and classic human rights were
therefore indispensable conditions for a durable, and equitable development. Since classic
human rights formed the pillars of democracy their enjoyment would give a wider ‘bottom
group’ of society an opportunity to defend its interests. Pronk also saw sheer moralism as a
reason to fight against political duress, torture, disappearances and murder.\(^{174}\)

\(^{172}\) *Begroting Buitenlandse Zaken 1991, Memorie van Toelichting, Bijlagen


\(^{174}\) *Een wereld van verschil, Begroting Buitenlandse Zaken 1991, Memorie van
Toelichting, Bijlagen Handelingen der Tweede Kamer, 1990-1991, 21813, nos.3-4.*
Pronk intended to make better use of direct dialogues with governments of aid-receiving countries as means to defend human rights. The emphasis was on a positive support for initiatives, and not on reactionary measures such as suspension or termination of aid.¹⁷⁵

Human rights were also at the centre of attention in another government paper Voortgangsnotitie over de rechten van de mens in het buitenlands beleid (Progress report on human rights in foreign policy). The government reiterated its goals to establish international norms, to achieve effective control regarding observance of these norms, and to achieve observance in practice. The last concern had priority. In its policy the government could take negative measures or contribute positively to conditions that better enabled observance to those human rights.¹⁷⁶

Reflecting traditional views about human rights and economic relations the government declared its reluctance to interfere with international economic relations since these should be primarily between private enterprises. Since the government was not a party principal, it should show reservation. Sanctions would be applied in accordance with the advice given by the Advisory Commission on Human Rights, that is, only if other less drastic measures were expected not to achieve an adequate result. Also one should have good reason to expect a better result from sanctions. Such steps would normally be taken only in a

¹⁷⁵ Ibid., p.52.
concerted European alliance. As will be discussed, the Timor case would form a violation of this maxim, for which the Netherlands paid dearly.

VVD, of all parties, deplored the discrepancy between the criteria of the human rights policy and their implementation. Terpstra blamed disagreement inside the coalition for this shortcoming. Verspaget, PvdA’s spokesperson on development co-operation, was satisfied with the promise by Pronk of an annual country evaluation.

Pronk’s firmer conceptual linkage of human rights and development co-operation constituted a risk of collision with the Minister for Foreign Affairs, who was officially the first in charge of human rights and foreign policy. Also Pronk was turning aid more into a political instrument, which potentially threatened the cohesion of foreign policy.

The Second Chamber seemed to approve, even demand, a more transparent relation between human rights criteria and their implementation, so as to assure itself of greater control over policy, potentially challenging the privileged position of the policy making centre during the phases of implementation and evaluation. The following sections will substantiate these claims and show how (dis)agreement over policy goals and means in cabinet and between cabinet and parliament affected their implementation in the case of East Timor. Events will prove that intra-cabinet disagreement increased the chances of parliamentary groups, and their aligned NGOs, to successfully influence the content of foreign policy.

177 Ibid.
towards Indonesia and East Timor. The discussion will also clearly show the devastating consequences when domestic actors cross the limits to autonomy dictated by the international environment.

14. Cabinet Lubbers III and East Timor: the grand finale

Pronk’s personality was a major explaining factor of the human rights policy and the events that would bring the aid-relationship with Indonesia to an end. His more critical social-development philosophy made the policy centre more receptive to, and coincided with, an increased concern about human rights violations, notably in East Timor, and a desire to do something about it in the Second Chamber. Setting the tone for his more active and critical human rights policy, Pronk discussed human rights with Indonesian Minister for Foreign Affairs, Alatas, during his first visit to Indonesia.179

Van Gijzel, PvdA’s spokesman on development co-operation, raised the situation in East Timor during a debate between the Committees of Foreign Affairs and Development Co-operation and the ministers Van den Broek and Pronk on 10 May 1990. He considered that “continuing human rights violations in East Timor.... should persuade the Netherlands to weigh possible steps to take. Quiet diplomacy has been to little result....”180 Given that

180 Quoted from Handelingen der Tweede Kamer, 1989-1990, 21300-V, no.123. Dutch special aid, valued at 27 million guilders, had already been suspended following the executions of 6 prisoners accused of having been involved in the coup back in 1965. Following this suspension, Indonesia refused to accept the total aid package worth 192 million guilders. During Pronk’s visit to Indonesia political differences were smoothed out. Quoted from Handelingen der Tweede Kamer, 1989-1990, 21300-V, no.123.
Amnesty International reports concluded that human rights were being violated systematically and structurally he advocated the use of other instruments. Tommel (D’66) also recognised the failure of quiet diplomacy and advocated a different approach. As always De Hoop Scheffer (CDA) wanted to show reticence when it came to the use of development aid as an instrument of punishment and reward; gross and systematic violations of human rights made an exception to this rule. Beckers-De Bruijn, representing Groen Links (Green Left), a newly formed coalition of PSP, PPR and CPN, agreed with Pronk’s vision to attribute a more important role to human rights in development co-operation. She wanted to reconsider all aid given by IGGI.

Van den Broek promised the Chamber to provide a report on the human rights situation in Indonesia, but refused to give up quiet diplomacy as means to implement human rights policy. Expecting insufficient support from other IGGI members, with damaging consequences to the cause of human rights, both Pronk and Van den Broek expressed their preference for a continuation of the policy to discuss human rights in the margins of IGGI only.181

Soon after this discussion the human rights situation in Indonesia again formed the topic of a major debate, the occasion being the submission of a report titled, De mensenrechtden situatie in Indonesië (The Human Rights Situation in Indonesia). In this report, drafted at the request of the Second Chamber, the two ministers admitted a worsening of the human rights situation in East Timor in 1989, for which they blamed the

181 Ibid.
army. Because the Indonesian government was accountable for the army, measures of the human rights policy could be applied, but they were not. According to the ministers human rights were not being violated systematically and grossly, and the situation had not just worsened. Positive developments included the reopening of East Timor to visitors and the International Red Cross had been allowed to resume its work.\(^{182}\)

During the debate in the Second Chamber on the Bill ‘*Nieuwe kaders voor ontwikkelingssamenwerking*’ there was also ample attention for East Timor. Terpstra (VVD) on this occasion described the human rights violations as ongoing, gross, and systematic. Therefore she wanted Pronk to develop initiatives to stop Indonesia from using violence and speed up negotiations that should result in a withdrawal of Indonesian forces.\(^{183}\) Terpstra thus specifically related these gross human rights violations to the people’s denial of and the desire for self-determination. According to Tommel (D’66) East Timor was a prime example of a bad application of human rights criteria in the selection of aid-receiving countries.\(^{184}\) For the time being the majority of the Standing Committee on Development Co-operation only made critical comments, and refrained from submission of any motions. In his reply Pronk did not specifically address concerns expressed over East Timor, since the debate was about development co-operation policy in general, this was not unreasonable, albeit disappointing in the face of general concern among the opposition.

\(^{182}\) Reply by the Minister for Foreign Affairs and the Minister for Development Co-operation to questions posed by Van Gijzel, 4 September 1990, *Handelingen der Tweede Kamer*, 21662, no.1.

In his defence of the budget of Foreign Affairs, Van den Broek faced wider criticism by the main political parties regarding East Timor. D’66 spokesman on foreign affairs Eisma wanted some initiative taken concerning East Timor, and he would like to hear the conclusions of the Dutch representative who visited East Timor; what implications would these conclusions have for the policy.\textsuperscript{185} Van Traa, PvdA’s expert on foreign affairs, accused the government of having shown too much restraint, although Pronk had given new life to the discussion. Sipkes (Groen Links) berated the Netherlands’ neutrality in the Indonesian-Portuguese conflict. Considering the condemnation by many international organisations, such an attitude was not acceptable.\textsuperscript{186} The issue of self-determination was slowly coming to the forefront of debate in the Second Chamber.

Van den Broek claimed that the Netherlands’ neutrality in the Indonesian-Portuguese conflict did not affect its opinion regarding human rights. Repeatedly the Netherlands had shown its concern. The visit by a Dutch observer to Timor had yielded evidence that the slight improvement in the human rights situation that occurred in early 1990 had given way for another worsening in October 1990. According to Van den Broek the situation had his full attention. He had already expressed his concern to the Indonesian authorities.\textsuperscript{187} The minister continued to adhere to diplomatic representations which at best mitigated the symptoms of the underlying problem. However, since the minister’s reasoning failed to recognise this deeper cause of human rights violations, his human rights policy was bound to target the wrong goals with the wrong means.

\textsuperscript{184} Ibid., p.22-50.
\textsuperscript{185} Ibid., 11 December 1990, 34, p.2056.
\textsuperscript{186} Ibid., 34, p.2062.
During a conference organised by Komitee Indonesië, Indonesisch Documentatie & Informatie Centrum [INDOC -- Indonesian Information and Documentation Centre] and Studie- and Informatiecentrum Mensenrechten [SIM -- Study and Information Centre Human Rights] all major political parties sent delegates to participate in a debate, a clear symptom that Komitee Indonesië had developed from an obscure pressure group whose political ties were restricted to small left wing parties, into a widely respected human rights defendant whose activities were acknowledged and appreciated by left and right alike. The unanimous opinion was that human rights were being violated systematically in Indonesia. Such consensus, with its potential implications for development aid marked a major shift in the opinion of policy makers, one that paved the road for more radical actions against human rights violations.\footnote{\textsuperscript{188}}

In December 1990 Asia Watch reported that the situation in East Timor was worse than any time since the mid-eighties,\footnote{\textsuperscript{189}} a vision shared by Dutch policy makers in Foreign Affairs.\footnote{\textsuperscript{190}} And so the stage was set: deteriorating human rights conditions in East Timor had the full attention of a critical Second Chamber and a Minister for Development Co-operation who was using a policy theory which directly linked political human rights to development, and who was prepared to accept the consequences that such a perspective could have on

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\footnote{\textsuperscript{187} Ibid., 36, p.2326.}
\footnote{\textsuperscript{188} The conference, which saw the participation of all major political parties, was the culmination of actions organised by Komitee Indonesië in liaison with other NGOs. The actions helped to re-establish East Timor as an issue on the agenda of the major political parties, thus allowing Komitee Indonesië access to the centre of decision making. This helps explain the Second Chamber’s political diatribe on Indonesia following the Dili shooting.}
\footnote{\textsuperscript{189} \textit{Asia Watch}, 1990.}
development aid in case of serious human rights violations. All that was needed to cause a
canflagration in relations with Indonesia was a spark.

Some spark it was when in November 1991 cameras filmed the brutal shooting of Timorese
demonstrators at the Santa Cruz cemetery by Indonesian soldiers, causing an international
outcry. On 14 November the Indonesian Ambassador to the Netherlands was summoned
over the shooting. His government was requested to investigate the incident thoroughly and
to punish those who were responsible. The Indonesian government was also urged to give
the Timorese who had been taken prisoner a humane treatment, to release the innocent, and
to fully support an independent and impartial, and if necessary international investigation.191

Although Foreign Affairs’ expression of concern over the human rights situation in East
Timor was unprecedented, the Department still refused to relate the violations to the denial
of self-determination. Given Pronk’s policy theory, the political regime could have been
identified as a structure impeding democratic development, *casu quo*, an execution of the
right of self-determination. However, Foreign Affairs refused to adopt this theoretically
correct, but for relations with Indonesia, devastating position.

At the initiative of the Netherlands’ chairmanship, foreign ministers of the European
Community released a common statement that they were “deeply concerned over the
incident...[and] condemned such violence.”192 A trial of the military in charge was also
urged. The international situation seemed right to take tougher action against Indonesia.

190 Ministerie van Buitenlandse Zaken, *Jaarverslag Ontwikkelingssamenwerking 1990*.
192 Quoted from ibid.
On 21 November the Second Chamber debated the shooting in Dili. Beckers (Groen Links) set the trend for the rest of the debate. She rejected any Indonesian inquiry and instead demanded an impartial, international investigation into the shooting preferably conducted by the UN. Her position implied a rejection of Indonesia’s claim to sovereignty. Awaiting the findings she wanted to suspend all development aid to Indonesia. The Netherlands as chairman of IGGI and the European Community should ask other states to take a similar stand.\(^{193}\)

Van Gijzel (PvdA) had no faith in an Indonesian investigation either; besides East Timor was not an internal matter as the territory was a Portuguese mandate. He too wanted an inquiry carried out under UN authority, and, pending the outcome, no new aid projects should be started. Further the government should lobby other European Community members to follow suit. In East Timor, according to Van Gijzel, there was a “structural concatenation of severe incidents of human rights violations,”\(^{194}\) a qualification he used to justify tough means in accordance with the human rights policy. The UN should send an international team to East Timor to supervise the situation for an indefinite spell. The government should take an initiative accordingly in the UN. Finally Van Gijzel wanted the European Community to impose an arms-embargo against Indonesia, to be maintained until the Timor problem had been solved.\(^{195}\) Although he did not mention self-determination, his reasoning obviously envisaged an execution of self-determination as solution to the continuing human rights violations.

\(^{194}\) Ibid.
\(^{195}\) Ibid.
Terpstra (VVD) agreed that the shooting was not an isolated event, but part of a series of extremely serious incidents. She shied away from classifying the human rights violations as structural, but she too had no confidence in an Indonesian investigation. The Netherlands must take the initiative in IGGI, suddenly considered a suitable forum to deal with human rights after all, and the European Community to push for a truly impartial, and thus independent investigation. The small Christian parties RPF and SGP were in favour of an international inquiry as well. D’66 accused the government of lethargy, to be ended through an initiative in IGGI and the European Community aimed at bringing about an international investigation. Awaiting the results no new aid-projects should be started. Huibers, CDA spokesman on development co-operation, was more careful. The party endorsed the incisive condemnation by the European Community, but all that Huibers asked from the government was to lobby for a special UN representative to East Timor.

Minister for Foreign Affairs Van den Broek defended the measures taken so far. He did not want to speak a word of no confidence in the Indonesian investigative commission yet. Thus he wanted to reconsider the matter after the commission had finalised its report. Only then did he want to decide possible repercussions for bilateral relations.

Pronk reported on a phone-call with Radius Prawiro, the Indonesian Minister of Planning and Economic Development, in which he had warned the latter for possible consequences

196 Ibid.
197 Ibid.
198 Ibid., p.1629.
for development co-operation. He joined sides with Van den Broek regarding an investigation, but awaiting the findings the Netherlands would not offer any new aid-projects to Indonesia. Pronk promised to act as much as possible in concert with the IGGI partners.

Although Beckers was satisfied with this concession, she introduced a motion: “Considering the desirability of an independent international inquiry under auspices of the United Nations to investigate recent events in East Timor...invites the government to take steps to bring about such an inquiry.” The motion received general support from the Chamber. Van den Broek warned that without consultation of the partners about an international investigation, such an action by the Netherlands could fail with effects that might be extremely damaging. A few days later, in a reply to Weisglas, VVD’s spokesman on foreign affairs, Van den Broek reported that the international responses about an international inquiry were mixed.

The Minister for Foreign Affairs suffered a heavy defeat in this debate, having to swallow a suspension of new aid as well as an unanimously supported motion demanding that the

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199 Ibid.
200 Although Pronk put forward the idea in the debate to temporarily suspend new aid-projects it was in fact Van den Broek who made this gesture during a pause in the debate, in an attempt to satisfy the Second Chamber and avoid a motion demanding an international investigation. Van Gijzel. Interview, The Hague, July 1993. Civil servants of DGIS did not agree with this conditioning of the aid, according to sources within the Department of Foreign Affairs. Allegedly Pronk’s communication with DGIS and Bureau Indonesië was insufficient in this period of tension, leaving him poorly advised. Bureau Indonesië maintained very frequent contact with DGIS and the Minister for Foreign Affairs, who in turn would contact the Minister for Development Co-operation. But contact between the two Minsters is said to have been laborious.
government take steps to assure an international inquiry into the shooting.\footnote{Handelingen der Tweede Kamer, 1991-1992, 22300, 21 November 1991, meeting 27.} Human rights were thus drawn into the political sphere and for this the Minister for Development Co-operation received the Chamber's explicit support. At last development co-operation was used as a sanction, after the Second Chamber had ruled that the situation in East Timor complied with the criteria formulated in the human rights policy.

On 29 November Komitee Indonesië, supported by other human rights NGOs, wrote a letter to Van den Broek also urging him to push for an independent investigation and permission of human rights organisations to visit East Timor, as well as a guarantee that international law would be applied to those people who remained in detention. In his answer on 18 December 1991 the minister did not make any promises.\footnote{Yvette Lawson. Interview, Amsterdam, 16 June 1993.} Komitee Indonesië, however, did not see the need to develop any further significant lobbying activity towards parliament as it had already taken a critical stand.\footnote{Certain parties and their representatives were never approached since Komitee Indonesië considered that a waste of energy. Parliamentarians mentioned in this respect were Weisglas (VVD), and De Hoop Scheffer (CDA).}

In December an East Timor week was organised, a joint effort by Oost-Timor Groep Nederland and Komitee Indonesië. Participating NGOs included Nederlands Juristencommittee Mensenrechten (NJCM -- the Netherlands Committee Juridical Committee) and Pax Christi. The manifestation ended with a debate on 14 December in
which politicians of three major parties were prepared once again to express publicly their concern about the human rights situation in East Timor.\textsuperscript{206}

In a letter written on 20 January 1992 Van den Broek, on behalf of the government, called the preliminary report by the Indonesian investigative committee into the Dili-shootings hopeful. This judgement was motivated by the committee’s conclusions about the death-toll, which was higher than originally admitted. The presidential order to search for the missing persons and the ruling that the army had acted arbitrarily were positive signs as well. Also two generals had been demoted over the shooting. President Suharto had given his condolences to the victims and had stated his intention to prevent any repetition of events. Further minister Alatas had declared on 14 January that a representative of the Secretary-General would be welcome. The government would closely follow developments, but in the meantime discussions with Indonesia on aid for the coming year would start as planned in February. Should the UN Secretary-General not come to an agreement with the Indonesian authorities, then the Netherlands would contact its European Community partners to discuss any further steps.\textsuperscript{207} The minister thus failed to implement the motion of the Second

\textsuperscript{206} The participants were Van Gijzel, Terpstra, and Eisma.

\textsuperscript{207} Letter by the Minister for Foreign Affairs Van den Broek, 20 January 1992, Bijlagen Handelingen der Tweede Kamer, 1991-1992, 22300-V, no.72. The letter by the Minister for Foreign Affairs is couched in placable terms, corresponding with the minister’s desire to deflate the issue, as advised by Bureau Indonesia. This Bureau favoured undoing the sanctions. The talks with the Indonesian government about the aid program would not touch on human rights and East Timor. The relations between Van den Broek and Pronk worsened, and their contact became limited to the Council of Ministers, where Pronk’s position was strong with the solid support of the Second Chamber for tough action. The row between the two ministers did affect the harmony of the Department of Foreign Affairs as well. According to certain voices within the Department the battlelines were not drawn along the functional divisions as one would expect. Rather Pronk’s position is described as having become increasingly isolated, with civil servants of DGIS disagreeing with the conditioning
Chamber regarding an international investigation. The Second Chamber saw no need to respond immediately, presumably partly because the UN representative had not tabled his report yet.

In February 1992 the Ministers for Foreign Affairs of the European Community repeated their concern over the fate of those people who had been taken prisoner and those who were still missing, but no further action was taken. The issue was starting to fade away, weakening the international position of the Netherlands, a fact not widely picked up by members of the Second Chamber.

In the same month Amnesty International claimed that the shooting at Santa Cruz was not an isolated incident, but a sign of a pattern of gross and systematic violations of human rights in East Timor. Amnesty demanded a firm response from the international community. An independent international inquiry should be held to investigate the shooting.

Van den Broek reported by letter to the Second Chamber about a talk he and Pronk had with the Indonesian Minister for Foreign Affairs on 26 February. Van den Broek told Alatas in that conversation that the Netherlands had regarded Indonesia’s reaction to the conclusions of the preliminary report positive, but he had underlined the importance of the conclusions of the representative of the UN Secretary-General, Amos Wako. Van den

of the aid. Allegedly Pronk did not enjoy the support of the DGIS-bureau on development co-operation with Indonesia. “Pronk’s personal policy within the Department was only buoyed by those civil servants supporting Pronk’s political party, PvdA.” This opinion is not undisputed, however, with Groen Links claiming that the Department was divided according to functional lines.
Broek had asked for additional information about the fate of the missing people and the trials against demonstrators and soldiers.

Pronk reported to have told Alatas that all Dutch political parties were very dismayed. He had emphasised the importance of a proper long-term policy and elucidated the decision of 21 November 1991 to suspend aid for new projects, in combination with the announcement of 20 January 1992 that discussions could go ahead after all. Alatas had expressed the Indonesian government’s objections against political conditions to economic aid. No decision had been taken about a resumption of Ministerial talks over aid, which were suspended indefinitely at the request of Indonesia.\(^{208}\)

On 18 March 1992 the Committee for Development Co-operation of the Second Chamber debated the Timor issue with minister Pronk. Huibers (CDA) regarded the Indonesian investigation as a positive signal and was in favour of a resumption of talks about the aid program. He stressed that it was very important to continue the dialogue about human rights, and to hear about the fate of those people who were in prison or missing.

Van Gijzel (PvdA) acknowledged the positive signals, but these still had to be implemented. Once again he demanded an international inquiry, East Timor not being Indonesian territory. He expected the government to have the result of Mr. Wako’s investigation debated in the

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\(^{208}\) Letter by the Minister for Foreign Affairs van den Broek, 3 March 1992, *Bijlagen Handelingen der Tweede Kamer, 1991-1992*, 22300-V, no.91. Although human rights and East Timor would not have been on the agenda, Pronk wanted to visit Atjeh as chairman of IGGI. Although the request was later dropped, it might have been indigestible for the Indonesians and contributed to their response not to resume talks yet.
UN. Van Gijzel was also concerned about the tough reaction by the Indonesian military and the sacking of journalists.

Terpstra (VVD) was confused about the intentions of the policy: did the government want an independent investigation or not? In its opinion the government should resume talks about resumption of the aid program should Indonesia desire so, because of the encouraging signals. D’66 was also satisfied with the impact of international pressure; the aid dialogue could be resumed. GPV and Groen Links, however, remained opposed.

In his reply Van den Broek called the demand for an international inquiry premature, since both the Netherlands’ government and the European Community had urged Indonesia to find the missing people. Further, the Red Cross had been admitted to the prisoners, who were being treated well.²⁰⁹ Pronk reiterated that there were no specific political conditions for a resumption of the aid dialogue in the letter sent to the Second Chamber on 20 January 1992.²¹⁰ Thus a growing number of parliamentarians saw no further need to push for an international inquiry, but the link between development aid and human rights was maintained, much to the displeasure of Indonesia.

On 19 March 1992 there was yet another debate in the Second Chamber about development co-operation with Indonesia. Although last year’s visit by Pronk to Indonesia formed the subject of debate, attention was focused on the events in Dili and the handling of

affairs after that tragedy. Sipkes (Groen Links) claimed that human rights were violated structurally in East Timor. She criticised the fact that human rights were only informally discussed in IGGI. A continuation of pressure on Indonesia was essential to bring about an improvement in the human rights situation. Terpstra (VVD) wanted to know if it would be possible to send European observers to the trials against people who participated in the protest march in Dili back in November. Huibers (CDA) pleaded for a dialogue instead of a constant threat to cease the aid-supply. Tommel (D’66) preferred a continuation of a frank discussion on human rights with Indonesia. According to Verspaget (PvdA), Indonesian dependency on aid offered the possibility to stimulate positive developments in the field of human rights. The Dutch government therefore had a clear duty. Events would prove her wrong.

Minister Pronk stressed that the government was playing a careful role and showing restraint because Indonesia was very sensitive to conditions being placed on aid because of its human rights record. Nevertheless human rights were an integral part of the developmental process, and as such an inherent element in Dutch aid-policy.  

Indonesian diplomats followed the debate and sent an alarming message to Jakarta that parliament and minister continued to link human rights and development co-operation. The Indonesian embassy allegedly refused to pass on to Jakarta information provided by Foreign Affairs that explained the position of the Second Chamber and the policy of the

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211 Ibid., 19 March 1992, 22300 and 22398.
President Suharto thus received incorrect information, allegedly based on poor translations of a complicated debate. Foreign Affairs, aware of its failed attempt to have the decision of the Second Chamber portrayed in its context in the report that was sent to Jakarta, raised the alarm with Pronk on 24 March, but the minister did not take the warning seriously.

Thus on 25 March 1992 Indonesia terminated the aid relationship with the Netherlands and dissolved IGGI. Pronk and Van den Broek announced the Indonesian decision in a letter to the Second Chamber. According to the ministers, the Indonesian government had claimed that the Netherlands’ policy since the Dili shooting had reminded Indonesia of the colonial past. Especially the decision of 21 November 1991 to suspend new aid projects even before the Indonesian commission of inquiry had reported, had peeved the Indonesians. There was also annoyance over the linkage of development-political conditions to the aid policy.

The Indonesian decision resulted in an immediate general revision of Dutch policy-theoretical ideas regarding the effectiveness of human rights policy, including human rights and development aid. The letter settled the dispute between Pronk and Van den Broek regarding the question who was in charge of human rights in foreign and development co-operation policy, as it explicitly reconfirmed that the Minister for Foreign Affairs was in charge.

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212 Bureau Indonesië had almost non-stop contact with the Indonesian Ambassador to indicate that Pronk’s more extreme approach did not receive general support from the Department of Foreign Affairs.
214 Ibid.
charge of human rights. He would take a decision, on behalf of cabinet and on a case-by-case basis, which would try to prevent any unwanted rupture in the relations with the other state involved. Further the Minister for Foreign Affairs was the first responsible administrator for the implementation and explanation of the policy.\textsuperscript{215}

The media claimed that Pronk and Van den Broek disagreed over human rights and development aid given to Indonesia.\textsuperscript{216} Pronk’s comment that he did not to expect that the aid-relationship with Indonesia would be restored -- “perhaps with the next political generation in Indonesia, but not before”-- only contributed to a further deterioration of the bilateral relations.\textsuperscript{217} Pronk would pay dearly for this comment, as CDA requested an emergency debate.

During this special debate in the Second Chamber on 2 April 1992, Beckers (Groen Links) expressed her fears that the cataclysmic developments in the relation with Indonesia would result in an adaptation of the policy: a return to quiet diplomacy. She blamed domestic reasons for Suharto’s decision. In her opinion Pronk’s interview in Dutch daily \textit{Algemeen Dagblad} had not contributed to an escalation of the conflict.

De Hoop-Scheffer, replacing Huibers as CDA’s speaker on Indonesia in this important debate, disagreed with her. He emphasised that CDA supported the content of policy, but

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\textsuperscript{216} \textit{IFM}, vol.17, nos. 2-3, p.8; \textit{NRC}, 26 March 1992.
\textsuperscript{217} Quoted from \textit{Algemeen Handelsblad}, 28 March 1992.\end{flushleft}
disagreed with the presentation, style and tone of policy by the Minister for Development Co-operation. A cumulation of events, he added, had caused Indonesia’s reaction. De Hoop-Scheffer regarded Pronk’s desire to visit Atjeh in 1992 in his capacity as chairman of IGGI as a cause of irritation. Also his comment, in Algemeen Dagblad of 18 March, that Indonesia was a spoilt country, had contributed to Indonesian annoyance. In his latest interview Pronk had again disqualified the leaders of Indonesia. De Hoop-Scheffer strongly warned Pronk to refrain from any remarks that could cause more irritation in Indonesia, this to avoid further statements by CDA concerning the minister’s political position.

De Hoop-Scheffer did not stop here. Not only did he intend to deny Pronk any future role in relations with Indonesia, he also had fundamental changes of the policy in mind: a reconsideration of the implementation of the policy principles. Development co-operation should not be politicised, in the sense that it would become an independent instrument of foreign policy. The Minister for Foreign Affairs was responsible for human rights policy, and his preferred instrument of quiet diplomacy had been effective in the past.

Van Gijzel (PvdA) acknowledged the usefulness of quiet diplomacy as instrument of human rights policy. Nevertheless he defended the policy as pursued by the government and initiated by the Second Chamber, which had been based on stronger means to exert pressure. He blamed this firm policy for Indonesia’s decision to end the aid relationship. Van Gijzel acknowledged the importance of relations with Indonesia. He also agreed that the Minister for Foreign Affairs was responsible for diplomatic relations and human rights, but
the important relation between human rights and development co-operation was and should continue to be a common responsibility.

Tommel (D’66) was not surprised about Indonesia’s reaction, in the face of unanimous support for the tough approach to the shooting, right until the last debate. He disagreed with Pronk’s comments in *Algemeen Dagblad* but CDA’s response was overstated.

Weisglas, replacing Terpstra as VVD’s speaker on the issue of development co-operation, pointed out how damaging the events were for relations with Indonesia. He blamed disagreement between the Netherlands and Indonesia over the relation between human rights and development aid for the row. VVD supported the link, and had supported the government’s policy concerning the shooting. VVD would continue to adhere to the goals of this policy. The way the two ministers had publicly pursued this policy could have contributed to the irritation on the Indonesian side and Pronk’s comments were harsh. Weisglas wanted to concentrate on other elements in relations with Indonesia. Prevention of a further escalation of the conflict had priority. Therefore he wanted Pronk to disappear from the stage: the Minister for Foreign Affairs should manage relations in the future.

Van den Broek explained that the special nature of relations with Indonesia and sensitivity on the part of Indonesia’s leaders for the critical Dutch approach had contributed to the situation. Indonesia did not accept the linkage between human rights and development aid. Human rights could be discussed with Indonesia, but not in the context of development aid. Van den Broek would discuss with the Indonesian government how other relations could be
imbued. Human rights would also be discussed on that occasion. The minister did not want
do deny differences of opinion with Pronk, but said that the government had pursued one
policy. Pronk agreed, stating that the policy had been a cooperative effort; decisions had
been taken together. Weisglas, however, claimed that Pronk’s comments had rendered a
resumption of the aid-relationship impossible. Pronk thus received the black mark for the
debacle of the stranded aid-relationship. In his reply Pronk only said that a disagreement
over the relation between aid and human rights was the cause.

In this debate CDA and VVD had closed their ranks and given Pronk a severe reprimand,
but matters went from bad to worse for Pronk. Van den Broek even tried to have the post
of Minister for Development Co-operation abolished altogether. Not surprisingly Pronk
disagreed and Van den Broek’s attempt failed.

A flurry of diplomatic activity was developed in months following the fall out, with Van den
Broek trying to pick up the pieces of a marred relationship during a visit to Indonesia in
July. Indicating their continued commitment to the policy pursued immediately after the Dili-
shooting, Van Gijzel, Terpstra, Beckers-de Bruijn and Tommel asked the Minister for
Foreign Affairs his opinion about the Indonesian investigation and how he would respond to
the committee’s report. Van den Broek only declared to have expressed the European
Community’s concern in talks with Alatas and to have discussed Indonesia’s policy since 12

218 The differences between Van den Broek and Pronk have a longer history than the
conflict over the policy following the Dili shooting. Co-ordination of policy was problematic
as early as 1990. A special Committee-session was held on 3 May 1990 to solve the
trouble between the two. IFM, vol.15, nos.4/5, p.19.
219 De Telegraaf, 4 April 1992.
November 1991. The minister was back to his old form of diplomacy behind closed doors. He ignored all other questions and failed to provide any details.  

15. The period 1989-1992: Conclusions

The extensive discussion showed that in a coalition cabinet different ideological views increase the risk of a difference of opinion between ministers. When two such ministers share responsibility for a single policy field, as was the case with human rights and East Timor, and the departmental structure allows for a reflection of those disagreements, as was the case in the diarchically organised Department of Foreign Affairs, comprising parallel hierarchical structures of foreign affairs and development co-operation, the intra-cabinet policy dispute exceeds its narrow boundaries and the number of actors that through involvement becomes influential increases vastly. A foreign policy model aiming to understand and explain Dutch policy conducted after the Dili-shooting should therefore take into account the various social forces: what alliances did these pressure groups form and how were they linked to the policy making centre. An analysis purely focused on the centre would fail to acknowledge the contribution of pressure groups and parliament to goals and means of policy. The Timor case provides ample evidence in support of this conclusion.

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Although the foreign minister gave a clear diplomatic signal of concern to the Indonesian government, parliament, thereto encouraged by the media and well established human rights NGOs, in particular Amnesty International and Komitee Indonesië, used the radical Minister for Development Co-operation to put in place a series of more drastic measures all in agreement with the official policy means as formulated in the 1979 Bill on human rights and foreign policy, but hitherto never applied to the East Timor case.

The balance of power shifted again when the international environment, that is Indonesia, took strong and unexpected sanctions against the Netherlands, removing the stick used by the more radical group of human rights advocates headed by the Minister for Development Co-operation. Effectively excluding his involvement with Indonesia, the more conservative group in the Department of Foreign Affairs, probably supported by the Department of Economic Affairs, and employers’ organisations, regained control. NGOs lost their key player -- the Minister for Development Co-operation -- who was no longer directly involved with Indonesia, and the Minister for Foreign Affairs re-established his prerogative concerning human rights policy. International events created the opportunity for a tougher stand on human rights, but in the end also destroyed it.