

Problems of aid conditionality: The Netherlands and Indonesia

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For many years, two policy objectives have held central position in the foreign policy of the Netherlands: the promotion and protection of human rights on the one hand, and the giving of financial support to poor countries in the form of development assistance on the other. The government of the Netherlands has always considered these policy objectives to be in line with each other. This becomes clear from two major policy papers written by the Minister for Development Cooperation, Mr Jan Pronk: *A World of Difference* (1990) and *A World in Dispute* (1993). Also in the general review of foreign policy (*Herijkingsnota*), which was published by the government in 1995, it is tacitly assumed that there is no conflict between the two said policy aims.

However, in foreign policy practice, situations may be faced in which the two policy objectives are not always in accordance with each other. A choice may have to be made between alternatives, all of which have negative consequences. Such a situation presents itself when the government of an aid receiving country is found responsible for the violation of human rights. Should the donor country continue its support, diminish or suspend it or terminate it altogether? An argument in favour of continuation is that development aid is meant to give support to the poor, who, in the case of discontinuation, might become dual victims: once through the violation of human rights by their own government and secondly by the suspension of aid by the donor government. Moreover, it is not at all certain that the offending government would be harmed by the suspension or stoppage of aid. On the other hand, continuation of aid could be seen as a (tacit) form of support to the offending regime, which would make the donor government, as it were, an accomplice in the violation of human rights. Diminishing or suspending aid can have at least a symbolic significance. The donor government thereby distances itself explicitly from the violations of human rights in the receiving country.

This type of choice has presented itself in the relations between the Netherlands and its former colony Indonesia, since the coming to power of President Suharto in 1965 until the ending of the aid relationship by Indonesia in 1992.

In this paper an overview is presented of Netherlands human rights and development aid policy. Next, its meaning for Dutch relations with Indonesia is dealt with and it is shown that this presented a dilemma for Dutch policy makers. Finally, the question is raised of suitable solutions to such a dilemma.

Human rights and development cooperation as objectives of Dutch foreign policy

In 1979, the Minister of Foreign Affairs and the Minister for Development Cooperation published a major policy paper, *Human Rights and Foreign Policy*.¹ The paper referred to the promotion of human rights as one of the 'important aims' of foreign policy, but 'it cannot be its predominating aim'.² Since then, the Netherlands government has repeatedly stated that human rights are a central or fundamental aspect of its foreign policy. For example, Mr Hans van den Broek, then Minister of Foreign Affairs, said in 1988 that he considered human rights as an 'assignment to contribute within the possibilities of foreign policy to the respect of human dignity'.³

Some of the policy conclusions contained in the 1979 paper are of direct relevance to the relationship between human rights and development cooperation. The government rejected the idea that aid should be used to reward countries which respect human rights and conversely withheld to punish countries which disregard those rights (policy conclusion no 35). That principle did, however, not alter the fact that, in the shaping of development cooperation, one must consider in what ways development aid can be made to serve the best possible realisation of human rights. In that respect it was necessary to take account of the human rights situation in recipient countries, including the policy pursued by the authorities. The aid-giving countries should, however, 'act with a certain restraint and without presumption in this delicate area' (policy conclusion no 36). Nevertheless, in cases where abuses derived directly from government policy, one should try to ensure that aid did not contribute directly to the perpetuation of repression. Policy conclusion no 39 ended as follows:

Where there is gross and persistent violation of fundamental human rights, non-allocation or suspension of aid can be considered, but other relevant policy considerations must be taken into account before such exceptional measures are taken. One of these considerations is of course the consequences which complete withholding of development aid will have for sections of the population who live in poverty and whose lot development co-operation primarily seeks to improve.⁴

Mr Jan Pronk, who was Minister for Development Cooperation from 1973 until 1977 and again from 1989 until the present, has been one of the main architects of policy making in this field. Therefore, what he has to say about the subject is of prime importance. In his 1990 policy paper, *A World Of Difference: A New Framework for Development Cooperation in the 1990s*,⁵ human rights received a great deal of attention.⁶ A clear choice was made for freedom and fundamental human rights. Human rights were said to play an essential role as a guiding principle and moral foundation for democratisation processes. Classic human rights are the basis of democracy and provide opportunities to the lower levels of society to present and, if possible legalise, their justified claims and interests.⁷ The argument that governments must be allowed to restrict civil and political rights in order to make progress in the field of social-economic rights, is explicitly rejected: 'There is no freedom without food, but freedom prevails'.⁸ Political and civil rights are seen as preliminary conditions for achieving social and economic rights. Poverty must be fought by strengthening the autonomy of

marginal groups. An explicit choice is made in favour of 'development of, for and by the people'.⁹ At the same time, the paper notes the weak position of the state in many developing countries, which makes it impossible for governmental bodies to prevent violations of human rights. Therefore, a plea is made for strengthening institutional frameworks. Training of judges, public prosecutors and support for human rights organisations should be given priority.¹⁰

These themes received renewed attention in the 1993 paper *A World in Dispute*.¹ Again it is stated that freedom and democracy are necessary to achieve manageable growth in the world. 'Good governance' must be stimulated, which means support for governmental services and private organisations in developing countries which aim for a sustainable growth of legal security and of civil and political liberties. 'Furthermore', Mr Pronk wrote, 'it is justified on grounds of development policy, in case of a serious relapse of democratization or in case of sustained excessive military expenses, to cut or stop fully the giving of aid to the country in question'.¹²

The two policy papers clearly expose the importance of promoting human rights on the one hand, of emphasising aid to poor countries on the other, and their mutual relationship. The Netherlands government directed its development aid policy in the 1980s to the promotion of human rights as well. It did not exclude the possibility that, in case of serious violations of human rights, development aid might be decreased, suspended or even fully terminated.

What did those ideas mean in practice for relations with Indonesia?

Dutch development cooperation with Indonesia

To understand present-day Dutch-Indonesian relations, it is necessary to keep in mind that for over 300 years the East Indies were a colonial possession of the Netherlands.¹³ Since 1619, when Jan Pieterszoon Coen founded the city of Batavia, having destroyed the original town of Jacatra, the Netherlands ruled over the territory, while Dutch settlers helped to develop it and profited from its wealth. Up until the Japanese occupation in 1941, no serious efforts had been made to meet the Indonesian nationalists' wish for independence. It was only during the second world war, on 7 December 1942, that, in an oft quoted speech, Queen Wilhelmina announced somewhat vaguely that after the war there would be joint talks about the structure of the Kingdom and its parts, 'to adapt it to the changed circumstances'. However, the declaration of independence by Indonesian nationalists Sukarno and Hatta on 17 December 1945 came as an unwelcome surprise to the Dutch. They reacted by sending an expeditionary force of 120 000 men overseas. In two 'police actions' in 1947 and 1948 the Netherlands tried to subdue the nationalist movement, but in the end it had to bow to international pressure, exerted through the UN Security Council. On 27 December 1949, the Netherlands transferred sovereignty to Indonesia. It only held on to the territory of West New Guinea, which it eventually, in 1962, had to give up as well.¹⁴

To this day, the events of the years 1945-49 have remained an issue of controversy in the Netherlands. Only very recently, proposals were launched

(and subsequently rejected) to hold a 'national debate' to come to terms with the issue. The immediate cause of the controversy was the granting of a visitor's visa to a former Dutch soldier who had defected to the Indonesian forces back in 1948, subsequently adopted Indonesian nationality and become a well known human rights activist in Indonesia. The discussions on this issue and the emotions it entailed demonstrated that for the Netherlands the relationship with Indonesia remains a very 'special' one.

The suppression by the Indonesian army of a *coup d'état* of left-wing officers on 30 September 1965 led to a period of massive violations of human rights. The one-time commander of Indonesian intelligence, Admiral Sudomo, has stated that between 1965 and 1968 more than half a million persons were killed. According to other sources, the figure was more than a million.¹⁵ Beginning in October 1965, arrests took place on a massive scale. According to official statistics, in the course of the years 750 000 persons were arrested. These massive numbers of political prisoners were either not put on any kind of trial or were only tried after lengthy delays. Many were detained in camps. Especially during the first years of detention, they were badly treated. Many were tortured, often leading to their deaths. Hygienic conditions and nutrition in the camps were grossly deficient.¹⁶ The survivors were only gradually released, often after many years of detention. After their release, these 'ex-Tapols' remained exposed to all sorts of restrictions.¹⁷

At the time, the question was raised in the Netherlands of whether and to what extent development aid should be used to put pressure on the Indonesian authorities to get the political prisoners released. The international position of the Netherlands was strengthened, when, *at the request of Indonesia*, it became chairman of an international donor consortium for Indonesia, the Inter Governmental Group for Indonesia (IGGI), established in 1967. Non-governmental human rights organisations requested repeatedly that the human rights situation in Indonesia be put on the IGGI agenda, but this was rejected by the Netherlands and the other IGGI members.

The human rights situation further deteriorated in the early 1970s, when death squads operated, wantonly killing opponents of the Suharto regime. In 1975 Indonesia invaded and incorporated the former Portuguese colony of East Timor, suppressing the East Timorese independence movement. The Indonesian army also acted mercilessly against separatist movements in Aceh and West Irian.

What should the Netherlands do under these circumstances? Economic and business relations with Indonesia had improved after 1966. Almost 10% of Dutch development aid went to Indonesia. Trade with Indonesia rose from 450 million guilders in 1966 to more than 1500 million guilders in 1984. Cultural relations showed a growing improvement. Dutch and Indonesian universities cooperated, for instance in the training of judges, public prosecutors and other judicial officers as well as in other fields. In 1970 President Suharto paid an official visit to the Netherlands, which was returned by Queen Juliana in 1971.

On the other hand, non-governmental organisations urged the Dutch government to do something about the deteriorating human rights situation in Indonesia. Also, within the Dutch Labor Party and the smaller Radical Party, both of which formed part of the governing coalition, voices were heard in

favour of cutting or suspending development aid to Indonesia to express Dutch concern about the human rights situation. In 1975 Minister Pronk did indeed reduce development aid to Indonesia, claiming that Indonesia's need for aid had decreased. He announced that he would shortly review the entire development aid programme for Indonesia in a policy review paper. The Labor Party decided in its election programme, adopted in January 1977, that aid to Indonesia should be discontinued. But Mr Pronk, himself a member of the Labor Party, announced that he was not bound by the election programme, which dealt with the subsequent, not with the current government period.¹⁸ The government fell before Pronk's policy review paper was issued, but its contents were widely leaked. He concluded that he would not discontinue development aid to Indonesia, as the Indonesian government, under international pressure, had announced that it would do something about the problem of its political prisoners. He did argue in favour of the dissolution of IGGI and its replacement by a development consortium of the World Bank, which would not be chaired by the Netherlands, which 'consequently could spend all of its attention on its bilateral development cooperation with Indonesia'.¹⁹ The latter recommendation was not taken up by the successor government, in which the Labor Party was not represented. The development aid programme with Indonesia was continued without changes, 'also in the light of the special relations between the Netherlands and Indonesia', as the new government declared.

The 1980s and 1990s

The human rights situation in Indonesia received renewed international attention when four former bodyguards of President Sukarno, who had been detained for 20 years because of their involvement in the 1965 military coup, were executed. Many people felt that it was against basic humanitarian principles to execute them after so many years of detention. Other aspects of the human rights situation in Indonesia caused international concern as well. Between 1982 and 1984 a number of 'mysterious murders' took place; in his autobiography, published in 1989, President Suharto said that they had occurred under official orders. There were reports about human rights violations by the security forces in Irian Jaya, Aceh and East Timor. On the latter island matters came to an explosion when the Indonesian military opened fire on a funeral procession in the East Timorese capital of Dili, killing an estimated 100 people.²⁰ Since then both intergovernmental and non-governmental organisations have reported on continued human rights violations in East Timor. In 1994 the UN Commission on Human Rights reached agreement on a Chairman's Statement which '...noted with concern continuing allegations of human rights violations in East Timor, while recognizing the positive measures taken by the Government...to improve the situation'.²¹ The Commission expressed its concern over the incomplete information concerning the number of people killed and the persons still unaccounted for since the events in Dili. It called on the Indonesian government to continue its investigation of still missing persons and of the circumstances under which they had disappeared. According to Amnesty International, the human rights situation in Indonesia had strongly improved since the 1960s, but

at the end of 1994 there were still about 350 alleged opponents of the regime being held in detention in prisons all over Indonesia and East Timor.

In 1995 the Commission on Human Rights again adopted a Chairman's Statement in which the Commission expressed its deep concern over the continuous reports of violations of human rights in East Timor, including recently reported increased tensions and a violent incident where six people were killed. A matter of preoccupation to the Commission was the incomplete information concerning the number of people killed and the persons still unaccounted for. It called upon the Indonesian authorities to ensure that all those in custody were treated humanely and their rights fully respected. It recognised the greater access granted by the Indonesian authorities to East Timor and called upon them to continue this policy, including the granting of access to human-rights and humanitarian organisations and international media. It welcomed the undertaking of the government of Indonesia to invite the High Commissioner for Human Rights to visit East Timor in 1995.²² In the beginning of 1996 Amnesty International again expressed its concern over actions by the Indonesian security forces on East Timor.²³

In the Netherlands, Mr Pronk had returned as Minister for Development Cooperation in 1989. He reacted to the execution of another four former bodyguards of President Sukarno by withdrawing 27 million guilders of additional aid for Indonesia. This announcement was of little financial importance, but it was generally seen as a cause for renewed tension between the Netherlands and Indonesia. The announcement that Indonesia was planning to execute another six former bodyguards—later denied by the Indonesian authorities—led to *demarches* by the President of the Council of Ministers of the European Communities as well as the governments of the Netherlands and other European countries. Pronk discussed the matter during his visit to Indonesia, 6–14 April 1990, and in the margin of the IGGI meeting of 12 and 13 June 1990. Schulte Nordholt has pointed out that Pronk was perhaps encouraged by his alleged 'success' when the bodyguards were in fact not executed.²⁴ He expressed his aversion to the human rights situation in Indonesia. During a press conference in Jakarta in June 1991, he said that 'without political deregulation measures, economic deregulation would be pointless'. He also indirectly criticised the Indonesian birth control programme, which was seen as a personal attack on President Suharto.

The aftermath of the Dili affair has been adequately described by Schulte Nordholt.²⁵ We can therefore restrict ourselves here to the main lines of what happened. A first preliminary investigation by a national Indonesian commission was widely seen as inadequate. In the Dutch parliament and the press critical questions were raised. The Netherlands government reacted by suspending another 27 million guilders of aid for 1992. In the beginning the Netherlands did not stand alone in this. Two other donor countries, Denmark and Canada, announced that they would stop their aid programme for Indonesia. However, no consultations about this took place among the three countries. Portugal, the former colonial ruler over East Timor, led the efforts to arrive at an international condemnation of the Dili bloodbath. The European Community also suspended its aid programme and in the European Parliament the establishment of an arms

embargo was being urged.²⁶ A second investigation took place, this time by the military, which by Indonesian standards was very critical: the military reaction to the demonstration in Dili was described as excessive and not in line with instructions. President Suharto reacted by firing two generals and by having a number of lower-ranking officers prosecuted.

Under these circumstances, the Netherlands government announced its willingness to resume its aid programme for Indonesia in January 1992. It stated that it assumed that the Indonesian–Portuguese negotiations about the future of East Timor, which were to take place under the supervision of the Secretary-General of the United Nations, were to lead to a satisfactory solution. But it added that, should these negotiations not lead to satisfactory results, *it would discuss possible consequences with its European partners*. This threat, which Schulte Nordholt has called the timebomb which shortly afterwards would end the Dutch–Indonesian development relationship, caused Indonesia to postpone negotiations about the distribution of the new Dutch development money. In answer to the Dutch threat, Indonesia started a diplomatic offensive in order to prevent other donor countries from associating themselves with the Dutch approach. The Indonesian Minister of Foreign Affairs, Mr Ali Alatas, visited a number of foreign capitals and succeeded in receiving the support he requested. Japan alone promised US\$90 million by way of compensation for Dutch aid.²⁷ On 13 February 1992 President Suharto, on the occasion of accepting the credentials of the new Dutch ambassador, spoke of Dutch ‘colonial’ behaviour, as had become apparent from the continued Dutch interference in the domestic affairs of Indonesia. The establishment of a link between human rights and economic aid, he termed ‘typically Western’. At the same time, Mr Pronk made preparations for his annual visit to Indonesia, which this time—against the explicit advice of the Dutch embassy in Jakarta—was to include Aceh, where allegedly human rights violations by the Indonesian army were still taking place. He was clearly not at all prepared for the announcement by the Indonesian Government on 25 March 1992 that henceforth it did not want to receive Dutch aid anymore and that it had asked the Netherlands to discontinue its chairmanship of IGGI. By way of explanation, Indonesia referred to the ‘reckless use of development aid as an instrument of intimidation or as a tool to threaten Indonesia’.²⁸

Colonial past

The dilemma faced by the Netherlands was the result of its traditional emphasis on human rights in its foreign policy on the one hand, and its desire to maintain friendly relations with Indonesia—including the maintenance of a policy of development cooperation—on the other. The problems which arose were undoubtedly made more acute by the circumstance that it involved a relationship between a former colonial power and its former colonial possession. As pointed out before, the Netherlands had great difficulty in ending its colonial rule over Indonesia. Problems of tension between considerations of human rights and of development cooperation may also appear in relations between countries that have no such former colonial ties. In a recently published study a comparison is made between the rupture of development aid relations between Indonesia and

the Netherlands and a similar case between Kenya and Norway, because Norway had expressed itself too critically over the human rights situation in that African country.²⁹ In the former case, the colonial past served to aggravate the conflict, as the Indonesians could rightly point to Dutch behaviour in the past, which had been far from spotless if seen from a perspective of respect for human rights.

Double Standards?

The non-governmental critique of the Netherlands' attitude towards Indonesia did not diminish when in December 1982 the Netherlands government unilaterally suspended its development aid towards Suriname, another former Dutch colony, where 15 known opponents of the military regime had been killed in cold blood. The Minister for Development Cooperation, Mrs Schoo, informed Parliament that the bilateral treaty³⁰ had been suspended, because circumstances had changed so much that continued supply of development aid could not be demanded of the Netherlands.

From the beginning it has been alleged by critics of the government that the suspension of aid to Suriname, while this was initially not done in the case of Indonesia, was a policy of double standards. The Netherlands government has, however, steadfastly denied that such was the case. It emphasised the unique, treaty-bound character of the development relationship with Suriname. Aid to Suriname was not only very extensive, but also formed the lion's share of total international aid to that country. A further important consideration for suspending aid was the seriousness of the human rights violations in a country that had always had a tradition of absence of violence in politics. The December assassinations destroyed in one blow the core of the political opposition in Suriname.

Next to these factors cited by the government, there were undoubtedly other political considerations as well. Suriname is a relatively small, powerless country, while the Netherlands was and still is one of the few foreign states that has shown some real interest in its fate. The case of Indonesia is entirely different. That country is large and potentially powerful, located in a geographically important strategic position. For Dutch business interests Indonesia is vastly more important than Suriname.³¹ Annual Dutch aid to Indonesia was small in comparison to its size of population and represented only a small proportion of total international aid given to Indonesia.

The debate may never end over whether or not the Netherlands government has applied double standards with reference to Suriname and Indonesia. The government claimed at the time that the assassinations in Suriname had so drastically changed the situation that continuation of the aid effort was impossible. It also pointed out that, according to its policy principles adopted earlier, development aid should never be used to support repressive regimes nor lead to complicity in gross violations of human rights. The government never said, however, that it had suspended the treaty with Suriname *in order to* improve the human rights situation in that country. It mentioned other means which it had used for that purpose, including the circulation of a memorandum at the 1983 session of the UN Commission on Human Rights in Geneva. However, in

Suriname, the suspension of aid was definitely seen as a sanction in reaction to the violation of human rights. But it did not contribute to the credibility of Dutch human rights policy as in both cases the same kind of violations of human rights (summary and arbitrary executions, disappearances, torture, arbitrary arrests) were at stake.

The Dutch argument that the situation in Suriname had changed so much that, according to the international legal principle *rebus sic stantibus* it was not obliged to continue its aid programme, has been questioned.³² For instance, the Advisory Committee on Human Rights in Foreign Policy has pointed out that the picture offered by Suriname before the events of 8 December 1982 was one of continuing deterioration in the human rights situation: 'The December murders should thus not be seen as an isolated incident, but as a climax in a chain of events'.³³

No doubt the Netherlands government exposed itself to criticism by suspending aid to Suriname, while at the time not doing so in the case of Indonesia. It 'solved' this dilemma by denying the similarity of the two cases. This, of course, did not silence its domestic critics. One may wonder, however, whether the Government had any viable alternative. It could have avoided the accusation of applying double standards either by suspending aid to Indonesia, which at that time it did not want to do, or by continuing aid to Suriname, which was domestically not acceptable.³⁴ Theoretically, there was a third possibility: to admit that it was indeed applying double standards, which under the circumstances was the most sensible thing to do. It is not likely, however, that this third possibility was ever seriously considered. Governments prefer to present their policies as consistent and coherent. Applying double standards has no place in such a presentation.

The Advisory Committee on Human Rights and Foreign Policy has called development aid to Suriname a 'classic example of a dilemma', stemming from the 1979 policy paper *Human Rights in Foreign Policy*. On the one hand, the Netherlands did not want to use development aid or its suspension as a reward or sanction for human rights performance (policy conclusion no 35). On the other hand, it did not want its development aid to contribute to the continuation of repression (policy conclusion no 38).³⁵ Nevertheless, the Dutch measure was widely interpreted as a form of sanction. The dilemma received extra emphasis because of the obvious comparison with the situation in Indonesia.

International and domestic dimensions

The Netherlands government had to face strong domestic political pressure at times. Human rights organisations have a relatively strong position in the Netherlands.³⁶ They have repeatedly pointed to the deficiencies in the human rights situation in Indonesia. This criticism was led by the non-governmental Indonesia Committee, which has exerted permanent pressure on the Dutch Government. Also within the Dutch Labor Party—which at times formed part of the governing coalition—and the smaller political parties of the left, continued reference was made to Dutch commitments to human rights and the consequences thereof for its relations with Indonesia. On the other hand, there were

clear Dutch economic interests which demanded extension of trade relations with Indonesia and an improved climate for investments. These interests were not served by explicit criticism of Indonesian government policies, in the realm of human rights or elsewhere.

The various Dutch governmental agencies did not always see eye to eye. The Ministry of Foreign Affairs was traditionally strongly engaged in the promotion of human rights, while at the same time pursuing a policy of combatting poverty as a main aim of development. The Ministry of Economic Affairs was mainly interested in restoring mutual trade relations. The Ministry of Education and Sciences emphasised cultural relations, while the Ministry of Justice wanted to be involved in the elaboration and extension of the Indonesian legal system, which is mainly based on the old Dutch system.

Attitude of Indonesia

Developments in Indonesia itself did not really contribute to a normalisation of relations. The Netherlands government had stated in a paper issued in September 1990 that Indonesia in the field of civil and political rights had 'a mixed record'.³⁷ The actions by the military in Dili in September 1991 did not improve matters. Reports of improvements in the human rights situation were followed by news of the execution of political prisoners, which met with international condemnation, if only on humanitarian grounds. Indonesia has not been much in a hurry to ratify the major human rights instruments. So far it has ratified only two of these treaties.³⁸

The Indonesian Foreign Minister, Mr Ali Alatas, in a speech at the World Conference on Human Rights, recognised the universal character of human rights, but strongly rejected the establishment of a link between human rights and development cooperation:

Human rights are vital and important by and for themselves. So are efforts at accelerated national development, especially of the developing countries. Both should be vigorously pursued and promoted. *Indonesia therefore cannot accept linking questions of human rights to economic and development cooperation, by attaching human rights to economic and development cooperation as political conditionalities to such cooperation.* Such a linkage will only detract from the value of both.³⁹

He thus distanced himself clearly from the policy principles expressed by Mr Pronk. Moreover, in the Final Declaration adopted in Vienna it is stated that '...the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted *without conditions attached*'.⁴⁰ At the Asian preparatory conference in Bangkok, Indonesia together with such countries as China, Malaysia and Singapore, has distanced itself from supposedly 'Western' views of human rights.⁴¹

Policy style

The policy style, especially of Minister Pronk, undoubtedly served to complicate matters. As mentioned before, the Indonesians repeatedly indicated that they

took offence at the direct way in which Mr Pronk tends to express his views. This was entirely against the Indonesian cultural pattern, where one tends to express oneself in a far more indirect, less confrontational way. Mr Alatas referred indirectly to this in his Vienna speech:

But this *is* a call for greater recognition of the immense complexity of the issue of human rights due to the wide diversity in history, culture, value systems, geography and phases of development among the nations of the world. And therefore this is also a call addressed to all of us to develop a *greater sensitivity toward this complexity—and greater humility and less self-righteousness in addressing human rights issues.*⁴²

Moreover, we should not forget the oft-mentioned Indonesian cultural characteristic, in common with other cultures in Asia, of doing one's utmost to avoid losing face. It would, for example, be a clear loss of face to admit that an improvement in the human rights situation was the result of pressure exerted by the Dutch. Mr Pronk has shown little understanding for such subtleties.

Conclusions

The Dutch–Indonesian colonial past helps to explain why the expression 'paternalism' often crops up whenever the Dutch criticise the human rights situation in Indonesia. That expression can be interpreted in two ways. The first—and most common—refers to the alleged inappropriateness of a former colonial ruler, itself guilty of human rights violations in the past, now criticising human rights violations in the former colony. On the other hand, it may also be a reflection of paternalism *not* to express such criticism, as if human rights were only applicable to the former colonial ruler itself and not to the present-day situation in the former colony.

Mutual accusations of paternalism have dominated debates in the Netherlands about Dutch–Indonesian relations. Human rights organisations have referred to 'doublestandards' when the Netherlands government reacted much more sharply to human rights violations in Suriname—another former colony—than in Indonesia. It may be safely assumed that these debates, which may imply a potential threat, are being carefully monitored by Indonesia.

The government of Indonesia has always skilfully handled the notion of sensitivity to foreign criticism. On many occasions Indonesian representatives let it be known that they felt offended by the Dutch lack of sensitivity to their concerns. They would subtly imply that the Dutch way of handling things lacked finesse and was a typically Western way of overriding Asian sensitivities. The point is not whether that reaction was real or mainly show-business (most probably it was a bit of both); it was certainly a highly effective method of dealing with Dutch criticism.

The epitome of Dutch lack of sensitivity was, in the eyes of Indonesian government officials, the Dutch Minister for Development Cooperation, Jan Pronk. It should be said that, even by Western standards, Mr Pronk is unusually blunt and direct. He may not have been the ideal person to handle such delicate

matters as relations with Indonesia. On the other hand, it has repeatedly been emphasised that he acted on the basis of Cabinet decisions and that, in the aftermath of the Dili affair, he had the support of other Western governments, as well as of the Dutch Minister of Foreign Affairs, Hans van den Broek. The Indonesian government, for its part, tended to focus its attention on the person of Mr Pronk, whom it saw as the symbol of Dutch intransigence and paternalism.

Having the right person to conduct one's policy is of course extremely important. In the Netherlands the Minister of Foreign Affairs is responsible for human rights policy, but his colleague for Development Co-operation happens to be in charge of the financial means that are available for development assistance. This means that these two officials will have to agree with each other when the matter of aid conditionality is to be faced. Lack of agreement between these two officials with regard to the means to be employed may not necessarily be a problem, but they should agree on the objectives of foreign policy. Baneke has shown that the ministers Van der Stoel and Pronk used a different approach to the problem of political prisoners in Indonesia, but agreed on the objective of trying to free these prisoners. Van den Broek and Pronk seem to have agreed on the determination of policy, but they differed so much in their approaches that the Indonesian government could use this difference to its advantage.

The major weakness in the Dutch position, as well as a source of strength for the Indonesians, was the lack of international support for the Netherlands. The Indonesians could easily afford to do without Dutch aid, which was only a small percentage of the total aid it was receiving. Other countries such as Japan were willing to replace the Netherlands. The Dutch government failed to obtain sufficient support for its position from its European partners as well. Thus the 'threat' expressed in the memorandum of January 1992 announcing the conditional resumption of aid, remained an empty one.

The case suggests that the linking of aid to the observance of human rights is unlikely to be effective, unless the amount of aid involved is quite substantial or there is sufficient international support. Both were singularly lacking in the Dutch position towards Indonesia.

One policy conclusion from the case study here presented must be that a government should try to avoid formulating policy objectives which may come into conflict with each other. However, it is also true that a government must sometimes act under pressures generated by an actual situation, which may limit its choice among policy options. An explicit choice might be one of the following:

- to continue extending development assistance, even if that means 'complicity' with violations of human rights or even contributing to such violations. This would mean that the objectives pursued by the giving of development assistance are rated higher than the struggle for human rights;
- to state explicit conditions in the field of human rights, even if this means violating the sovereignty of the receiving country. It would be wise to reach agreement beforehand with other donor-countries, in order to avoid the danger of being put in a position of political isolation, as happened to the Netherlands in the case of Indonesia.

The termination of the Dutch–Indonesian development cooperation relationship has since then been welcomed by Dutch political leaders, as well as by President Suharto. It has supposedly re-established relations between the two countries on a healthier, ‘more mature’ basis. At times, it has almost sounded as if it was the Netherlands that had broken off the relationship! This may, however, be a matter of cognitive dissonance or *faire bonne mine à mauvais jeu*.

Notes

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¹ Ministry of Foreign Affairs of the Kingdom of the Netherlands, *Human Rights and Foreign Policy*, Memorandum presented to the Lower House of the States General of the Kingdom of the Netherlands on 3 May 1979 by the Minister for Foreign Affairs and the Minister for Development Co-operation. References are to the official English version. The Minister of Foreign Affairs has recently declared that the paper still reflects official Dutch thinking about the place of human rights in foreign policy.

² *Ibid.*, p 131.

³ Speech by Mr H van den Broek, 10 December 1988, on the occasion of the 40th anniversary of the Universal Declaration of Human Rights, Utrecht, p 5 (my translation).

⁴ *Human Rights and Foreign Policy*, p 139.

⁵ Second Chamber, 1990–91 session, 21 813, nos 1–2; hereafter quoted as *A World of Difference*.

⁶ The following paragraph is partly based on a study by Oda van Cranenburgh, ‘Development cooperation and human rights: linkage politics in the Netherlands’, in Peter R Baehr, Hilde Hey, Jacqueline Smith & Theresa Swinehart (eds), *Human Rights in Developing Countries: Yearbook 1995*, The Hague: Kluwer Law International, 1995, pp 29–55.

⁷ *A World of Difference*, p 61.

⁸ *Ibid.*

⁹ *Ibid.*, p 171.

¹⁰ *Ibid.*, p 211.

¹¹ *A World in Dispute*, The Hague: Ministry of Foreign Affairs, 1993.

¹² *Ibid.*, p 26.

¹³ This paragraph also forms part of Peter Baehr, Hilde Selbervik & Arne Tostensen, ‘Responses to human rights criticism: Kenya–Norway and Indonesia–the Netherlands’, in Baehr *et al*, *Human Rights in Developing Countries*, pp 80–81.

¹⁴ See Arend Lijphart, *The Trauma of Decolonization: The Dutch and West New Guinea*, New Haven: Yale University Press, 1966.

¹⁵ Peer Baneke, *Nederland en de Indonesische Gevangenen* (The Netherlands and the Indonesian Prisoners), Amsterdam: Wiardi Beckman Stichting, 1983, p 9.

¹⁶ *Ibid.*, p 11.

¹⁷ As late as August 1995, on the occasion of the celebration of the 50th anniversary of Indonesian independence, three prominent political prisoners were released, including former vice-prime minister Subandrio, who had been under arrest for 30 years. An estimated 27 are still being detained for political reasons. Amnesty International, *Indonesia: The 1965 Prisoners: A Briefing*, AI Index: ASA 21/36/95, 31 July 1995.

¹⁸ Baneke, *Nederland en de Indonesische Gevangenen*, p 83.

¹⁹ Draft policy review paper on Indonesia, as quoted by Mr Pronk himself in *ibid.*, p 100.

²⁰ See Hans Goderbauer, ‘Indonesia and East Timor’, in Brd Anders Andreassen & Theresa Swinehart (eds), *Human Rights in Developing Countries Yearbook 1993*, Oslo: Nordic Human Rights Publications, 1993, p 137.

²¹ UN Doc. E/1994/24; and UN Doc. E/CN.4/1994/132, par. 482, p 381.

²² UN Doc. E/1995/23, E/CN.4/1995/176, par. 590, pp 420–421. The High Commissioner did indeed pay a visit to East Timor in December 1995.

²³ Amnesty International, *East Timor: The September and October 1995 Riots: Arbitrary Detention and Torture*, London, 15 January 1996, AI Index: 21/03/96.

²⁴ Nico G Schulte Nordholt, ‘Aid and conditionality: the case of Dutch–Indonesian Relationships’, in Olav Stokke (ed), *Aid and Political Conditionality*, London: Frank Cass, 1995, p 141.

²⁵ *Ibid.*

- ²⁶ Katarina Tomasevski, *Development Aid and Human Rights Revisited*, London: Pinter, 1993, p 113. The USA stopped its aid programme to Indonesia in June 1992. But Tomasevski comments: 'Indonesia did not lose much aid—at the donor meeting in July 1992 USD 4.94 billion was approved, more than the previous year, and even slightly more than the World Bank had recommended'. See also Andrew MacIntyre, 'Indonesia in 1992: coming to terms with the outside world', *Asian Survey*, No 2, 1993, pp 204–211.
- ²⁷ Schulte Nordholt, 'Aid and conditionality', p 153.
- ²⁸ Press statement by the Indonesian government, 25 March 1992.
- ²⁹ Baehr *et al.*, 'Responses to human rights criticism', pp 64–94.
- ³⁰ Development cooperation between Suriname and the Netherlands formed part of a bilateral treaty concluded in 1975, according to which the Netherlands was obligated to provide DFL3500 million over a period of 10 to 15 years to Suriname to carry out a long time development programme.
- ³¹ That was made evident when in August 1995 no less than 50 high ranking representatives of Dutch business firms—the largest delegation of its kind—visited Indonesia in the wake of Queen Beatrix's official visit.
- ³² See Dionne Bosma, 'The Dutch–Surinam Treaty on Development Assistance: a correct appeal to fundamental change of circumstances?', *Leiden Journal of International Law*, Vol 3, No 2, 1990, pp 201–220.
- ³³ Advisory Committee on Human Rights and Foreign Policy, *Aid for Human Rights: Suriname and Human Rights*, The Hague, 1984, p 13 (translation from the original Dutch).
- ³⁴ The Advisory Committee on Human Rights and Foreign Policy has called the suspension of aid to Suriname 'politically unavoidable', *ibid.*, p 22.
- ³⁵ *Ibid.*, p 20.
- ³⁶ The Dutch section of Amnesty International has almost 150 000 members which makes it, after the Faroe islands, the largest national section per capita. *AI Membership Statistics 1995*, AI Index ORG 40/04/95.
- ³⁷ 'Mensenrechten in Indonesië' (Human rights in Indonesia), Second Chamber, 1989–90, 21 662, no 1, p 2.
- ³⁸ The Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Rights of the Child (*Netherlands Quarterly of Human Rights*, Vol 13, No. 4, 1995). This means that it has for example *not* ratified the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. It has signed, but not yet ratified the Convention against Torture.
- ³⁹ Statement by HE Mr Ali Alatas, Minister for Foreign Affairs and Head of the Delegation of the Republic of Indonesia, before the Second World Conference on Human Rights, Vienna, 14 June 1993, p 8 (emphasis added).
- ⁴⁰ *Vienna Declaration and Programme of Action*, I, par 8 (emphasis added).
- ⁴¹ See: G.J.H. van Hoof, 'Asian challenges to the concept of universality: afterthoughts on the Vienna conference on human rights', in Jacqueline Smith *et al.* (eds), *Human Rights: Chinese and Dutch Perspectives*, Dordrecht: Kluwer Law International, 1996, pp 1–15.
- ⁴² Alatas' speech to the Vienna conference, p 7 (emphasis added).