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BLOOD ON THEIR HANDS

**Human Rights in Canadian Foreign Policy?
[A Case Study of the Canada-Indonesia Relationship
(With Specific Emphasis on East Timor)]**

by

SHARON R.A. SCHARFE, B.A , B A. (Hons.)

**A thesis submitted to
The Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree of**

Master of Arts

Department of Law

**Carleton University
Ottawa, Ontario**

April 4, 1994

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in partial fulfilment of the requirements for
the degree of Master of Arts

for M. Davies

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May 10, 1994

ABSTRACT

On November 28, 1975, the island of East Timor declared its independence; ten days later Indonesia invaded. Since that time, Indonesia has perpetrated a genocidal regime against the small nation state of East Timor that has resulted in the worst case of death, on a proportional basis, since World War II; over one-third of the population of East Timor has died. Almost 19 years later, the atrocities continue, assisted either directly or indirectly, by Western governments. This in spite of several resolutions at the United Nations condemning the illegal invasion of East Timor and calling for Indonesia's immediate withdrawal.

This thesis postulates that in the case of East Timor, Canada has demonstrated little or no concern for the human rights violations so long as there is an economically and politically profitable relationship with Indonesia. This is illustrated through an examination of the international response to the invasion, after which ensues an analysis of Canada's favourable diplomatic, aid and trade relationship with Indonesia. This paper concludes that while Canada has occasionally given signs of being concerned with what is happening inside of East Timor, the end result is that Canada's relationship with Indonesia remains unchanged. The rhetoric that the Canadian government has stated on human rights is forgotten as Indonesia emerges as one of the fastest growing economies in the world. In failing to take a strong stance on the gross and systematic human rights violations ongoing in East Timor, the Canadian government emerges with blood on their hands.

ACKNOWLEDGEMENTS

The foundation for this thesis was laid in April, 1991 when my then undergraduate thesis supervisor, Professor Maureen Davies, asked me a seemingly simple question: "Have you ever heard of East Timor?" It is not an overstatement to say that ever since that day, my life has not been the same. While the ongoing tragedy in East Timor coupled with the continued inaction by the Canadian government on the issue should have been enough to sustain my interest, I cannot discount the influence Professor Davies has had in my quest. She has guided and directed my search; has been an unending source of information; has kept my enthusiasm in check over seemingly progressive government rhetoric; and has endeavoured to teach me the virtues of being diplomatic. I can never find the exact words to convey my gratitude for all that she has done for me.

Other invaluable sources of information and encouragement include the East Timor Alert Network/Canada (ETAN/Canada) and the East Timor Action Network/US (ETAN/US). Particularly notable are Peter Monet (Ottawa); David Webster (Toronto), and Elaine Brière (Vancouver). Each is an incredible person, who has done so much to promote East Timor in Canada. Even though they receive no financial compensation and little credit for the work they do, together ETAN/Canada is changing Canadian foreign policy. From ETAN/US, I owe so much to Charlie Scheiner, who always replied to my e-mail requests for "further clarification". I also must thank John Miller (NYC), Matthew Jardine (LA); Richard Koch (NJ); and Sally Levison (Washington). From the CNRM, I thank Constancio Pinto (Rhode Island) and Abé Soares (Toronto). Not only are these people my co-activists; they are also my friends.

I must also thank António Inocêncio-Pereira, Premier Secrétaire to the Embassy of Portugal (Ottawa), for keeping me up to date on Portugal's actions in international fora, he has been a wonderful ally and will be missed when Portugal posts him elsewhere. While Portugal's concern with East Timor is obvious, António's interest goes beyond that which is required in his position.

I am very fortunate to have many wonderful friends, including Julia P.H. Gilbert, Marianne Petovello, Professor Nancy Hansen, Lisa Griggs, Andrew Mitchell and Stephen Yeates, to name but a few. What makes these people stand out from the others is that they nagged, prodded and never gave up; they always knew that I could finish this thesis, even though there were many times I almost gave up. I also extend my sincerest appreciation to the Stewart's and their business, Mail Boxes Etc.; without them, I doubt that this thesis would be in your hands now. Thank-you to all!

Finally, I owe a debt that I can never repay to my parents, my sister Rosemary, and my two cats, Star and Cindy. Somehow, my family tolerated my Timor takeover of parts of their house, still took my phonecalls, even when the callers forgot the time difference; and against their better judgement, I'm sure, they learned about East Timor. (I Corinthians 13:4-8; Love never fails.) Thank-you seems too insignificant for all that they have done.

"You're dangerous 'cuz you're honest" (U2, "Wild Horses")

TABLE OF CONTENTS

TITLE PAGE	i
ACCEPTANCE SHEET	ii
ABSTRACT	iii
ACKNOWLEDGEMENTS	iv
TABLE OF CONTENTS	
 Chapter One	
INTRODUCTION	1
 Chapter Two	
HUMAN RIGHTS AND FOREIGN POLICY	7
2.0	Introduction 7
2.1	Human Rights and Foreign Policy 7
2.2	Foreign Development Aid and Human Rights 12
2.2.1	International Declarations of Human Rights and Development 13
2.2.2	Tied Aid 16
2.2.3	Human Rights in Development Aid 19
2.2.4	Canadian Principles Governing Official Development Aid 20
2.3	Linking Trade with Human Rights 26
2.3.1	Labour Rights 27
2.3.2	Arms Sales 29
2.3.3	Policy Considerations Relevant to the Promotion of Respect for Human Rights Through Trade Policies 31
2.3.4	International Trade and Human Rights -- The Canadian Government's Foreign Policy 35
2.4	Conclusion 37

Chapter Three	INDONESIA'S ILLEGAL INVASION OF AND RESULTANT GENOCIDE IN EAST TIMOR	38
3.0	Introduction	39
3.1	Culture	41
3.2	Colonial Occupation	42
3.3	East Timor's "Civil War"	49
3.4	Independence	53
3.5	Indonesian Invasion and Occupation	55
3.6	Human Rights Abuses	62
3.7	Conclusion	75
Chapter Four	INTERNATIONAL RESPONSE	78
4.1	United Nations	79
4.1.1	United Nations Security Council	80
4.1.2	General Assembly	82
4.1.3	United Nations Commission on Human Rights and The Sub-Commission on Prevention of Discrimination and Protection of Minorities	84
4.1.4	United Nations Committee on Decolonization	86
4.2	Political Context	87
4.2.1	United States	88
4.2.2	Australia	91
4.2.3	Canada	93
	4.2.3.1 United Nations General Assembly	94
	4.2.3.2 United Nations Commission on Human Rights	102
4.3	Media Coverage	103
4.4	Conclusion	110

Chapter Five CANADIAN DIPLOMATIC ACTIVITY WITH INDONESIA

5.0	Official Visits Between Canadian and Indonesian Heads of Government and Canadian Ambassadors to Indonesia	111
5.1	Official State Visit -- President Suharto to Ottawa, July 2-5, 1975	112
5.2	Visits to East Timor by Canadian Ambassadors to Indonesia	117
5.2.1	Visit by Glen Shortliffe to East Timor, 1978	117
5.2.2	Visit by Jack Whittleton to East Timor, 1987	124
5.3	Conclusion	130

Chapter Six CANADIAN AID TO INDONESIA (With Emphasis on East Timor)

6.1	Canadian Aid Program in East Timor	135
6.2	Consultative Group on Indonesia	139
6.3	Conclusion	142

Chapter Seven CANADA'S TRADE RELATIONSHIP WITH INDONESIA

7.1	Indonesia's Economic Profile	146
7.2	Workers Rights In Indonesia	148
7.2.1	Forced or Compulsory Labour	150
7.2.2	Child Labour	152
7.2.3	Acceptable Conditions of Work	152
7.3	Canada's Trade Relationship with Indonesia	154
7.3.1	Trade -- Military Goods	155
7.3.1.1	Indonesia's Military Regime	156
7.3.1.2	Canadian Military Exports to Indonesia	157
7.3.2	Arms Bazaars	158
7.4	Conclusion	162

Chapter Eight	CONCLUSION	166
BIBLIOGRAPHY		170

LIST OF TABLES

Chapter Two	Human Rights and Foreign Policy
Table 2.1	Untied Aid as a Percentage of Total Aid
Chapter Four	International Response
Table 4.1	Globe and Mail Coverage of East Timor and Cambodia November 1, 1977 to August 31, 1993
Table 4.2	Search of Globe and Mail Articles Relating to East Timor December 7, 1975 - March 20, 1994
Chapter Seven	Canada's Trade Relationship With Indonesia
Table 7.1	Canadian Military Goods Exported to Indonesia

APPENDICES

Appendix A	<u>Globe and Mail</u> Search on East Timor 1975 to Present (March, 1994)
Appendix B	Canadian Trade (a) Excerpts from a Report by External Affairs (b) Canada-Indonesia Imports and Exports, 1970-1993 (c) List of Top Canadian Exporters to Indonesia (d) Canadian Direct Investment in Indonesia, 1975-1992
Appendix C	Canadian Aid (a) Comprehensive Breakdown of Canadian Aid since 1975 (b) Summary of Canada Fund Disbursements and Projects in East Timor 1979/80 - 1992/93
Appendix D	Project Ploughshares' Canadian Military Industry Database of Canadian Arms Sales to Indonesia since 1980
Appendix E	One page Summary from Jane's Defence Weekly on Indonesian Air Show
Appendix F	Canadian Ambassadors to Indonesia
Appendix G	Access to Information Act
Appendix H	UNCHR Texts on East Timor (a) 1992 Consensus Statement (b) 1993 Resolution (c) 1994 Consensus Statement
Appendix I	United Nations Resolutions on East Timor -- 1975-1982
Appendix J	Canadian Explanations to UNGA Regarding Canada's Vote
Appendix K	Indonesia's Comments on the 1982 UNGA Resolution
Appendix L	Maps (a) of East Timor (b) of Indonesia

Appendix M	Excerpts from "Good Governance Canadian Values and Interests in a Changing World"
Appendix N	CIDA Funded Canadian Organizations Working in Indonesia
Appendix O	Letter to David Kilgour, MP, from the Honourable Barbara McDougall, Secretary of State for External Affairs
Appendix P	Canada's Statement at the Consultative Group on Indonesia, June 1993
Appendix Q	Selected Case Study of One Canadian Aid Project, Namely Simon Fraser University's Eastern University Development Project
Appendix R	Report by Canada's Ambassador to Indonesia, Glen Shortliffe on His Visit to East Timor, September 6-8, 1978

CHAPTER ONE

INTRODUCTION

1. INTRODUCTION

For approximately the last twenty years, the Canadian government has stressed the importance it places on respect for human rights, both nationally and internationally. In terms of Canada's foreign policy, this proclamation has been applied selectively, respect for human rights in some countries appears to be more important than in others. For example, Indonesia, with one of the worst human rights records in the world, is one of Canada's strongest economic partners. In this instance, human rights takes a backseat to an economically profitable relationship.

This favourable economic relationship with Indonesia is particularly insidious in light of the fact that Indonesia has been guilty of genocidal¹ actions against East Timor for almost 19 years. In the case of East Timor, Canada has demonstrated little or no concern for the human rights violations so long as there is an economically and politically profitable relationship with Indonesia.

Both the Canadian and Indonesian governments should bear in mind, however, that the attempt to eliminate group identity and to deny a peoples' right to self-determination, guaranteed by international law are destined, eventually, to fail. "Deep currents are not easily redirected."² The will of the people, in a territory with a distinct history, religion,

¹ Genocide is the calculated attempt to annihilate an entire race, but is not merely restricted to actual physical annihilation. It involves not only mass slaughter, but also the elimination of traditional social, religious, economic and cultural life, as well as the reduction of the birthrate of the target race. By all these criteria, Indonesia's actions in East Timor amount to genocide.

Mark Aarons and Robert Domm, East Timor: A Western Made Tragedy at 32. For further elaboration on this genocide, refer to Chapter 3 of this paper.

² Michele Turner, Telling East Timor: Personal Testimonies 1942-1992 at xvi.

culture, tradition, economy and political viewpoint will ultimately prevail.³

So how does what is happening in East Timor relate to Canada? Aside from the economic stake that Canada has in Indonesia, and if it is possible to set aside, for only a moment, the reminder of human cruelty, greed, courage and love, there is an even larger lesson for Canadians. It is the one Thomas Paine gave as a warning to the fledgling American revolutionaries:

He [sic] that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty he establishes a precedent that will reach to himself.⁴

"The new world order cannot rest upon unconsensual seizures of one people by another. Still less can it rest upon convenience, economy and mutual economic advantage."⁵ It must rest upon the rule of law: international law safeguarded against the cancer of the denial of basic rights.

The denial of the right to self-determination of the people of East Timor is a fundamental breach of the United Nations Charter and of international law. That is why Canadians and the Canadian government must make a choice; a choice of principle. "In justice unrepaired a precedent exists which, one day, unless corrected, may reach even to ourselves."⁶

Canada must link human rights considerations to all aspects of its foreign policy

³ Ibid at xvi

⁴ Thomas Paine cited in *United States v. Humberto Alvarez Machain* 60 LW 4523 (1992) at 4532 (Justice Stevens) as cited by Michele Turner in Telling East Timor: Personal Testimonies 1942-1992 at xvi.

⁵ Supra Note 2 at xvi.

⁶ Ibid at xvi

and it must be a consistent application to all countries that Canada is involved with. One of the best examples of the innate hypocrisy exists in the relationship between Canada and Indonesia. This thesis will examine the significance of linking human rights with Canadian foreign policy by considering the theoretical context of such linkages as well as the Canadian government's official position. In order to put into context the selective application of human rights standards in Canada's favourable relationship with Indonesia, a brief history of East Timor will be presented. Following this will be an examination of both the Canadian as well as the international response generally to Indonesia's illegal occupation. One reason that the Canadian government has been able to pursue such a favourable relationship has been due to the silence of the media. Public opinion has not been formed leaving the government to act with little scrutiny or accountability. As indicated above, this has been reflected in Canada by diplomatic activity and favourable aid and trade relationships with the Government of Indonesia.

The time frame for this examination will extend from the year that Indonesia invaded East Timor (1975) until the present (1994). Since there has been little research published on this topic in Canada, it has been necessary to file numerous Access to Information requests with the Department of Foreign Affairs and the Canadian International Development Agency. Many documents were heavily censored, with the most frequent explanation being reference to section 15 (1) of the Access to Information Act which essentially states that to release such information would be injurious to the conduct of international affairs.⁷

⁷ For the full Act, please refer to Appendix G

Another primary source of information was interviews and conversations with a number of international experts on East Timor. These include East Timor's foreign minister (in exile), José Ramos-Horta; several Timorese "ambassadors", including Abé Barreto Soares (CNRM, Canada), José Amorin Dias (CNRM, EC) and Constancio Pinto (CNRM, USA); Carmel Budiardjo (Tapol, England), to name just a few. Another valuable source of information came from international conferences that focused on East Timor, in Amsterdam⁸ and New York⁹; and one on "Canada-Indonesia" in Ottawa¹⁰. In addition, the East Timor Alert Network/Canada¹¹ and the East Timor Action Network/United States¹² provided useful information. Also useful were formal meetings and conversations with the desk officers at the Department of Foreign Affairs and the Canadian International Development Agency (CIDA).

It must be reiterated that no matter how economically and politically profitable a relationship is with another country, human rights must ultimately take precedence over such considerations. This position is reflected in Canadian foreign policy theoretically, but in the case of Indonesia, rarely put into practice.

⁸ February 19-21, 1993.

⁹ July 9 - 11, 1993.

¹⁰ November 22-23, 1993.

¹¹ Particularly to Elaine Briere, Peter Monet and David Webster. Also a special "thank-you" to Patrick Hughes who also filed Access to Information requests and forwarded copies of the reply on to me.

¹² Particularly Charlie Scheiner, Matthew Jardine and John Miller.

CHAPTER TWO

HUMAN RIGHTS

AND

CANADIAN FOREIGN POLICY

2. HUMAN RIGHTS AND CANADIAN FOREIGN POLICY

2.0 Introduction

The main tenet of this paper is that in the case of East Timor, the government of Canada has demonstrated little or no concern for the gross violations of human rights which continue to occur since it enjoys an economically and politically profitable relationship with Indonesia. This situation exists in spite of the many pronouncements that the Canadian parliament has made in its unequivocal support for linking human rights with Canadian foreign policy. The 1986 Simard-Hockin Report, Independence and Internationalism, underlined Canadian support for human rights as a central feature of Canadian foreign policy. This concern was further reiterated in the Winegard Report For Whose Benefit? and the 1988 aid policy document of CIDA, Sharing Our Future: Canadian International Development Assistance.

This chapter will consist of a theoretical analysis of the literature and the stated Canadian foreign policy objectives on the issue of human rights, aid and trade.

2.1 Human Rights and Foreign Policy¹³

Canada has often subordinated the concern for human rights to other political and economic considerations. Over the past few years, the Canadian government's commitment to promoting economic, social, cultural, civil, and political rights

¹³ Credit must go to the paper drafted by Robin Gibson, first from a paper he drafted from a series of submissions by NGOs for the Canadian Foreign Policy Review (unpublished paper, January, 1994) and secondly from an elaboration he gave on the paper at the Asia Pacific Working Group meeting on February 18, 1994

internationally has been threatened by budget cutbacks in levels of Official Development Assistance (ODA) and by shifting priorities for ODA allocations from human-centred development to promoting trade. Furthermore, Canada's ability to speak about international human rights with integrity has been undermined by domestic policies which fail to adequately address human rights concerns within Canada, for example, the continuing marginalization of women and their concerns; growing child poverty, the failure to adequately address the issues of self-determination of Canada's First Nations; and increasingly restrictive refugee and immigration policies. How can Canada judge and assess the human rights record of other states, when Amnesty International¹⁴ and other NGO's have shown that the Canadian government is guilty of perpetrating gross human rights violations within its own borders. Equally applicable to Canada, Chomsky and Herman note (of the United States) that

[n]evertheless, these formidable tasks have been accomplished without notable difficulty, and the credibility gap has been successfully bridged by a very effective system of rewriting recent history and selecting, processing and creating current information. ... [O]n fundamental issues the mass media ... function very much in the manner of a system of state-controlled propaganda, and their achievements are, in fact, quite awesome.¹⁵

In addition, Western countries that wish to incorporate human rights into their foreign policy must remember that it was they who have "... armed the neo-fascist elites of the Third World to the teeth, and saturated them with counter-insurgency weaponry and training, [as such] long-term elite control of the underlying populations is by no means

¹⁴ See, for example, Amnesty International's 1992 Annual Report at 81-82.

¹⁵ Chomsky and Herman, The Washington Connection and Third World Fascism at x.

assured"¹⁶ This is due to the fact that many governments in Third World countries are so inept and corrupt, and the abuse of their peoples is so flagrant, that "... explosions and loss of control are highly likely in many states over the next several decades"¹⁷.

This is exactly the reason why Western governments, and Canada in particular, must make human rights a priority in their foreign policy. In a bold declaration that has been applied selectively, CIDA's report Sharing our Future stated that:

A basic principle of Canada's foreign policy is the promotion and protection of human rights. At both the bilateral and multilateral levels, Canada has been active in promoting the acceptance of international standards of human rights, and the Government is firmly committed to integrating human rights fully into the broad sweep of Canada's external relations.¹⁸

However, systematic policies towards Third World countries make it evident that the alleged commitment to democracy and human rights is mere rhetoric, directly contrary to actual policy.

The operative principle has been and remains *economic* freedom ... and its two basic requisites, a favourable investment climate and a specific form of stability. ... Since a favourable investment climate and stability quite often require repression, the United States has supplied the tools and training for interrogation and torture and is thoroughly implicated in the vast expansion of torture during the past decade.¹⁹

In addition to concerns about Canada's human rights practices in Canada's national

¹⁶ Ibid at xii

¹⁷ Ibid at xii

¹⁸ CIDA, Sharing our Future at 31

¹⁹ "Human Rights Considerations and Coherence in Canada's Foreign Policy" at 4

policy, Canada's foreign policy is shaped by three other considerations, namely

- 1) Further growth as a trade-dependent capitalist country;
- 2) Membership in various Western military, political and economic alliances; and
- 3) Successful management of the relationship with the US ²⁰

This would suggest that Canada has only limited manoeuvrability

In actually formulating Canadian foreign policy, the decision making operates on the assumption that international relations should be left to officials, that they will do what is "best" given considerations of "national security" and the "national interest" ²¹ Human rights concerns must compete against powerful, more established foreign policy interests. "The priority attached to economic considerations and military security is firmly rooted and reflected in governmental decision-making and administrative structures" ²²

However, it must be remembered that Canada does not exist in a little microcosm. Canada is part of an international community with specific relationships with each individual country. And even though it has been almost 45 years since the adoption of the Universal Declaration of Human Rights, human rights abuses are still a daily occurrence in many (if not all) nations of the world. And the Canadian government recognizes this. "Human rights are essential preconditions for economic and social development, for political participation and democracy, and for international peace.

²⁰ Victoria Berry and Allan McChesney, "Human Rights and Foreign Policy-Making" in Matthews and Pratt (eds.) Human Rights in Canadian Foreign Policy at 59

²¹ Ibid. at 75.

²² Ibid. at 75.

Without support for human rights, life is not merely difficult. It is not fully human."²³

It also must be remembered that Canadians have cultural roots and family connections around the world; as such, Canadians have a specific interest in ensuring that human rights are an important consideration within Canada's foreign policy. In addition, it is only logical that the standards the Canadian government promotes within Canada be expressed within Canada's foreign policy.

The urgency and complexity of international human rights coupled with the Canadian national interest, combine to make human rights a necessary, indeed essential, element of Canada's foreign policy.

However, even while recognizing this, there is still a serious lack of coherence and consistency between many of Canada's aid, trade and financial assistance relationships with other countries when compared with Canada's espoused commitment to human rights.²⁴ The Canadian government has formally stated that it is "logical and proper that the standards we promote within Canada should find full expression in Canadian foreign policy"²⁵. And to a certain extent, Canadian policy has done just that.

Since World War II, Canada has played the role of a promoter of human rights on the international stage. We have sought to enhance the efforts of the United Nations and other multilateral organizations in monitoring and encouraging human rights observance. In political exchanges, Canada has been one of the less timid actors in naming countries that violate

²³ Supra Note 19 at 1.

²⁴ However, the time frame of this paper only extends to March, 1994, coincidentally the same month that the new Liberal government begins its indepth examination and overhaul of Canada's foreign policy. Therefore, much of the upcoming Canadian foreign policy was formulated under a different government, and therefore subject to change in the upcoming months

²⁵ Canada's International Relations, Response of the Government of Canada to the Report of the Special Joint Committee of the Senate and the House of Commons, December 1986 at 23.

international norms. We applaud the steps Canada has taken to coherently integrate human rights factors into its official development assistance (ODA) programs, with respect to the amounts, channels and purposes of aid to some countries. More prevalent, however, are situations where human rights considerations have not been integrated, a shortcoming which is seen by many Canadians to contribute to the maintenance in power of abusive regimes and to slow the progress of democratic development.²⁶

Unfortunately, though, there is a lack of consistency on the political, aid and trade fronts which leads, ultimately to charges of hypocrisy against the Canadian government. An example of this hypocrisy, briefly now and more indepth later, exists in Canada's aid policies. In 1980, Canada suspended its contribution to Sri Lanka's Mahaweli River dam and irrigation scheme partly because of racial discrimination against Tamils in the planned resettlement of the local population; meanwhile, Indonesia remains Canada's second largest recipient of bilateral aid while engaging in serious and systematic violations of human rights in East Timor, West Papua and Aceh.²⁷

And so, while that is the focus of this paper, the theory and Canadian policy on human rights linkages with aid and trade must first be established before any examination of such hypocrisy can go to any depth.

2.2 Foreign Development Aid and Human Rights

"Human rights conditionality has been broadened throughout development aid"²⁸

This is seen by the fact that virtually all donors have made explicit commitments to

²⁶ Supra Note 41 at 2-3

²⁷ Ibid. at 3

²⁸ Katarina Tomasevski, Development Aid and Human Rights Revisited at 9

human rights²⁹ "This was possible because the principle that donors are entitled to impose policy prescriptions became part of aid practice, even if continually opposed by recipients."³⁰

The North-South confrontation replaced the East-West conflicts of the cold war era. One of the new battlegrounds is human rights conditionality in development aid. This paper postulates that development aid must be linked with human rights, not merely in theory but in enforced practice. However, most, if not all, governments in the South, including Indonesia, have stated that there is indeed a philosophical difference between definition(s) of human rights between those in the North and those in the South. As such, this position must be examined in order to fully explore the issue of human rights and development aid.

2.2.1 International Declarations of Human Rights and Development

Attempts by the United Nations to define and protect human rights reflect an effort to reconcile these different perspectives. The 1948 United Nations Universal Declaration of Human Rights, and later covenants and protocols, covered a broad spectrum of human rights, political, civil, social and economic. However, developing countries saw the need to elaborate further a more comprehensive approach that emphasized the inter-relatedness of various rights. This comprehensive approach was embodied in the United Nations 1986 Declaration on the Right to Development. While many developing countries

²⁹ Ibid. at 9

³⁰ Ibid. at 9

refrained (at least initially) from ratifying the 1948 Universal Declaration on Human Rights or its covenants, the 1986 Declaration on the Right to Development was subscribed to by all of the developing world at the time. However, only a few of the developed countries signed the Declaration on the Right to Development. Canada was among those who voted in favour of the resolution. Article 1 of the Declaration reads

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized

The drafting and adoption of the Declaration was marked by controversy and lack of consensus. "Prospects for an effective application of the right to development are therefore dismal."³¹

The developing world's new common front on human rights emerged from the Tenth Conference of Heads of State or Government of the Non-Aligned Movement in Jakarta, Indonesia, in September 1992. The conference unanimously accepted a statement on human rights, contained in Paragraph 18 of its final document, the "Jakarta Message". An integral theme of the statement was a rejection of the concept of linking aid to human rights. The statement reads as follows.

We affirm that basic human rights and fundamental freedoms are of universal validity. We welcome the growing trend towards democracy and commit ourselves to cooperate in the protection of human rights. We believe that economic and social progress facilitate the achievement of those objectives. No country, however, should use its power to dictate its concept of democracy and human rights or to impose conditionalities on others. In the promotion and the protection of these rights and freedoms, we emphasize the inter-relatedness of the various categories, call for a

³¹ Supra Note 28 at 48

balanced relationship between individual and community rights, uphold the competence and responsibility of national governments in their implementation. The Non-Aligned countries therefore shall coordinate their positions ... in order to ensure that ... all aspects of human rights on the basis of universality, indivisibility, impartiality and non-selectivity [are addressed].³²

The "Jakarta Message" was further reinforced by the "Bangkok Declaration"³³.

The "Jakarta Message" however, needs to be balanced by a reminder from Northern states that aid is intrinsically related to human rights since aid "... is supposedly an instrument for the promotion of economic and social rights and the basic standards of a minimum decent existence for those who do not have access to them"³⁴. There cannot be any true development or progress without fundamental human rights being respected. The "Bangkok Declaration", however, must be placed in context. A week prior to the summit, Bangkok also hosted an unprecedented meeting of Asian human rights organizations. Over 100 NGOs present at this meeting joined in the call for self-determination for East Timor. José Ramos-Horta, now head of the Timorese resistance movement CNRM, noted that:

Previously we have had support in Australia and Europe but not in Asia. This is a breakthrough. ... The NGOs of the South are deep-rooted in the villages, in the small towns, in the countryside. They in fact reflect the true aspirations, the true desires of the people of the South, not the elite

³² Summarized from paragraph 18 of the "Jakarta Message" as reprinted within the article written by Christopher Dagg in "Linking Aid and Human Rights in Indonesia: A Canadian Perspective" in 7 Issues (Winter, 1993) at 12

³³ In April, 1993, Asian governments gathered in the Thai capital of Bangkok to hammer out a common position for the June World Conference on Human Rights. Indonesia, Malaysia and China have been leading proponents of the line that human rights are an alien value imposed from outside. This line was adopted by the governments present as their official position. The government of Indonesia was even able to get the Japan-based International Federation for East Timor banned from the summit's list of invited NGOs.

³⁴ Bernard Wood as quoted in an article by T A Keenleyside, "Development Assistance" in Human Rights in Canadian Foreign Policy at 187

that play golf and mortgage the future of their own countries with the West.

This turned the Timor question into a regional issue for the first time and successfully undermined the "cultural" differences argument

However, aid is never completely altruistic; there is always some benefit for the donor country. One of these benefits is promotion of the donor country's commercial interests through tied aid.

2.2.2 Tied Aid

Besides the volume of aid, its quality is the main criterion for the evaluation of donor performance. "A half of aid -- at least -- is not even designed to meet the developmental needs of the recipient countries but to promote commercial interests of donors."³⁵

Originally, the policy with official development aid was that there was a strict separation between economic aid and relief and welfare aid. Economic aid was based on purely economic interests while relief and welfare aid (a small proportion of aid) developed from charity.³⁶ "Aid is used to finance exports from donor countries by all donors."³⁷ Tied aid specifically indicates an obligation of the recipient "to purchase goods or services financed as "aid" in the donor country"³⁸ Even though this practice has

³⁵ Supra Note 28 at 34.

³⁶ Ibid. at 34

³⁷ Ibid. at 34.

³⁸ Ibid. at 34

been declared as incompatible with the interests and development of the recipients, and with the innate purpose of aid, it continues as donors justify the need for such aid with their citizens.³⁹

The OECD⁴⁰, in putting its guidelines into practice, uses supervision and publicity in its evaluation of donor practices which includes data on the proportion of aid which is tied, a comparison between donor practices and a qualitative evaluation of aid tying for each donor country.⁴¹ Refer to the chart below which outlines untied aid as a percentage of total aid.

³⁹ Ibid at 34-35

⁴⁰ Tomasevski notes the following in her book entitled Development Aid and Human Rights Revisited at page 35

The OECD/DAC has been working for quite some time on common rules on tied aid and mixed credits, trying to reduce the distortion of aid resulting from commercial rather than developmental interests. It adopted the first guidelines on export credits in 1978, aiming "to increase transparency and discipline", in order to prevent unfair competition among donors rather than to protect aid-receiving countries. In April 1987 the revised Guiding Principles for Associated Financing and Tied and Partially Untied Development Assistance carried this regulatory process one step further. The principles of fair trade competition need to be respected in tied aid, the grant element was raised to 35 per cent, while the goods or services provided need to be "carefully appraised against developmental standards". The most recent changes of February 1992 aim to preclude the financing of commercially viable projects out of aid funds, to set the upper limit by recipient countries' GNP (\$2,465), above which the purchase of donor exports should not be financed through aid at all, and allow donor countries to police each other to ensure that all comply with these changes.

(footnotes omitted)

⁴¹ Supra Note 28 at 35

Table 2.1 Untied Aid as a Percentage of Total Aid

COUNTRY	1989
Australia	6.0
Austria	2.5
Belgium	26.0
Canada	29.9
Denmark	43.1
Finland	14.2
France	40.2
Germany	39.4
Ireland	32.1
Italy	5.8
Japan	59.6
Netherlands	33.0
New Zealand	42.1
Norway	19.1
Sweden	49.5
Switzerland	64.2
United Kingdom	13.9
United States	30.9

Source: Development Co-operation 1991 Report, OECD, Paris, 1991, p. 177.

All this has shown that the basic (and unchanging) priorities in aid allocation reaffirm the fact that economic objectives override social considerations in aid and in development in general

2.2.3 Human Rights in Development Aid

The existence of international human rights norms contained in international treaties provides a sufficient basis to demand the observation of human rights in development, including development aid.⁴² It should be noted at the outset that "a right of developing countries to *obtain* assistance from a particular government is denied by all the governments which seem themselves as addressees of such requests"⁴³. However, the right to *seek* assistance -- not only by governments -- has been affirmed many times.⁴⁴

The various human rights bodies of the United Nations have been working on the issue of the linkage between human rights and development aid. There are precedent cases in placing human rights violations occurring within development aid on the human rights agenda.

This reflects the realm of the possible: the inter-governmental system is dominated by governments. It is governments that specify human rights standards and supervise their application. The enforcement of human rights standards in development aid necessitates the acquiescence of donor

⁴² Ibid. at 48.

⁴³ Ibid. at 49

⁴⁴ Ibid. at 49.

On this issue of the right to *seek* assistance, one of the most explicit assertions was included in a resolution adopted at the World Conference of the United Nations Decade for Women. Tomasevski notes:

It affirmed "the right of all developing countries to decide freely from which countries and international agencies they will seek development assistance", and condemned "all acts of destabilization, economic and political blackmail, threats, sabotage and violence against developing countries used as a method of intimidation in order to prevent them from choosing freely their sources of development assistance".

Tomasevski quoting from Resolution 26, on the right of all countries to seek development assistance from any and all sources, free from threats and attacks Report of the World Conference of the United Nations Decade for Women. Equality, Development and Peace, Copenhagen, 14-30 July 1980, UN Doc. A/CONF.94/35, p.88.

and recipient governments as members of the UN human rights bodies and of multilateral aid agencies.⁴⁵

For example, the inclusion of human rights in mainstream United Nations development aid was applied in the case of Haiti, through "... the establishment of contacts between the government of Haiti, the United Nations Development Programme and the Centre for Human Rights in order to ensure that the human rights dimensions of assistance projects are duly taken into account."⁴⁶

"Human rights were first linked with aid by the United States, and this makes the USA unique because this linkage is part of its law."⁴⁷ This linkage was developed the furthest by the Netherlands, Norway, Canada and Denmark.⁴⁸ What follows is a description of Canadian policies guiding its official development assistance (ODA)

2.2.4 Canadian Principles Governing Official Development Assistance

In October, 1991, Prime Minister Brian Mulroney, in his speech to the Commonwealth Heads of Government Meeting, declared that

... nothing in international relations is more important than respect for individual freedoms and human rights. For Canada, the future course is clear: we shall be increasingly channelling our development assistance to those countries that show respect for the fundamental rights and individual freedoms of their people. Canada will not subsidize repression and the

⁴⁵ Supra Note 28 at 49.

⁴⁶ From Situation of Human Rights in Haiti, Commission on Human Rights, resolution 1987/13, 2 March 1987, para. 5 and reprinted in Tomasevski at 50.

⁴⁷ Supra Note 28 at 83. Tomasevski is citing the International Human Rights Law Group U.S. Legislation Relating to Human Rights to US Foreign Policy Fourth Edition, Washington DC, 1991

⁴⁸ Ibid at 83.

stifling of democracy.⁴⁹

These are noble words that would stir a sense of pride in every Canadian if Canada's official development policy matched its rhetoric. Unfortunately, a huge gap exists between the theory and practice of the government on linking official development assistance and the recipient country's record on human rights.

In order to examine this issue adequately, it is necessary to establish what the official principles are that guide the Canadian government's initiatives in international development. The Report of the Standing Committee on External Affairs and International Trade on Canada's Official Development Policies and Programs entitled For Whose Benefit? (also known as the Winegard Report) proposed an Official Development Assistance charter which has four pillars.

1. The primary purpose of our development effort is to help the world's poorest countries and people.
2. Canada's aid policies must strengthen the human and institutional capacity of developing countries to solve their own problems in harmony with their natural environment.
3. In setting objectives for development assistance, developmental priorities must prevail.
4. We must strengthen the links between Canadian citizens and institutions, and those in the Third World -- in short, partnership.⁵⁰

CIDA (Canadian International Development Agency) has taken these principles as being the foundation of its ODA (Official Development Assistance) policy and has derived priorities to assist in focusing its projects and programs. These priorities are to:

⁴⁹ Prime Minister Brian Mulroney Notes for a Speech by Prime Minister Brian Mulroney -- Global Report: World Political Overview -- Commonwealth Heads of Government Meeting (Harare, Zimbabwe), October 16, 1991 at 2

⁵⁰ Summarized in Sharing Our Future -- Canadian International Development Assistance at 4

- alleviate poverty;
- design structural adjustment policies that take into account their human impact on the people they are designed to assist;
- strengthen our emphasis on the role of women in development;
- foster environmentally sound and ecologically sustainable programming;
- strive for food security; and
- emphasize energy availability.⁵¹

With this framework in mind, CIDA has created a "new eligibility framework"⁵² for Canadian ODA which provides flexibility in order to achieve the goals that the Canadian government has stated it is committed to, including: ". eradicating global poverty, concentrating on the poorest countries and people, and ensuring that our aid policies are more focused and more relevant"⁵³. By its own admission, the government has stated that this new framework will make it ". easier to take into account the human rights performance of various countries when deciding upon the nature and scope of our assistance efforts"⁵⁴.

Canada's ODA policy is, however, not static. The influence of the 1987 Brundtland Report, Our Common Future, is reflected in CIDA's decision in 1991 to adopt a simple new mission statement, namely, to support sustainable development in developing countries. Development must "meet the needs of the present without compromising the ability of future generations to meet their own needs" ⁵⁵ CIDA

⁵¹ Ibid at 3.

⁵² Ibid at 3

⁵³ Ibid at 3.

⁵⁴ Ibid at 3.

⁵⁵ Global Sustainable Development: Towards a New International Assistance Policy (Draft for Discussion Purposes). External Affairs and International Trade Canada. Acquired through an Access to Information request. The document is labelled as "Protected"

identified five dimensions of sustainable development which are inter-related. Development, to be of real and lasting value, must be sustainable: environmentally, economically, culturally, politically and socially.

In 1991, External Affairs and International Trade Canada (EAITC) produced a Cabinet-approved foreign policy framework paper which updated Canada's foreign policy priorities. The paper describes the essence of Canadian foreign policy as the "need to protect and promote Canadian interests and values abroad".⁵⁶

The foreign policy framework proceeds on the basis that Canada's interests -- security, prosperity and a rule-based international order -- and the values of Canadians -- a spirit of moderation, compromise, respect for the rule of law, and attachment to social and economic justice -- have not changed in 50 years. Canada's foreign policy priorities are, therefore:

- a) strengthening cooperative security;
- b) creating prosperity on a sustainable basis; and
- c) securing democracy and respect for human values.⁵⁷

References to Canada's international assistance activities appear throughout the document.

Canada will:

- 1) use ODA to alleviate poverty as one of the root causes of political instability⁵⁸;
- 2) continue to influence the setting of framework policies at key IFIs such as the World Bank and the IMF;
- 3) consider new and creative responses to the debt problem;
- 4) integrate economic and environmental decision-making in international financial institutions and other organizations;
- 5) cooperate with developing countries in addressing their international environmental obligations;
- 6) further integrate sustainable development into aid policy;
- 7) use ODA to continue to make clear our abiding commitment to respect for human

⁵⁶ Ibid at 12

⁵⁷ Ibid at 13

⁵⁸ The reports notes that in this context, the foreign policy framework notes that reducing poverty and encouraging growth can contribute towards alleviating the causes of irregular migration

- rights, the rule of law, and economic and political freedom.
- 8) maintain policies aimed at poverty alleviation; and
- 9) retain a strong and active commitment to humanitarian assistance⁵⁹

While the report is generally consistent with the Winegard report (referred to above) and with Sharing Our Future, changes have been introduced as follows.

- 1) there is no reference to using ODA to "express the Canadian desire to alleviate human suffering and promote social justice." Rather, it is important to alleviate poverty because it is a cause of instability;
- 2) there is a new emphasis on helping developing countries meet their international environmental obligations;
- 3) there is a stronger emphasis on using ODA to promote democratic development and human rights (i.e., going beyond the passive consideration of human rights issues in allocation decisions)⁶⁰;
- 4) thematic objectives of the aid program such as the increased participation of women in development, food security, and energy availability are given scant attention.⁶¹

Another External Affairs report, entitled Good Governance: Canadian Values and Interests in a Changing World notes that:

Canadians, with their own Charter of Rights, are increasingly looking to their government to reflect their values more strongly in its everyday conduct of foreign policy. They want to be sure that the assistance Canada provides to other countries is used effectively. They believe that Canada, working in concert with others, can over time help to bring about positive changes in how countries are governed and how individuals are treated.⁶²

⁵⁹ Ibid. at 13.

⁶⁰ In CIDA's sustainable development framework, democratization is ~~one~~ of the elements necessary for sustainable development, whereas the foreign policy framework suggests that the promotion of democracy and human rights is good because it reflects Canadian values. CIDA also notes that it will adopt a "constructive rather than a punitive approach to democratic development." See "Politique de l'ACDI en matière de développement démocratique," Direction générale des politiques, March 1992.

⁶¹ Supra Note 18 at 13-14

⁶² Good Governance: Canadian Values and Interests in a Changing World, produced by the Department of External Affairs and International Trade, 1993. This document is protected. The document was acquired through an Access to Information request.

This report outlines a draft code of conduct for Third World and former Soviet-bloc countries linking eligibility for aid to respect for human rights and democratic values. If adopted as government policy, the proposal would divide recipients of Canadian foreign aid (which is \$2.68 billion for 1993-94) into four broad categories, based not only on how well they govern but on their observation of "Canadian values". The categories include: (1) countries clearly attempting to improve their performance; (2) "partners which are falling short in some areas"⁶³ and require "friendly persuasion"; (3) countries that should be punished by withholding all except essential humanitarian aid; (4) "extreme situations" that require sanctions.⁶⁴ "What is important, finally, is not only where a country stands in developing a democratic system but how strongly it is committed -- in its own circumstances -- to developing democratic processes and a truly democratic system."⁶⁵ For further details of what action these categories would comprise, please refer to Appendix M.

While this report contains proposals and not actual policy statements at this stage, it could, if approved and put into practice, have a significant impact on the aid Indonesia currently receives from Canada.

The altruistic proclamations contained within the formal policy statements, most

⁶³ Ibid at 7

⁶⁴ Ibid at 6-7

⁶⁵ Ibid at 5

The process of democratic development has been described as one "which encourages and supports full and equitable public participation in the entire range of social, political and economic activities of the state. It encourages the development of a democratic culture, one that encompasses democratic government that is based on the rule of law, independence of the judiciary, freedom of the press and expression as well as regular popular consultations."

notably the growing emphasis of a country's human rights performance in determining ODA, does not (at times) coincide with the practice of the Canadian government. The main tenet of this paper is that in the case of East Timor, Canada has little or no concern for the human rights violations as long as there is an economically and politically profitable relationship to be had with Indonesia. This practice does not mesh well at all with the grand pronouncement that Canada will not "subsidize repression"

CIDA's mission statement remains as supporting sustainable development in developing countries. And to a certain extent, CIDA succeeds in its mandate. At other times, however, the altruism is undermined by other foreign policy consideration such as economics and politics. Then a country's priority is determined by Cabinet, the bureaucracy at Foreign Affairs and private Canadian investment/business. That is when, regardless of the human rights policy on paper, the practice will overlook human rights abuses in favour of an economically profitable relationship. This leads one to the conclusion that if trade is so important, what are the linkages (if any) between trade and a country's human rights performance? Given that two-way trade between Canada and Indonesia was approximately \$900 million in 1993 for the first time, it is first necessary to examine the theory on linking trade with human rights before looking at Canada's policy on the issue.

2.3 Linking Trade with Human Rights

The issue of trade and human rights is not as clear cut as aid and human rights. There is no international declaration on the right to trade. Big businesses are large

contributors to political campaigns; providing jobs in constituencies. In an era of global recession and finite resources in underdeveloped countries, there is a need for investment and cash flow. On a strictly dollar basis, where do human rights concerns fit in, when it is companies dealing with branch plants or other companies? The rationale for enforcing human rights through trade is clear. Firstly, a human rights policy implemented through official development assistance can have only limited effectiveness. Secondly, due to tied aid, the line dividing what constitutes trade and what constitutes development cooperation has become increasingly blurred.

2.3.1 Labour Rights

One area where human rights considerations fit into the trade question is that of labour. There are concrete categories of internationally recognized rights for workers. What is urgently needed is a broader vision, based on the premise that "... fair competition in world trade must renounce and effectively discourage systematic labour repression"⁶⁶. This has been provided in several international covenants and documents which will be briefly examined.

When the International Labour Organization (ILO) was established by the Treaty of Versailles in 1919, the ratifying parties affirmed that they would "endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial

⁶⁶ "Promoting Workers Rights in International Trade" in Trade's Hidden Costs. Worker Rights in a Changing World Economy at 42

relations extended".⁶⁷ The purpose of the ILO was to monitor compliance with this promise: however, no enforcement mechanism for ILO findings was created

There has been growing recognition that labour rights are essential to promoting social justice and safeguarding human freedoms since the end of World War II. This tenet was affirmed in the United Nations Charter (1945) which states that "the United Nations shall promote higher standards of living, full employment and conditions of economic and social progress and development"⁶⁸.

The Universal Declaration of Human Rights (1948) affirmed that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment"⁶⁹. The Declaration also went on to say that everyone had the right to a wage that ensured an "existence worthy of human dignity" and "the right to form and join trade unions for the protection of his [sic] interests"⁷⁰.

The General Agreement on Trade and Tariff (GATT)⁷¹ also refers to the importance of labour rights in international trade. The preamble provides that "relations among countries in the field of trade and economic endeavour should be conducted with a view to raising standards of living and ensuring full employment". GATT member countries are explicitly authorized to take action against products of prison labour

⁶⁷ Ibid. at 43

⁶⁸ The Charter of the United Nations, Chapter IX, Article 55

⁶⁹ The Universal Declaration of Human Rights, Article 23, section (1)

⁷⁰ The Universal Declaration of Human Rights, Article 23, section (2), (3) and (4)

⁷¹ International trade organization established in 1947

Perhaps of greatest significance, the GATT incorporates, by reference, the following wording from the proposed International Trade Organization (ITO) Charter:

The members recognize that measures relating to employment must take fully into account the rights of workers under intergovernmental declarations, covenants, and agreements. The members recognize that all countries have a common interest in the achievement and maintenance of fair labor standards related to productivity, and thus in the improvement of wages and working conditions as productivity may permit. The members recognize that unfair labor conditions, particularly in production for export, create difficulties in international trade, and accordingly, each members shall take whatever action may be appropriate and feasible to eliminate such conditions within its territory.⁷²

Another human rights aspect with regard to trade concerns the type of trade. One area that would seem to contribute directly to human rights violations is military sales.

2.3.2 Arms Sales

Arms sales to Third World countries create problems relating directly to an exporting country's commitment to human rights. "The militarization of political power, closely related to growth of political repression and violation of human rights is increasing noticeably in Third World countries."⁷³ This development is facilitated by international arms transfers.

Ruth Leger Sivard, in her annual review of world military and social expenditures, reports that by 1986 50 per cent of Third World governments were controlled by the military in contrast to 28 per cent of a much smaller number of independent states in 1960. Moreover, there was evidence of rights violations under all military regimes, and, in half, violation through official terrorism was frequent enough to seem

⁷² *Supra* Note 66 at 45

⁷³ Ernie Regehr "Military Sales" in Matthews and Pratt (eds.) Human Rights in Canadian Foreign Policy at 209

institutionalized.⁷⁴

As Canada promotes the sale of military exports in the Third World, the possibility increases that it will supply countries run by the military and subject to institutionalized violation of human rights. This is the case with Canada - Indonesia and will be looked at in greater detail in Chapter Seven. However, as competition for sales increases, the global trend is to reduce constraints such as those relating to human rights.

To export military goods to another country, a company (in Canada) must obtain a military export permit. This requirement acknowledges that military trade is not like any other; "... it is not a purely commercial affair but a political/military transaction that requires direct government involvement"⁷⁵. Therefore, the granting of such an export permit declares the sale to be acceptable behaviour.

"To the extent that permission for a military sale is also an expression of solidarity, states have moral and legal obligations to withhold sales when human rights violations are involved."⁷⁶ The obligations involve taking certain initiatives. While states must protect the rights of its citizens (and the citizens who run businesses), states must also restrain the abuse of rights by other states. "In arms sales, states must surely, at least, refrain from supplying governments that grossly and systematically abuse human rights."⁷⁷

⁷⁴ Ernie Regehr citing Ruth Leger Sivard, *World Military and Social Expenditures 1986* (Washington: World Priorities, 1986) at 25 as quoted in Regehr's article "Military Sales" in *Human Rights in Canadian Foreign Policy* (ed. Robert O. Matthews and Cranford Pratt) at 209.

⁷⁵ *Supra* Note 73 at 213.

⁷⁶ *Ibid* at 214.

⁷⁷ *Ibid* at 214.

In light of the above specific aspects of trade that lead to human right concerns, a state must reconsider its foreign policy objectives with regards to trade to promote the higher goal of human rights.

2.3.3 Policy Considerations Relevant to the Promotion of Respect for Human Rights Through Trade Policies

If the United Nations Security Council determines that a particular government is guilty of gross and persistent violations of human rights, and that such conduct constitutes a threat to international peace and security, it may mandatorily impose economic sanctions which require the immediate cessation of all trade with the offending government. This was the case with South Africa.

Philip Alston, in his article "Linking Trade and Human Rights"⁷⁸ poses five propositions for foreign policy in answer to the question, "when should one government endeavour to apply economic coercion in the form of trade sanctions against another government which is committing grave violations of human rights?". His analysis is predicated on two premises, firstly that all states have an obligation to promote respect for, as well as the observation of, human rights and fundamental freedoms.⁷⁹ The second

⁷⁸ Philip Alston, "Linking Trade and Human Rights" in 23 German Yearbook of International Law (1980). Alston prepared this paper in connection with the United Nations University's project on the Goals, Processes and Indicators of Development

⁷⁹ Ibid at 151-152

Alston notes that

This obligation is based on the Charter of the UN as well as the Universal Declaration of Human Rights and is reinforced by the adherence of virtually every state to at least some of the human rights instruments promulgated by the United Nations, ILO, UNESCO and the various regional organizations such as the Council of Europe and the Organization of American States

premise is that trade is not usually neutral in its human rights impact. "Economic measures have profoundly political consequences."⁸⁰ Goods and services bought from and sold to a state allow it to maintain its *status quo* in respect of its economic, social and political structures. "Political condemnation is belied by economic collaboration."⁸¹ Alston also identifies another aspect of the trade/human rights linkages that could be termed "... the vicious circle of contemporary economic-based authoritarianism"⁸². Trade is therefore an important factor in the equation used to justify repression.

Alston submits the following propositions in answer to the question posed above, namely "when should one government endeavour to apply economic coercion in the form of trade sanctions against another government which is committing grave violations of human rights?":

1. the foreign *economic* policy of states should not be conducted without regard to the obligation of all states to promote respect for and the observance of internationally recognized human rights;
2. the application of trade-related measures should generally only be considered in cases where there is clear and objective evidence that gross violations of human rights have occurred and are persisting.

In a footnote, Alston states that this proposition has been the subject of continued debate since the creation of the UN in 1945. For a comprehensive legal analysis see Oscar Schachter, "International Law Implications of US Human Rights Policies," New York Law School Review 1978, 63.

⁸⁰ Supra Note 78 at 152.

⁸¹ Ibid. at 152.

⁸² Ibid. at 152.

"with indebtedness so high, with international confidence the key factor in securing new loans, with exports seen as a major engine of growth and the essential key to repaying debt, with unemployment at near record levels, and with inflation still a problem, the stage is clearly set for a government-led assault on workers and workers' organizations."

(Richard R. Fagen, "The Carter Administration and Latin America: Business as Usual?" Foreign Affairs 1979: 652-669 (665).)

3. the implementation of such measures should be preceded by the exhaustion of the full range of non-economic foreign policy instruments which are at the disposal of states;
4. where non-economic measures prove ineffective, consideration should be given to the cessation of some or all development cooperation activities (depending on the circumstances) and to the cutting of trade relations; and
5. in determining the exact nature of such measures and their manner of implementation full account should be taken of their global implications and every effort should be made not to fuel protectionist trends and to minimize interference with generally applicable standards governing the regulation of international trade.⁸³

For the purpose of this paper, three of the objections that might be raised (and Alston's responses) will be considered.

Firstly, governments might pose the objection that trade-related measures should only be undertaken in response to a resolution by the Security Council.

While it would be preferable that such measures be taken in response to a formal finding by a multilateral body that gross violations are occurring, reliance upon the Security Council for such purposes is clearly inappropriate. The Council's mandate relates primarily to the maintenance of international peace and security and it has so far failed to direct the application of sanctions in any case other than that of Rhodesia. Decisions adopted by multilateral bodies whose mandates primarily relate to human rights constitutes a more relevant basis for state action.⁸⁴

Secondly, a government (or private company) might reject such an idea due to the belief that trade relations are a matter for private companies and should not be interfered with by governments.⁸⁵ Alston writes,

This assertion, which implies the pursuit of a *laissez-faire* policy by

⁸³ *Ibid* at 152-153.

⁸⁴ *Ibid* at 153

⁸⁵ See for example, UN Doc. E/CN.4/Sub 2/SR 835 (1979) paras 2-3

governments, is not in accord with reality. Even apart from the widespread incidence of government ownership of commercial and trading enterprises, most governments play a very significant role in trade relations. This role includes the provision of incentives for trade, promotional efforts on behalf of private companies, the provision of trade insurance and financing, and government guarantees against the risks of foreign expropriation, currency inconvertibility, war or revolution. In addition, governments already undertake a substantial degree of regulation of private international trade in order to ensure compliance with international consumer, environmental and other standards.⁸⁶

Finally, a government may counter that cessation of trade would have no impact in most cases and thus such measures should only be undertaken when they are likely to lead to improvements. Alston replies,

Action by one state could automatically stimulate similar action by other states or could be the prelude to seeking action on a multilateral basis. While there is some pragmatic merit in this approach it is important to recognize strong ethical limits to such pragmatism. Thus, where the trade in question is directly and unmistakably linked to violations, as in the case of the export of torture implements, crowd dispersal equipment, or computers which are known to be for the use of a repressive internal security service, the ethical responsibility of the exporting state should take precedence over the pragmatic considerations. In any event the prospect of complicity in gross violations of human rights should weigh heavily against most pragmatic arguments.⁸⁷

While development assistance is important, it is less relevant to a government's survival than trade. "Trade not only constitutes an important source of general revenue for a government but also provides valued foreign exchange earnings."⁸⁸ As far as it is possible, support for multilateral schemes to link trade and human rights should be sought

⁸⁶ Supra Note 78 at 154.

⁸⁷ Ibid. at 155

⁸⁸ Ibid. at 157

on a consensus basis, particularly in the context of negotiations among regional or economic groupings. There will be a cost involved for any government, acting either unilaterally or multilaterally, in linking trade and human rights. "Yet the temptation of appeasing commercial interests which would otherwise be opposed to any trade/human rights linkage by means of covert protectionism must be resisted."⁸⁹

Now taking the international theory that supports and, in the case of UN covenants, enforces, the linking of trade with human rights, the next section will look at the Canadian government's formal policy on the issue of trade and human rights.

2.3.4 International Trade and Human Rights -- The Canadian Government's Foreign Policy

This section will be brief because it is an issue that the Canadian government has not dealt with specifically in its foreign policy; often considerations linking trade and human rights are determined on a country-by-country basis, as the case with China or Mexico in the signing of the NAFTA agreement.

In the foreign policy reviews of the 1980s, the possible connections between international commerce and human rights received less persistent and less coordinated attention than ODA-human rights links, with the exception of military materiel exports and economic sanctions directed at South Africa, the Soviet bloc and China. A line that is espoused occasionally by some of the bureaucrats at Foreign Affairs working on China and Eastern Europe is that trade with human rights violators can be a way to maintain

⁸⁹ Ibid. at 157

communication and prevent isolation, and thus be a catalyst towards progress in human rights.

The Winegard Committee recommended that military exports from Canada be prohibited to any country "declared ineligible for government-to-government aid on human rights grounds"⁹⁰. In the Canadian government's response to the Winegard Report, To Benefit a Better World, the Canadian government indicated only that it would continue "to control closely the export of military goods and technology" to regimes that are serious human rights violators, in keeping with its new guidelines of September 1986.⁹¹

Finally, in the report Human Rights Considerations and Coherence in Canada's Foreign Policy prepared by the Standing Committee on Human Rights and the Status of Disabled Persons (June, 1990), in the section "International Trade and Human Rights", the members of the Committee noted that

Canadian companies that benefit from "tied aid", as well as exporters generally, are unlikely to favour directly linking trade policy with human rights considerations. Nonetheless, the issues raised by concerned observers are both serious and unresolved. Throughout its hearings, our Sub-Committee will provide an opportunity for reasoned and focused debate on the important but thus far tentative links between human rights concerns and Canada's official trade facilitation mechanisms.⁹²

⁹⁰ For Whose Benefit? Report of the Standing Committee on External Affairs and International Trade on Canada's Official Assistance Policies and Programs (Ottawa: Supply and Services Canada, May, 1987).

(Frequently referred to as the "Winegard Report".)

⁹¹ Ibid. at 31, and referred to in Supra Note 19 at 7

⁹² Ibid. at 8

2.4 Conclusion

Canada's foreign policy requires coherence, openness and accountability. The ongoing foreign policy review is a long overdue, necessary element and will require regular reviews of the implementation of human rights principles in all elements of Canada's foreign affairs. An absence of coordinated effort will prevent Canada from achieving its full potential for the furtherance of human rights. Canada's actions *do* make a difference but it must be a consistently applied policy, applicable to all countries that Canada deals with.

CHAPTER THREE

INDONESIA'S ILLEGAL INVASION OF AND RESULTANT GENOCIDE IN EAST TIMOR

3. INDONESIA'S ILLEGAL INVASION AND RESULTANT GENOCIDE OF EAST TIMOR

It is important to have a political and historical context of East Timor in order to understand the current situation in East Timor and the need for a stronger human rights component in Canada's foreign policy with Indonesia.

3.0 Introduction

On December 7, 1975, 10,000 Indonesian troops invaded the former Portuguese colony of East Timor. For almost 400 years, East Timor had been a Portuguese possession inhabited by 700,000 people of predominantly Melanesian and Malay background⁹³. East Timor is a small half-island less than 400 miles north of Australia, roughly the size of El Salvador. More than 18 years after the brutal invasion of East Timor by Indonesian troops, the Timorese are still fighting its invaders at an enormous cost. In 1974 there was a population of 700,000 but by 1981, by Indonesia's own official statistics, the population was approximately 500,000 meaning that 200,000, or one third of the population of East Timor had been killed within five years.⁹⁴ In addition to

⁹³ José Ramos-Horta, FUNU: The Unfinished Saga of East Timor at 1.

⁹⁴ James Dunn, the former Australian consul in East Timor and adviser to the Australian parliament, has made a study of census statistics since the Indonesians invaded. "Before the invasion," he told me, "East Timor had a population of 688,000, which was growing at just on 2 per cent per annum. Assuming it didn't grow any faster, the population today ought to be 980,000 or more, almost a million people. If you look at the recent Indonesian census, the Timorese population is probably 650,000. That means it's actually less than it was 18 years ago. I don't think there is any case in post-World War Two history where such a decline of population has occurred in these circumstances. It's incredible; worse than Cambodia and Ethiopia."

Where are all these missing Timorese? The estimate of 200,000 was first made in 1983 by the head of the Roman Catholic Church in East Timor. A report last month by an Australian parliamentary committee referred to "at least" 200,000 deaths.

slaughter by mass executions, indiscriminate shooting and aerial strafing of populated areas and fragmentation bombs, there was a deliberate strategy of starvation through destruction of food crops and continuous military operations that left the population unable to cultivate the land⁹⁶. No relief organization was allowed into East Timor between 1975 and 1979 and tens of thousands died of hunger

The U.S. Centre for Defence Information has stated that the ongoing genocide in East Timor is, on a percentage basis, the worst to have occurred in the world since World War II⁹⁶. In order to realize how insidious Canada's favourable foreign policy with regard to Indonesia really is, it is important to understand the history of East Timor and subsequent genocide of the Timorese.

Indonesia claims that Timor needs its protection and guidance. However, the real considerations behind Indonesia's desire for integration are political, economic, commercial, strategic and ultimately racist in nature. The tacit compliance by other states in this genocide is due to similar reasons and the unwillingness of the United Nations to provide any protection reflects the lack of political will by Western powers⁹⁷

(From "The West's Dirty Wink, Part 1" By John Pilger in The Guardian, February 12, 1994)

⁹⁵ Supra Note 93 at 2.

⁹⁶ With regards to the number of lives lost, East Timor represents the third worst case with the other two being Afghanistan and Cambodia United States Centre for Defense Information, "A World at War", The Defense Monitor, vol XII, No.1, 1983

⁹⁷ It is interesting to note that the USSR always supported the Resolutions at the General Assembly on the Question of East Timor For further reference, refer to Appendix S

3.1 Culture

The island of Timor is something of a racial meeting point, a place populated by successive waves of migrants, predominantly Malay and Melanesian. Arab, Chinese and African faces are also part of the Timorese crowd (the Africans were brought as slaves or conscript soldiers by the Portuguese); some faces bear features strikingly similar to those of the Australian Aborigine.⁹⁸ Timor has been described as "... a Babel, resulting from the convergence of more varied ethnic groups, or an inextricable melting-pot of ethnic groups".⁹⁹

When the first Portuguese missionaries and merchants reached Timor around 1515, they encountered the population organized into small states, which were divided into two confederations of kingdoms (Serviao and Belos) where animistic religions held sway.¹⁰⁰ Islam, which was the most influential and widely proclaimed religion in Indonesia, had not reached Timor. "Timorese culture thus evolved in a direction which was diametrically opposed to that of Java, Sumatra, and the Kalimantan and Sulawesi coasts, where the growing influence of Islam made itself felt."¹⁰¹ This is still reflected today where nearly 87% of Indonesia's population of approximately 180 million (the fourth most populous country in the world) consider themselves Muslims while more than 80% of the Timorese

⁹⁸ Jill Jolliffe, East Timor: Colonialism and Nationalism at 17

⁹⁹ Mendes Correa, Um Mes em Timor, quoted in H.G. Schulte Nordholt, The Political System of the Atom of Timor (Verhandelingen van het Taal-, Land- en Volkenkunde 60 (Martinus Nijhoff, The Hague, 1971), p. 23 and as cited in Jolliffe, Ibid. at 17

¹⁰⁰ A. Barbedo de Magalhaes, East Timor: Indonesian Occupation and Genocide at 7

¹⁰¹ Ibid. at 7

are Catholics¹⁰²

3.2 Colonial Occupation

East Timor was a Portuguese colony. The colonization of East Timor was marked by two phases: the mercantile phase in which the colonizers exercised power only through coastal contact and small trading posts, and the settler phase when penetration and direct force against interior kingdoms became necessary to assert supremacy. The first was an overtly political method, the second military, but there were points at which the two overlapped as, for example, in 1642 when a Portuguese expedition marched across Timor and razed the centre of its most powerful kingdom¹⁰³. The political impact of this act was sufficient to ensure Portuguese monopoly of the coastal trade in the coming periods without the need for further inland ventures¹⁰⁴.

As a result of the colonial occupation of East Timor, the Timorese economy was increasingly diverted to external needs, and although control of its political system shifted to an external grouping, the concrete effect of these changes were limited. What, in other societies, might have produced fundamental structural changes resulted paradoxically in the strengthening of the basic aspects of Timorese society¹⁰⁵. This conclusion is of fundamental importance in understanding contemporary Timorese society, since it

¹⁰² Ibid at 7

¹⁰³ Ibid at 22.

¹⁰⁴ Ibid at 22

¹⁰⁵ Ibid at 9

indicates how its indigenous economic, social and cultural systems were able to reproduce themselves intact, despite being subject to foreign control. Once established, the co-existence of external control with indigenous structural reproduction continued throughout the eighteenth and nineteenth centuries.¹⁰⁶

Throughout the eighteenth and nineteenth centuries, the Portuguese and Dutch disputed control. West and East Timor were finally separated by an agreement signed by the two colonial powers in 1913.¹⁰⁷ West Timor joined Indonesia with its independence in 1949, whereas no movement towards decolonisation occurred under the fascist Portuguese governments of Salazar (1933 to 1971) and his successor Caetano (1971 to 1974), until the Caetano regime was overthrown by Portuguese officers in the "Carnation Revolution" in 1974.¹⁰⁸

The four centuries of Portuguese rule were a period of neglect. The main economic activities remained subsistence agriculture and hunting. Few roads were built and almost no health or education services existed outside Dili. East Timor was originally prized for its sandalwood, but this is now virtually exhausted. Coffee was introduced in the mid-19th century and became the principal export supplemented by rubber, copra and peanuts.¹⁰⁹ Commerce was largely controlled by Portuguese and Chinese traders. Few industries were established, but towards the end of the colonial

¹⁰⁶ *Ibid.* at 9

¹⁰⁷ Catholic Institute for International Relations, East Timor: An International Responsibility at 4.

¹⁰⁸ *Ibid.* at 4

¹⁰⁹ *Ibid.* at 4

period mining companies began to evaluate the prospects for exploiting deposits of copper, gold and manganese¹¹⁰. There are extensive fish stocks and significant oil reserves along the southern coast and in the Timor Gap¹¹¹ between East Timor and Australia, placing the oil reserve among the twenty largest in the world. "The oil reserves in the Timor Gap ... are richer than all of Kuwait's reserves"¹¹².

At the end of the nineteenth century, after centuries of purely formal control, the Portuguese tried to establish effective control over their colony. In 1898, a Portuguese Royal Commission completed its report on the country's colonial possessions. It concluded:

The state ... should have no scruples in *obliging* and if necessary *forcing* these rude Negroes in Africa, these ignorant Pariahs in Asia, these half

¹¹⁰ Ibid. at 4.

¹¹¹ The Timor Gap Treaty is known to the countries of Australia and Indonesia as the Zone of Cooperation. This treaty was signed by Australian Foreign Minister, Garth Evans, and Indonesian Foreign Minister, Ali Alatas, on the 11th of December 1989, while flying over the Zone of Cooperation.

Indonesia and Australia were unable to settle on a sea boundary between East Timor and northern Australia; as such, they settled on the exploration and exploitation of East Timor's 61,000 square kilometres of oil rich territorial waters for a period of up to 60 years, according to articles 33 (1) and 33 (2) of the Treaty.

Since the United Nations considers Portugal as the legal administering authority of East Timor, then Portugal has the right to protect East Timor's rights over its offshore resources. On October 31, 1988, Portugal filed a protest. On February 22, 1991, Portugal took Australia to the International Court of Justice to demonstrate that Portugal has the legal right to protect the interests of the Timorese (note that Portugal could not take Indonesia to the ICJ because Indonesia is not a signatory to the ICJ).

In its argument, Portugal states that the agreement established between Australia and Indonesia violates international law and is lacking in respect for the ten resolutions approved by the United Nations General Assembly and Security Council, and totally disregards the legitimate interests of the people of East Timor (Supra Note 100 at 50).

It should be noted that the ICJ has agreed to hear the Timor Gap case sometime during 1994.

¹¹² Liem Soei Liong in an interview of "Digging Deep: The Hidden Costs of Mining in Indonesia," DTE Special Report #2 by Carolyn Marr, published by Down to Earth and Minewatch. Review published in Tapol: The Indonesian Human Rights Campaign, Bulletin #119, October, 1993.

savages in Oceania to work, that is, to better themselves by work, to acquire through work the happiest means of existence, to civilise themselves through work.¹¹³

Faced with the rapid economic development of other European powers, Portugal tried to bolster its position by a systematic exploitation of its colonies, including Timor, which had thus far been little more than a trading post. The centrality of exchange in Timorese society, which had been reinforced during earlier periods of Portuguese influence, was clearly seen by the colonial power as a barrier to control of its colony.¹¹⁴

Portuguese policies at the end of the nineteenth century had two clear objectives: to undermine the indigenous system of kinship exchange and to create a basis for a systematic economic exploitation of its colony¹¹⁵. Between 1884 and 1890, a programme of road construction was organized with the use of forced labour. From 1908 a head tax was levied on all Timorese males between the ages of 18 and 60. The only way in which this could be met was by peasant families producing and selling goods for the market, over and above their subsistence needs.

During the Second World War, the Japanese invaded the island. This invasion was prompted by the Allies' use of Timor as a forward base for the defence of Australia. The Japanese occupation of the island during the Second World War was resisted by Australian commandos supported by the Timorese. The invasion profoundly affected both the colonial system and Timorese society. In areas where the Australians had been active,

¹¹³ *Supra* Note 107 at 10

¹¹⁴ *Ibid.* at 11

¹¹⁵ *Ibid.* at 11

villages were burnt and families executed. The population was resettled and subjected to forced food deliveries to the Japanese. By the time the Japanese surrendered some 60,000 Timorese, or 13 per cent of the population, had died as a result of the war¹¹⁶ Most of the main towns and villages had been destroyed, the livestock population was at a third of its 1939 level and most people were starving¹¹⁷

After the war, Portugal ruthlessly reasserted its control. The economy's infrastructure was rebuilt with compulsory labour. The repressive character of its colonial regime attracted mounting international criticism. During the 1960s, an educated elite with nationalist aspirations began to emerge in Timor, often the product of Catholic schools and, in particular, the Dare seminary outside Dili. Throughout Portuguese rule, there was a policy entitled the "Portuguese assimilado policy" in which the co-opted Timorese elite enjoyed the privilege of a first-class Portuguese education so as to promote the assimilation of Portuguese social and cultural attitudes in East Timor¹¹⁸ Consequently, it was not until the Portuguese revolution of 1974 that indigenous political forces could develop.¹¹⁹

The Catholic Church has played a central role in East Timor ever since the beginning of Portuguese colonialism. Over the centuries, Dominican, Franciscan, Salesian and Jesuit missionaries worked there as an integral part of the colonial system

¹¹⁶ Ibid. at 14.

¹¹⁷ Ibid. at 14.

¹¹⁸ Carmel Budiardjo and Liem Soei Liong, The War Against East Timor, at 99

¹¹⁹ Supra Note 22 at 5

Catholicism pervaded education. the first schools in Timor had been established in the eighteenth century by missionaries and, by the mid-1960s, the church still controlled 60 per cent of primary-school education.¹²⁰ The Portuguese army groomed the Timorese through their network of training schools in the rural area. Aiming to consolidate its rule, the colonial power began to train Timorese for administrative positions by raising educational levels.¹²¹

In the late 1960s and early 70s, *Scara*, a Catholic newspaper became a focus for growing unrest in East Timor. Church publications stood outside the normal censorship laws and soon filled with contributions about issues of Timorese life. The paper gave regular space to the teaching of Tetum (the traditional Timorese language), for in the state education system pupils were obliged to use only Portuguese. However, on March 24, 1973, despite its apparent immunity, *Scara* was closed down, due to the intervention of PIDE.¹²² But a kernel of active resistance had already formed.

In 1945 and in June 1974, the Indonesian government, in accordance with international law, affirmed both in the United Nations and on other occasions that it had no territorial pretensions whatsoever toward East Timor.

In 1960, East Timor was considered by the United Nations as a non-autonomous territory under Portuguese administration, according to Resolution 1514 (XV) of

¹²⁰ Supra Note 107 at 17

¹²¹ Taylor, Indonesia's Forgotten War at 17

¹²² Supra Note 100 at 56

December 14, 1960.¹²³ After 1962 and until 1973 the General Assembly of the United Nations approved successive resolutions recognizing the right to self-determination of East Timor (and of all existing Portuguese colonies). The dictatorial regime of Salazar (and later of Caetano) refused to recognize this right, affirming that East Timor was a Portuguese province equal to any other.¹²⁴ The April 25 (1974) Revolution, which restored democracy in Portugal, supported the right to self-determination for the former Portuguese colonies. On July 27, 1974, Law Number 7/74 explicitly affirmed "the right to self-determination with all its consequences", including the "acceptance of the independence of the overseas territories"¹²⁵.

On August 3, 1974, Portugal delivered to the Secretary-General of the United Nations a Memorandum in which it declared its willingness to cooperate fully with the United Nations, in accordance with the Declaration on the concession of independence to colonial peoples and territories.¹²⁶ In so doing, Portugal recognized the status of East Timor as a non-autonomous territory and acknowledged its own role as administering power. This is the legal framework which the United Nations and other international organizations have repeatedly recognized and affirmed, up to the present time.

Social reconstruction was at times necessary as a result of Portuguese economic demands, but the fundamental structure of traditional society remained solid. Despite

¹²³ Supra Note 121 at 8

¹²⁴ Ibid. at 8

¹²⁵ Ibid. at 8

¹²⁶ Ibid. at 8.

attempts at colonial transformation, the salient features of East Timorese society remained in the mid-twentieth century much as they had been at the time of the Portuguese arrival. All the basic elements ensuring the reproduction of indigenous society were still firmly in place -- kinship systems, ideologies legitimizing traditional rule, a self-regulating political system, a self-sustaining subsistence economy and a culture based on notions of reciprocity and exchange.¹²⁷ Just as the East Timorese had created a framework in which resistance to colonial occupation could be organized, so too would they be used in the struggle for independence.

3.3 East Timor's 'Civil War'

As political circumstances¹²⁸ continued to change in East Timor, it was clear that the Indonesian military regime viewed the prospect of an independent East Timor with great concern.

Although Indonesia's Foreign Minister, Adam Malik, gave Fretilin a written assurance, in June 1974, that "independence of every country is the right of every nation, with no exception for the people of Timor" and that "the Government and the people of Indonesia have no intention to increase or to expand their territory or to occupy other territories, other than what is stipulated in their Constitution", by September that year, Indonesia was

¹²⁷ *Ibid.* at 15

¹²⁸ **Fretilin** (*Frente Revolucionaria de Timor Leste Independente*) had its origins in clandestine groups in existence prior to April 1974 that were inspired by the liberation movements in Portugal's African colonies. Fretilin consistently demanded complete independence and rejected any form of special relationship either with Portugal or Indonesia.

UDT initially advocated continued association with Portugal but towards the end of 1974 it switched to a policy of supporting independence.

Apodeti, a party which strongly advocated integration with Indonesia, had virtually no social basis in East Timor, though its fortunes were actively promoted by the Indonesian authorities.

(Notes provided from Carmel Budiardjo and Liem Soei Liong's book, The War Against East Timor at 5.)

actively intervening in East Timor's internal affairs¹²⁹

For example, Radio Kupang in West Timor was broadcasting almost daily commentaries branding Fretilin as "communist" and UDT as "neo-facist"

Commencing in October, 1974, Indonesia's Special Operations command, OPSUS, under its commander Major-General Ali Murtopo, set up *Operasi Komodo*¹³⁰ "This operation was aimed at creating political destabilization in East Timor through infiltration and intelligence activities."¹³¹ At the same time, preparations for a full-scale military operation were being made. By early 1975, military reinforcements were being sent to Indonesian West Timor for deployment along the border.¹³²

Radio Kupang was the first step of Jakarta's propaganda journey "The two main elements were Indonesia's claim that the vast majority of East Timorese supported integration, and that those advocating independence were communist troublemakers"¹³³

This claim was without validity for in July, 1975, in the local council elections, Fretilin captured approximately 55% and the UDT ran a close second, while Apodeti scored negligible results despite generous financial assistance from Jakarta¹³⁴ This demonstrated a massive trend in favour of independence. The election result prompted

¹²⁹ Supra Note 118 at 5.

¹³⁰ Komodo (a giant lizard) Operation

¹³¹ Supra Note 118 at 5

¹³² West Timor was declared out of bounds to Indonesian and foreign journalists by the Indonesian High Command. In March 1974 news linked out that a new road was being constructed linking the West Timor capital of Kupang with the border

¹³³ Supra Note 1 at 12

¹³⁴ Ibid. at 13

Indonesia to engage in more vigorous action to undermine East Timor's decolonization. Now that Apodeti had proven itself an extremely weak weapon in Jakarta's campaign, the Indonesian generals turned to the UDT leaders because tension already existed between UDT and Fretilin.¹³⁵

Fear of communism became Indonesia's most potent weapon among conservative Timorese.¹³⁶ Using UDT's fears that Fretilin was gaining even more support, *Operation Komodo* exploited the theme of the "Red Menace". "In a series of clandestine meetings between the Indonesians and some UDT leaders, it was decided to launch a coup against Fretilin, with secret support from Jakarta."¹³⁷ The coup was a complete disaster for the UDT because Fretilin had far greater popular support and was much better organized, disciplined and motivated.¹³⁸ Although there was a fierce fighting in some areas for a short time, Fretilin seized most of the Portuguese armoury and soon won the battle. About 2,000 people were killed in this Indonesian-instigated and supported coup.

¹³⁵ While UDT tended to represent East Timor's Portuguese-trained elites, some with substantial economic interests, especially in the wealthy coffee industry, Fretilin was a radical movement of the ordinary peasants. Although in coalition, UDT favoured a more cautious, gradual approach to independence with continuing links to Portugal; Fretilin espoused a populist message, calling for rapid decolonisation and independence. Fretilin's leadership, too, was a mixture of radical nationalists and Roman Catholics, with a handful of capable and often well-regarded Marxists, most of whom had learned their very basic communism while studying in Lisbon.

(From Mark Aarons and Robert Domm, East Timor: A Western Made Tragedy at 13-14.)

¹³⁶ Jakarta's generals had come to power in 1965 following an abortive attempt by the Indonesian Communist Party to seize power to pre-empt a military coup. Assisted by young Muslim extremists and the American CIA, President Suharto and his supporters had organised an orgy of killing of at least half a million communists (perhaps as many as one million) and their supporters over the following few years. (*Ibid.* at 14.)

¹³⁷ *Ibid.* at 14

¹³⁸ *Ibid.* at 14

Following the unsuccessful coup, a few thousand refugees, hard-core UDT supporters and Apodeti loyalists fled to Indonesian West Timor. Here they provided a convenient front behind which Indonesia could launch open war against East Timor, claiming that the fighting was only a continuation of civil war.

The interesting thing about this "phoney war" between September and the final full-scale invasion on 7 December was that, despite Indonesia's overwhelming advantages in military technology, training and discipline, Fretilin not only held its own in many areas, but actually won significant, if temporary, military victories. The other important aspect was the silence emanating from Canberra and Washington in the face of mounting evidence of Indonesian aggression.¹³⁹

The incident which most clearly demonstrated this occurred in October 1975 when Indonesian generals launched a large-scale offensive referred to as the *Balibo Operation*. The world's attention was focused on Jakarta's aggression because five Western TV staff, including two Australian citizens, were murdered when the advancing Indonesian forces entered Balibo¹⁴⁰. With this event, the world community could have tested Indonesian resolve by denouncing this brutal act; instead, there was silence. When nothing was done, the attacks against East Timor were increased.

As the war intensified, Fretilin repeatedly appealed to the international community to take effective action to stop Indonesian aggression; but it was of no use. As it became clear that a frontal assault was approaching, Fretilin unilaterally declared East Timor's independence on November 28th, 1975.

¹³⁹ *Ibid.* at 15

¹⁴⁰ *Ibid.* at 15

3.4 Independence ("Independence or Death!")

Foreign Minister for East Timor, José Ramos-Horta summed up his peoples' feelings in March, 1975, shortly before the Indonesian invasion:

Independence is a fundamental right of every nation in the world. So the position of Fretilin is quite clear -- Independence or Death! Nobody should ask a slave if he [sic] wants to be free or not. After 500 years of colonialism, oppression and exploitation of the people, we don't accept any interference from foreign powers in our internal affairs ... Independence...is not to be negotiated between the people of East Timor and the dominating power or other vested interests ... The people already have made self-determination throughout 500 years of colonial history -- they always wanted independence. But only due to the war superiority of the enemy, all their efforts of resistance failed.¹⁴¹

Fretilin distinguished itself by transforming itself into the only organization which had clearly articulated Timorese aspirations for independence. Fretilin used the systematic racism of colonial rule to rally the people of East Timor behind the cause of independence.

Our theme was simple. We spoke the language of the people: "Are we human beings or a sack of potatoes to be sold away to another country? Should we crawl after the *malae* (foreigner)? Aren't we men [sic] enough to govern ourselves? Why should we remain as horses, first of the Portuguese and tomorrow of the Indonesians? The Timorese, fiercely independent and proud, responded enthusiastically to the cry for independence. The people did not need any fancy explanations about the right to self-determination and the United Nations Charter.¹⁴²

The social programmes implemented by Fretilin leaders, along the coastal areas and in the mountainous interior, were very successful. Fretilin mobilized students to take part

¹⁴¹ José Ramos-Horta, as stated in an interview with Mark Aarons and Robert Domm and reproduced in East Timor: A Western Made Tragedy at 11.

¹⁴² Supra Note 1 at 38

in the grassroots work, the campaign for political conscientization. A literacy campaign was launched; student brigades taught children and adults to read and write in their own languages for the first time ever¹⁴³. "They helped the people build schools and health centres, where they were taught nutrition and hygiene; para-medics were mobilized for a vaccination campaign on behalf of Fretilin."¹⁴⁴

As the political situation deteriorated during 1975, the Portuguese colonial administration in Dili received no guidance from Lisbon on how to implement the policy of decolonization that had been enshrined in Portuguese law after the April revolution in 1974.¹⁴⁵ In response to the political confusion in Lisbon, the Portuguese governor of East Timor and his entire staff abandoned their responsibilities and refused to return, despite repeated calls from Fretilin leaders who continued to regard the Portuguese administrators as being responsible for carrying out the country's decolonization.¹⁴⁶ As a consequence, Fretilin found itself in *de facto* control of the country from September 1975.

As mentioned earlier, during this time, Indonesia stepped up its military intervention. This placed East Timor's territorial integrity under grave threat. The refusal of the Portuguese administration to return and the growing menace from Indonesia hastened Fretilin's decision to declare independence. The Democratic Republic of East Timor was proclaimed on November 28, 1975. The establishment of this independent

¹⁴³ Ibid. at 38-39.

¹⁴⁴ Ibid. at 39.

¹⁴⁵ Supra Note 118 at 6

¹⁴⁶ Ibid. at 6.

state would enable East Timor to issue a direct appeal to the international community for action by the United Nations to halt Indonesian aggression ¹⁴⁷

By the time the invasion of the powerful Indonesian war machine began in December 1975, Fretilin enjoyed overwhelming popular support. "It had a number of activist mass organizations which had, within months, made significant strides in mobilizing different sections of the people; and its political leadership encompassed a wide range of ideological and political viewpoints."¹⁴⁸ It also had an army of approximately three thousand Timorese soldiers¹⁴⁹ called FALINTIL

3.5 Indonesian Invasion and Occupation

On December 7, 1975, Indonesia launched a full-scale invasion of East Timor, with a massive attack on the capital, Dili. On Christmas Day, 1975, Indonesia landed a further fifteen to twenty thousand troops in Dili. "The first months of Indonesia's war set the genocidal pattern which has continued to characterize the invasion of East Timor."¹⁵⁰

¹⁴⁷ Declaration of Independence

Expressing the highest aspirations of the people of East Timor and to safeguard the most legitimate interests of national sovereignty, the Central Committee of Fretilin decrees by proclamation, unilaterally, the independence of East Timor, from 00 00 hours today, declaring the state of the Democratic Republic of East Timor, anti-colonialist and anti-imperialist. Long live the Democratic Republic of East Timor!

Long live the people of East Timor, free and independent!

Long live Fretilin!

November 28, 1975

¹⁴⁸ Supra Note 118 at 57

¹⁴⁹ Ibid. at 57

¹⁵⁰ Ibid. at 15

Indonesia's hostility towards the establishment of an independent East Timor stems from the military regime's perpetual paranoia over security.¹⁵¹ The prospect of sharing borders with a potentially democratic, non-aligned state was seen from the beginning as a grave threat to its own security

This was not based on the remote possibility that a tiny population might threaten Indonesia's territorial integrity, but it was feared that a neighbouring state, run along democratic lines, could set an example to people living across the border in West Timor or in other nearby Indonesian islands living under an authoritarian and brutally repressive regime.¹⁵²

East Timor was formally "incorporated" as Indonesia's "27th province" on July 17, 1976 when President Suharto signed the Bill of Integration, which had been unanimously adopted two days earlier by the Indonesian Parliament. This was based on the fiction that an act of self-determination had taken place through the unanimous decision of a People's Assembly which represented no one¹⁵³. "This Assembly was a creation of the puppet Provisional Government of East Timor established immediately after Indonesian troops took control of Dili in December 1975."¹⁵⁴ The puppet government's first act was to proclaim "integrasi".¹⁵⁵ It notified the United Nations of its decision and announced that a regional body would be convened to ratify integration¹⁵⁶. This was followed by the

¹⁵¹ *Ibid.* at 7

¹⁵² *Ibid.* at 7.

¹⁵³ *Ibid.* at 96

¹⁵⁴ *Ibid.* at 96

¹⁵⁵ *Ibid.* at 96

¹⁵⁶ United Nations Document 3/12911, February 29, 1976 as noted in *The War Against East Timor* at

creation of a "People's Assembly" of which the United Nations was also notified. "The Assembly typically embodied Indonesian-style 'democracy', the principle of direct universal suffrage was supplanted with a 'representative system by means of consensus and consent'.¹⁵⁷ However, due to the reign of terror in the villages and little control by the Indonesians of the mountainous areas, elections or any form of political activity were completely ruled out.

On March 26, 1979, the Operation Seroja Joint Command which had been established on December 6, 1975 to launch the invasion of Dili was disbanded.¹⁵⁸ On that day there was a joint meeting between the "... Special Co-ordinating Committee for the Administration of East Timor and the military commanders of the Second Territorial Command of Java, Madura and Nusatenggara which covers East Timor"¹⁵⁹. This top level meeting laid the foundations for the colonization and control of East Timor.

There were to be three major aspects to the Army's administration of East Timor: population control based on counter-insurgency techniques; the creation of an administrative structure under the close supervision of the military, and the appointment of Timorese personnel to occupy administrative posts such as village, sub-district and district heads but always shadowed by military officers holding equivalent posts to ensure strict adherence to Indonesian objectives.¹⁶⁰

The new mission of the Indonesian government was the "Civilizing Mission". "It is the new Indonesian civilization we are bringing. And it is not easy to civilize backward

¹⁵⁷ *Supra* Note 118 at 96

¹⁵⁸ *Ibid* at 36

¹⁵⁹ *Ibid* at 37

¹⁶⁰ *Ibid* at 37

people."¹⁶¹

Many Timorese have rejected Indonesian citizenship because it would ruin their chances for leaving a country that has become a hell on earth for them.¹⁶² This has turned them into non-persons, people who are denied the right to hold an identity card, without which they simply cease to exist as far as the authorities are concerned. One Timorese has explained how a Colonel Ngudiono warned of the consequences of rejecting Indonesian citizenship:

See, I am your friend, I just advise you. People who don't want to be Indonesian citizens voluntarily will be subject to hard manual work. They will be sent to build roads in the country. They will be considered strangers. They will have no freedom.¹⁶³

East Timorese are treated as suspects and are constantly screened to prove their worth as Indonesian citizens and loyal adherents to Indonesia's Pancasila doctrine.¹⁶⁴ Anyone wishing to obtain a work permit, a travel pass, an identity card, or even a marriage

¹⁶¹ Colonel Kalangi, Provincial Secretary of East Timor, formerly Military Commander of the region, quoted in Far Eastern Economic Review, 6 August 1982 and reproduced in The War Against East Timor at 98.

¹⁶² Although, since the Santa Cruz massacre of November 12, 1991, the possibility of leaving East Timor is now a moot point, since most if not all communication and most forms of transportation to and from the island have been cut off. Visitors to the island are severely restricted, both in who is allowed to visit the island, and the relative freedom those visitors experience while in East Timor.

¹⁶³ This interview is from The Senate Inquiry Verbatim Records at 1709 as reproduced in The War Against East Timor at 101.

¹⁶⁴ Pancasila is the set of five principles that have been officially decreed as Indonesia's only ideology and belief, the articles of faith for every citizen. The five principles are: belief in one God, nationalism or Indonesian unity, democracy by means of consultation and consensus, humanitarianism, and social justice.

Under military rule, all parties and organizations must, by decree, adhere only to the Pancasila. Opposition to these articles of faith is regarded as an act of subversion punishable under Indonesia's draconian Anti-Subversion Law. Supra Note 118 at 111.

licence, must first complete a fifteen-page questionnaire in the presence of the kotis¹⁶⁵ officer. The questionnaire not only covers all imaginable aspects of a person's private life, going back several generations but also includes numerous questions about political attitudes. Answers are legally binding with penalties for false statements. Some Timorese fill out the forms because, for example, travel passes are required for any journey within East Timor. There is no respect for privacy as evidenced by the fact that all mail and phone calls are censored.

Along with the arrival of the first Indonesian troops in East Timor came a company named P.T. Denok Hernandez International that took charge of exploiting the country's economic resources. This led to the development of a plantation economy within East Timor. Within six months of the capture of Dili, Denok's first cargo of coffee had been shipped to Singapore, a shipment of 500 tonnes which was unloaded there in June 1976. This was followed five months later by a second shipment of 800 tonnes, earning Denok no less than \$3.1 million from the first year of "integrasi".¹⁶⁶ As one author has noted, East Timor "was paying for its invasion in coffee"¹⁶⁷. Coffee now accounts for 90% of the foreign exchange earnings from the territory.¹⁶⁸

The critical reason for the precarious food situation in East Timor is the fact that hundreds of thousands of Timorese are forcibly confined to concentration camps, denied

¹⁶⁵ A special branch of the Armed Forces who are found at all levels of the command structure and are responsible for day-to-day intelligence and control of the inhabitants.

¹⁶⁶ Supra Note 118 at 103

¹⁶⁷ Michael Richardson as quoted in The War Against East Timor at 103

¹⁶⁸ Supra Note 118 at 107

access to fertile land, and are required to subordinate their food-growing activities to the security criteria of the occupation forces¹⁶⁹. The Indonesian colonial authorities are constantly scorning the Timorese for their "backward" method of food production thus creating the impression that the Timorese are themselves to blame for the current food shortages. As such, the "superiority" of Indonesian agriculture is a constant theme

The Jakarta weekly, Tempo reported on a special course for Timorese farmers held in Jogjakarta, Central Java, Indonesian officials were quoted as saying that the Timorese were being taught "to use their brains"¹⁷⁰

A high percentage of the Indonesian government expenditure in East Timor is allocated to building the roads and bridges which provide the infrastructure for Denok operations and the military activities of the occupation forces. Much of the remaining funds are ploughed into education, a high priority for the indoctrination of the younger generation.

The Indonesian government quickly set out to destroy the Portuguese colonial system of education and erect a new colonial system serving Indonesian integrationist interests in its place¹⁷¹. They have since set up more schools in five years than the Portuguese were able to do in 400 years of colonization which only testifies further to the top priority given to Indonesianizing the younger generation

The hundreds of schools now being run by the Indonesian authorities are dedicated to crushing the Timorese identity and creating in its place a militaristic, patriotic fervour

¹⁶⁹ Ibid at 107

¹⁷⁰ Ibid at 107. This interview appeared in Tempo on October 8, 1975

¹⁷¹ Supra Note 118 at 110

with which to seal East Timor irreversibly as Indonesia's 27th province.¹⁷² "The total disregard for Timorese traditions and values reinforces the essential aspect of Indonesian tutelage, the idea that Indonesia's way is superior and that Timorese people are backward, ignorant, dirty and uncivilized and need to be "upgraded".¹⁷³

Another means of controlling the Timorese is through birth control being actively promoted despite the fact that people totally reject the idea that the growth of population needs to be checked. Even before the heavy loss of life during 1975-1980, East Timor was not over-populated. Now any talk of over-population is ludicrous. "There is absolutely no need for family planning, but it's quite clear that the reason why the Indonesians are resorting to this kind of thing is because they want to kill off the Timorese and re-populate our country with their own people."¹⁷⁴ The former Bishop of Dili has disclosed that another way of forcing birth control on an unwilling population is by sterilizing women without their knowledge or consent. Women are being sterilized while under anaesthetic for quite a different operation. Finally, officials try to browbeat people, warning that the government will "withdraw facilities" from people with big families.¹⁷⁵ The birth control programme in East Timor includes the use of the Depo Provera contraceptive injection which is administered on a large scale against a population that is unfamiliar with its harmful consequences.

¹⁷² *Ibid.* at 113

¹⁷³ *Ibid.* at 113

¹⁷⁴ *Ibid.* at 116

¹⁷⁵ *Ibid.* at 116

The only institution in East Timor to have escaped severe persecution by the Indonesians is the Catholic Church. Having ceased to be part of the Portuguese Church in 1975, the Church in East Timor is administered directly from Rome, it has not become part of the Indonesian Church.¹⁷⁶ The Protestant churches in Indonesia have solidly backed the Indonesian government on "integrasi" from the start. Their position has had a very negative influence internationally, preventing the World Council of Churches from making any public pronouncements against the Indonesian takeover of East Timor, and standing in the way of positive action in support of East Timor by Protestant churches abroad.¹⁷⁷

3.6 Human Rights Abuses

The time frame for the examination of human rights abuses will begin from the day Indonesia invaded the independent state of East Timor, December 7, 1975. The sheer brutality of the abuses makes it difficult to recount for fear of either generalizing or focusing on too few at the exclusion of so many others. But in order to illustrate the need for a changed foreign policy with Indonesia because of the human rights abuses in East Timor, the abuses must be documented to some extent. And so, to put it into context, an overview must start on December 7th and go on to the present.

On December 7th, 1975, 10,000 soldiers were deployed from Indonesia. The inhabitants of Dili were subjected to systematic killing, gratuitous violence and primitive

¹⁷⁶ Ibid at 119

¹⁷⁷ Ibid at 124

under. In the words of Dili's former bishop, Mgr Costa Lopez. "The soldiers who landed started killing everyone they could find. There were many dead bodies in the streets -- all we could see were the soldiers killing, killing, killing."¹⁷⁸ One eye-witness testified of one of the many executions on that day: "The Indonesians tore the crying children from their mothers and passed them back to the crowd. The women were then shot one by one, with the onlookers being ordered by the Indonesians to count."¹⁷⁹ There are many such testimonies. "... of entire families being shot for refusing to hand over their personal possessions, of grenades being rolled into packed houses, and of Fretilin sympathizers singled out for immediate execution."¹⁸⁰

The Chinese population of Dili was singled out for selective killings. Five hundred were killed on the first day of the attack.

On December 10, a further group of paratroopers landed in Baucau and on December 25 and 26, a further 15,000 more troops were added to the existing 10,000. "As the Indonesians advanced, troop movements were supported by heavy naval and aerial bombardment, armed with incendiary bombs and toxic sprays."¹⁸¹ The brutalities continued, entire villages were slaughtered for supporting Fretilin. In other cases, villages were destroyed and their surviving populations moved into concentration camps.

By April, 1976, more than 60,000 Timorese had been killed.

¹⁷⁸ Interview with the former Bishop of East Timor, Tapol Bulletin, No. 59, London, September, 1983

¹⁷⁹ Supra Note 121 at 68

¹⁸⁰ Ibid. at 69

¹⁸¹ Ibid. at 70

By the end of 1976, there were no fewer than 40,000 Indonesian troops in East Timor. The continuing violence persuaded many Timorese to flee Indonesian areas into the mountains.

Given the stalemate that was growing in 1977, Indonesia launched what was soon to be come known as its "final solution". The encirclement began in September, 1977 when attacks were launched against Fretilin areas in the western, central and southern areas of East Timor. Saturation bombings prepared these areas for military advance "Most notably, forested areas were bombed in an attempt to defoliate ground cover and chemical sprays were used to destroy crops and livestock"¹⁸² Many of the captured population were herded into camps, while others were deported to the offshore island of Atauro.

In costal zones, aerial bombardment was accompanied by the use of naval artillery. In October, Catholic sources in East Timor reported that the key objectives of the military campaign were "encirclement" and "annihilation", a surrounding of the population in an area, followed by their transportation to newly-created strategic camps and the killing of Fretilin members and sympathizers. In one action in early 1978, for example, the entire civilian population of the village of Arsabai, near the Indonesian border, was killed for supporting Fretilin.¹⁸³

Bombing was followed by a campaign of encirclement in which the population was surrounded by concentric circles of troops, with Timorese youths and men forced to march in front of them. After the encirclement, the Indonesian soldiers exacted terrible retributions.

¹⁸² Ibid at 85

¹⁸³ Ibid at 85, citing a radio broadcast received in Darwin on February 4, 1978

There are many reported instances of which the following are but a few. on 23 November 1978, 500 people who had assembled at the foot of the Vadaboro mountain, in the Matebian range, in the belief that they were surrendering were executed by Indonesian soldiers; shortly afterwards, in Taipo, 300 people were killed in a similar way; elderly people were burnt alive in their houses, women and men were tied together and shot, and children were executed in front of their parents. The reports continue into 1979: 97 people executed in Lospalos between April and May; 118 people killed on the southern slopes of Mount Matebian between 15 and 17 April.

¹⁸⁴

These are merely a few incidents for which there are detailed accounts. Given that the numbers killed in each of the reported incidents ran into the tens of hundreds, it can be assumed that many thousands were slaughtered during this period.

Those who survived encirclement were transported to resettlement camps. "The American agency, USAID, estimated that some eight months after encirclement there were 300,000 living in such camps which were to become the foundations for the Indonesian military's attempts to restructure Timorese society during the coming years."¹⁸⁵

Most of the population captured in the May-August encirclement campaigns in the areas south of Dili were herded into a strategic camp in Remexio. One visitor to the camps observed the following that was typical of the conditions then prevailing in East Timor's strategic settlements. (This should be borne in mind for Chapter Five and the critique of Glen Shortliffe's (then Canadian Ambassador to Indonesia) visit to this camp in the same time period.)

In Remexio as in most other towns [wrote a reporter travelling with the diplomats] the people are stunned, sullen and dispirited. Emaciated as a

¹⁸⁴ Ibid at 88

¹⁸⁵ Ibid at 88. Taylor is citing the US Agency for International Development (USAID), "East Timor - Indonesia -- Displaced Persons", Situation Report No. 1, 9 October 1979

result of deprivation and hardship, they are struggling to make sense of the nightmarish interlude in which as much as half the population was uprooted ... The townspeople are undernourished and desperately in need of medical attention. Many have recently come down from the hills where they lived on tapioca and leaves -- and berries so poisonous they have to be cooked six times before they can be eaten. Tuberculosis is a major problem and with so many people sleeping on the damp ground at night there is a danger of pneumonia. The children are so undernourished that one ambassador said that they reminded him of victims of an African famine. Remexio is a singularly depressing place. It is not, however, by any means unique. Timorese officials say there are 14 similar "transit camps" in the province, many of them worse than Remexio. "This is nothing", said one official. "At Suai things are much worse and there are many more people. There is an urgent need for humanitarian aid". As the 4,164 inhabitants of the camp clapped and shouted *Mendeka* (freedom), with soldiers moving in lines behind them, the military's message was spelt out: "I have never seen poverty like this in any other part of Indonesia", said an apparently shocked Mochtar.¹⁸⁶

These images, however, were used for a purpose by the Indonesian government. These images would portray an Indonesian regime burdened by the immense problems of its newly acquired territory; and such problems needed a rapid solution. "Asked whether his government would accept foreign aid earmarked for East Timor, Mochtar said "Yes, if it is given with no strings attached".¹⁸⁷ And here is the ultimate irony of the exercise: the victims of the encirclement and annihilation campaigns are presented as the results of Fretilin policies, Fretilin, who in reality is trying to protect the victims from these campaigns. Many governments responded but most of this aid never reached the camps and the situation deteriorated rapidly throughout 1979. At the end of October, 1978, a population census was undertaken by the Assistant for Defence and Security in East

¹⁸⁶ Taylor citing D. Jenkins, "Timor's Arithmetic of Despair", *Far Eastern Economic Review* 13 September 1978

¹⁸⁷ *Ibid.* at 89 citing T. K. Peagan "Misery in Remexio" *San Francisco Chronicle* 13 September 1978

Timor. It gave a total of 329,271, compared with the pre-invasion population of 688,771 in 1974. The census also showed that a vast majority of the Timorese people were no longer living in their own villages but were now located overwhelmingly in camps controlled by the military.¹⁸⁸

During this period, a saying that was frequently heard amongst the population ran, "the more refugees, the more corpses"¹⁸⁹. Those who were not transported to camps were either imprisoned or disappeared.

Indonesian soldiers had their own way of describing disappearances. They called them *mandi laut* (gone for a swim); it was discovered some years later that many people who had been captured were taken by helicopter and dumped into the sea with weights on their feet.¹⁹⁰

"Now we know quite clearly that the Indonesian army intends to annihilate us", wrote a Timorese.¹⁹¹

For many who were captured or surrendered in 1979, the consequence was immediate and brutal. They were either executed or murdered. "Killings on an extensive and widespread scale, begun at this time, have continued throughout Indonesia's occupation."¹⁹² Under Indonesian military occupation, the people of East Timor have become the victims of a regime of unparalleled terror and barbarism. The most notorious

¹⁸⁸ *Ibid* at 90

¹⁸⁹ *Ibid* at 92 citing *Asia Bureau Newsletter*, June 1979

¹⁹⁰ *Ibid* at 92

¹⁹¹ *Ibid* at 100, citing a quote from a document based on eye-witness accounts, Australian Council for Overseas Aid, 1982 Document 9, p 9

¹⁹² *Ibid* at 100

killers among the Indonesian troops in East Timor are the *naggalas*¹⁹³ "The ability to commit atrocities and devise new techniques of torture has become a special accomplishment rewarded by quick promotion in the Army."¹⁹⁴

Amnesties announced annually by the Indonesian military since 1977, in an attempt to convince resistance fighters to surrender, are worthless "People who surrender, particularly if they are members of the armed resistance, are treated in just the same way as those who are captured."¹⁹⁵ Surrendering makes little difference to a prisoner's ultimate fate.¹⁹⁶

¹⁹³ The *naggalas* are troops of the para-commando regiment, Kopassandha, who have received special training in killing and violence. Xanana Gusmao, then President of the Revolutionary Council of National Resistance (CRRN), refers to the *naggalas* as "knife-killers", the red-beret (Kopassandha) assassins who extract fingernails, squeeze testicles with pliers. Under the table at which a red-beret assassin is sitting, the victims have their toes pressed by weights. All this is for interrogation in order to find out about the popular organisation in the concentration camps. And then comes execution by firing squad, the bludgeoning to death in front of the graves they have dug themselves, being drowned in drums of water head first, whereafter the dead person's family is told by the murderous authorities that they have "gone to Jakarta to study".

(Xanana's message to the UN General Assembly, 14 October 1983.)

¹⁹⁴ *Supra* Note 118 at 130.

¹⁹⁵ *Ibid.* at 130.

¹⁹⁶ A statement by a Timorese who worked for some time with Indonesian Army intelligence, quoted by Amnesty International in a submission to the UN Decolonization Committee in August 1983, also emphasizes that surrendering makes little difference to a prisoner's ultimate fate.

The normal procedure was to interrogate the captives or those who surrendered. People who surrendered and were not soldiers who had engaged in battle with Fretilin would be permitted to go free after the interrogation but only after approval from intelligence headquarters in Dili.

During the interrogations they were normally tortured, especially if the interrogators thought they were Fretilin soldiers or leaders. They would be tortured by hitting them with a blunt instrument, by jabbing lit cigarettes into their faces around the mouth or by giving them electric shocks, sometimes on the genitals.

The senior authorities would then decide who was to be killed after interrogation. Most of the leaders or more educated ones, those who were talented, were killed. Their wives would also be interrogated, tortured and killed.

In July, 1983, the CRRN documented Indonesia's human rights violations in East Timor into four broad categories, which are summarized as follows (a) systematic persecution and intimidation¹⁹⁷, (b) torture of people suspected of involvement in clandestine organizations¹⁹⁸, (c) imprisonment without trial¹⁹⁹, and (d) killings²⁰⁰. As Xanana Gusmao notes, the conditions of war and the intimidatory presence of Indonesian

From Amnesty International Submission to the UN Decolonization Committee UN Document ASA 21/09/83 August 1983

¹⁹⁷ These include threats, surveillance, provocations, restrictions on freedom of movement, regular reporting orders, night patrols of private homes by armed troops, spreading false rumours, using fabricated statements, and so on. These are all daily occurrences everywhere.

From Supra Note 118 at 131

¹⁹⁸ Even the act of talking to an Indonesian soldier with folded arms (deemed disrespectful and a sign of defiance) or refusal to hand anything over on demand to an Indonesian soldier (taken as a sign that the person harbours pro-Fretilin ideas) is sufficient to make a person suspect. The forms of torture include shooting at people, slapping them in the face, whipping them, bludgeoning them with rifle-butts, karate, cutting off an ear, punching, burning people with lighted cigarettes, stabbing or lacerating the flesh with sharp-pointed needles, daggers or knives, using electric shock and a variety of other forms of physical mutilation.

From Supra Note 118 at 131

¹⁹⁹ Formerly, the prisons were concentrated in the district towns and were always over-flowing with detainees. Most prisoners have been transferred to Atauro island prison camp and other places of detention, including nearby Indonesian islands, though some are still being concealed in sub-district administrative posts after having been interrogated and savagely tortured by Kodim officers. Sometimes prisoners are "freed" on condition that they go to the bush and bring back the head of a resistance fighter. The "released" prisoner is given from 7 to 14 days to carry out the order, failing which he is sent to Atauro or simply disappears. Other prisoners are "released" on condition that they return to their former resistance unit to spy for Indonesian intelligence.

From Supra Note 118 at 131-132

²⁰⁰ These are committed in numerous ways - shot down in cold blood, beaten to death with rifles, shot by firing squad, burnt alive, buried alive, starved to death, or dumped in the sea from a helicopter. Many women are murdered after having been savagely raped by a number of soldiers. People are killed by poisonous injections or injected with water. As the result of persistent condemnations by international organizations, there has been a tendency to replace massacres and killings with disappearances, to intimidate the population. Countless people have disappeared from camps located throughout the country.

From Supra Note 118 at 132

security forces in the concentration camps make it impossible to document more than a tiny fraction of the atrocities committed since 1975.²⁰¹ The public nature of many of the atrocities recorded prove that one of the main objectives is intimidation. "There are even acts of cannibalism performed by Army officers quite deliberately in public, apparently with the intention of instilling the idea that people who oppose integration must be treated like animals."²⁰²

During the 1981 Operation Security, there were mass exoduses from parts of East Timor of people living in localities where the Army suspected villagers of giving support and sanctuary to the resistance. Whole families were driven from their homes which were then burned down. Amnesty International has described conditions on Atauro in 1980-81 as "deplorable".²⁰³

On August 16, 1983, Armed Forces Commander-in-Chief General Benny Murdam, declared in public that the Armed Forces would show "no mercy" to the resistance movement and would use all the forces at its disposal. Between August 21 and 22, 200-

²⁰¹ *Ibid.* at 132

²⁰² *Ibid.* at 133

²⁰³ In Amnesty International's Submission to the UN Decolonization Committee (August 1983). AI stated

At that time detainees were being provided with no more than one can of maize a week and were supposed to supplement this by growing their own food. In practice the infertility of the island and the composition of the population held there made this extremely difficult and most were forced to forage for leaves, roots and other edible matter. Official statistics put the number of deaths between June 1981 and May 1982 at 176. However, reports received by Amnesty International indicate that at least twice that number of persons were reported to have died of malnutrition, gastroenteritis and malaria in the second half of 1981.

As reported in *Supra* Note 118 at 137

300 people were executed in a village called Kraras, near Viqueque. "Although the Army maintained total secrecy about the operation, it did all it could to create the impression that the renewed fighting was sparked off by an incident near Viqueque when some Indonesian soldiers were killed."²⁰⁴ Western governments accepted this explanation despite all the evidence to the contrary. Murdani's strategy at the outset was to isolate the guerrilla units from each other, hoping to destroy them one by one. On September 7, a state of emergency was declared in East Timor by the Indonesian government. On September 14, Indonesia was reported to have 30-50,000 troops in East Timor.²⁰⁵ When the offensive started, Murdani predicted that it would be completed by October 5 (Armed Forces Day). The Globe and Mail reported a western military analyst's comment after a recent visit to East Timor:

It's a running sore. They have tried the hearts and minds approach and it didn't wash. Now they have gone back to the bigstick policy and it doesn't seem to be working. ... This thing is going to go on and on until we all get old.²⁰⁶

Along with Indonesia's military offensive came new sweeps against the population in the towns, more arrests, executions and other violations. During this violent operation, the International Committee of the Red Cross (ICRC) did not have access to East Timor²⁰⁷. It was not until March 14, 1984 that the Indonesian government allowed the ICRC in, to

²⁰⁴ Ibid. at 138.

²⁰⁵ Taylor, A Chronology, at 42.

²⁰⁶ Globe and Mail, February 10, 1984.

²⁰⁷ On January 10, 1984, the ICRC stated publicly that it has not had access to East Timor since July 1983. East Timor Report, Canberra, No. 5-7, 1983-84. From Supra Note 205 at 45.

meet with prisoners in Dili and on Atauro island²⁰⁸

On January 5, 1985, the Indonesian government published a five year plan for the years 1984-1989. For East Timor, it planned birth control for 95,000 women²⁰⁹ and the resettlement of 6,800 transmigrants²¹⁰. On September 14, *The Guardian* (London) stated reports from East Timor that described intense aerial bombardment between August 1983 and June 1984 with simultaneous bombings by four F-5s and 4 OV-10s, with a minimum of ten bombardments per day. The Indonesian press reported that justice was often "executed on the spot" in East Timor²¹¹. On December 20, a massacre of 60 inhabitants of a village was reported.²¹²

A new Indonesian offensive began in August, 1986. The attacks were concentrated in the eastern zone, where troops were penetrating deep into the mountains, leaving East Timorese militia to guard the villages. In November, there was a new offensive in East Timor, involving 50 Indonesian battalions, 12 of which were searching exclusively for Xanana Gusmao²¹³.

On March 6, 1987, it was reported from Dili that 38,000 East Timorese children

²⁰⁸ *Ibid.* at 46

²⁰⁹ On April 26, the Indonesian press described the birth control campaign in East Timor. According to the article, since there were insufficient jobs, housing and schools, it was necessary to limit the number of children being conceived. 31.7% of "productive couples" had Depo-Provera injections. The World Bank funded the programme, which was described as one extremely decisive aspect of resolving the population problem in the territory.

From *Berita Yudha* Jakarta and cited in Taylor Supra Note 205 at 53.

²¹⁰ *Ibid.* at 51

²¹¹ October 29, 1985, *Sinar Harapan* Jakarta. As reported by Taylor Supra Note 205 at 56.

²¹² *Guardian* (London) in Supra Note 205 at 57.

²¹³ *Independen* London in *Ibid.* at 64.

under the age of five were suffering from malnutrition²¹⁴ On March 20, a new offensive was launched in the south of East Timor, involving 30,000 Indonesian troops²¹⁵

In May, 1988, a new Indonesian military offensive began It was called "Operation Clean-Up" and its main aim was to capture leading members of Fretilin, most notably Xanana Gusmao²¹⁶. On September 16, five female students at an agricultural college in Natabora were raped and murdered by Indonesian soldiers.²¹⁷ Between October 26 and November 21, a total of 3,000 people were reportedly arrested in connection with intelligence surveillance before and after President Suharto's visit to Dili which took place November 2-3.

On February 22, 1989, in describing the intense military surveillance operating in East Timor, a journalist describes how many Timorese are afraid to speak to foreigners for fear of subsequent interrogation which still involves physical as well as mental abuse²¹⁸ 1989 was the year that the Pope visited East Timor (October 12). The visit of Pope John Paul II to Timor marked the beginning of what is referred to as the sixth phase of Resistance. "The first student demonstration, in which the young people shouted their desire for independence, occurred at the end of the mass celebrated by the Pope in Tac-

²¹⁴ *Supra* Note 205 at 68

²¹⁵ *Ibid.* at 68

²¹⁶ *Ibid.* at 86, citing *Diario de Noticias* Lisbon

²¹⁷ According to refugees who had arrived in Darwin and reported in the Melbourne Age and referred to in Taylor's Chronology at 89

²¹⁸ As reported in the Guardian (London), and referred to in Taylor's Chronology at 94

Tolu, in the suburbs of Dili."²¹⁹

Another demonstration followed on January 15, 1990 when nearly 400 young Timorese took advantage of the visit to Dili by the ambassador of the United States to Jakarta, John Monjo. They spoke peacefully with Mr. Monjo for nearly an hour, and explained that they "... wanted to let him know about human rights violations in Timor and to appeal to the United Nations to intervene in the territory."²²⁰ These students were arrested as the ambassador was leaving. After these two demonstrations, the Indonesian military authorities created death squads which began to act in late January, 1990.²²¹

What launched East Timor into the international scene, and making it impossible for most Western governments to ignore, was the Santa Cruz Massacre on November 12, 1991 when 271 people were killed, 250 still listed as "disappeared", and 382 wounded. The massacre could not be ignored because it was witnessed by western journalists some of whom were wounded and almost killed. The Timorese were in a peaceful funeral procession, going to the Santa Cruz cemetery. They were mourning the death of Sabastiao Gomes who had been killed by the Indonesian military inside the Catholic church in Dili on October 28th (1991). Among the mourners were those carrying banners that had been prepared in anticipation of the visit by Portuguese MPs which was cancelled at the last minute.²²² Only in 1994, it is being made public that there was a second massacre that

²¹⁹ Supra Note 100 at 44

²²⁰ Ibid. at 45

²²¹ Ibid. at 45

²²² Because the Indonesian government would not allow a journalist (Jill Jolliffe) that the Portuguese wanted to accompany them on their visit to East Timor.

followed this massacre. There are confirmed reports that Indonesian soldiers entered medical wards and opened fire on the wounded from the Santa Cruz Massacre, that other Indonesian soldiers attacked some of the trucks that were transporting the wounded to the hospitals²²³.

In light of these horrors that have been documented by so many credible sources, one must wonder why Western governments have been so inactive in what has been labelled the worst case of genocide since World War II.

3.7 Conclusion

Senator Daniel Moynihan, who was the United States' United Nations Ambassador at the time of the Indonesian invasion of East Timor summed up the inaction best when he described how he took pride in having forestalled any international reaction to the aggression and massacre.²²⁴ Moynihan wrote that "...the Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook"²²⁵ relating to East Timor.

Chomsky notes that the United States' and other Western government's collective conscience occasionally registered concern at the mass human rights violations in East Timor

²²³ "Death of a Nation", documentary by John Pilger

²²⁴ Chomsky, Year 501: The Conquest Continues at 133

²²⁵ As quoted in Ibid at 133-134

There was also a flicker about Indonesia after Iraq invaded Kuwait in 1990. It was hard not to notice the similarity to Indonesia's (vastly more murderous) aggression and annexation. A decade earlier, when glimmerings of what had happened finally began to break through, there had been occasional notice of the comparison between Suharto's exploits in Timor and the simultaneous Pol Pot slaughters. As in 1990, the US and its allies were charged at most with "ignoring" Indonesian atrocities. The truth was well concealed throughout. Indonesia was given critical military and diplomatic support for its monstrous war crimes, and crucially, unlike the case of Pol Pot and Saddam, these could readily have been halted, simply by withdrawal of Western aid and breaking the silence.²²⁶

The Indonesian government faces the indefinite continuation of peaceful protest by Timorese, supported by large sections of the population and supplemented by guerrilla warfare, which it will be able to conceal only through violent repression and unacceptable forms of social control.

When the victims are classified as less than human -- wild beast in the shape of men, Communists, terrorists, or whatever may be the contemporary term of art -- their extermination raises no moral qualms. And the agents of extermination are praiseworthy moderates...²²⁷

Such genocide can be "rationalized" only when the victims are reduced to something less than human.

Bishop Belo of the Catholic Church in Dili, East Timor, wrote to an European church organization in December 1984, stating that

Despite all forces against us, we continue to hold and disseminate that the only solution to the East Timor conflict is a political and diplomatic one, and this solution should include, above all, the respect of the right of a people for self-determination. We also want respect for the cultural,

²²⁶ Ibid. at 134

²²⁷ Ibid. at 131

ethnic and religious identity of the people of East Timor ... put into practice. As long as this is not implemented, there will not be a peaceful solution for East Timor.²²⁸

The fact that the Timorese still resist occupation is a testimony to the strong spirit of the Timorese that murderous regimes cannot extinguish. The fact that Canada continues to accept Indonesia's version of East Timor's "integration" is a testimony to the fact that in the case of East Timor, Canada has little or no concern for the human rights violations so long as there is an economically and politically profitable relationship to be had with Indonesia. What follows in the next chapter is an examination of what has taken place in international fora on the issue of East Timor.

²²⁸ As quoted in East Timor: An International Responsibility at 27-28

CHAPTER FOUR

INTERNATIONAL RESPONSE

The primary reason that the genocide in East Timor has been able to continue into 1994 has been due to a lack of condemnation by the international community. This, in spite of several resolutions that have passed at the United Nations. This chapter will first examine the international legal situation and then place it in a political context, with a look at the United States', Australia's and Canada's inaction. This political context has existed for so long due partly to the role of the media in that the world public opinion has not been informed on the issue, consequently, it will be necessary to examine the role that the media has played, both internationally and for the purpose of this thesis overall, in Canada.

4.1 United Nations

Under international law, Indonesia's presence in East Timor is illegal. It represents a breach of the principle of self-determination contained in Articles 1 and 55 of the United Nations Charter and its 1960 resolutions on the subject, resolutions 1514 (XV)²²⁹ and 1541 (XV)²³⁰. Self-determination is expanded upon in the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. It represents moreover, a breach of the Charter prohibitions on the use of force, notably Article 2, paragraph 4, and Chapter VII of the Charter, as interpreted in the Assembly's 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-

²²⁹ G.A. Res. 1514 (XV), UN GAOR, 15th Sess., Supp. No. 16 at 66, UN Doc. A/4684 (1960)

²³⁰ G.A. Res. 1541 (XV) id. at 29

Operation Among States²³¹ and its 1974 resolution on the Definition of Aggression²³²

Article 2, paragraph 4 provides that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." Indonesia's actions offend against the very core of this basic proscription of the Charter²³³. This is the basis on which the Security Council condemned Iraq's invasion in 1991 of Kuwait

4.1.1 United Nations Security Council

Ten days after the UN General Assembly passed its first resolution, with conditions in East Timor deteriorating rapidly, Security Council Resolution 384 unanimously called on "all States to respect the territorial integrity of East Timor" and for Indonesian troops to be withdrawn "without delay". Unlike the UN General Assembly Resolution, the US, Britain, France and Canada voted in favour, not wanting to side so publicly with the aggressor at the more high-profile Security Council. The resolution also asked the Secretary-General, Kurt Waldheim, to send an envoy to East Timor for an on-the-spot assessment of the situation²³⁴

²³¹ G.A. Res. 2625 (XXV), U.N. GAOR, 25th Sess., Supp. No. 28, at 121, U.N. Doc. A/8028 (1970)

²³² G.A. Res. 3314 (XXIX), U.N. GAOR, 29th Sess., Supp. No. 31, at 142, U.N. Doc. A/9631 (1974)

²³³ Professor Roger Clark, Petition Presented for the International Platform of Jurists for East Timor to "The Special Committee on the Situation With Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" at 2

²³⁴ Ibid. at 13-14

This mission was doomed from the start. Had this investigation been pursued with vigour, the UN

Shortly before the Security Council met to pass its second resolution on East Timor in April 1976, "deputy governor" Lopez da Cruz, admitted that 60,000 East Timorese had already died²³⁵ Although the Secretary-General's envoy was asked to continue with his assignment, nothing further was done and, as José Ramos-Horta, Fretilin's representative to the UN, says in Funu: The Unfinished Saga of East Timor, "that was the last I heard of Mr Winspeare Guicciardi".²³⁶

United Nations efforts proved ineffective, however, and support for East Timorese independence eroded as time passed.²³⁷

Since then, the Security Council has not discussed East Timor.

might have acted decisively. Waldheim had little interest in what was for him a minor issue nor was he prevailed upon by the Permanent Five to treat it otherwise. According to the Budiardjo in the above cited article,

In East Timor six weeks after the invasion the Indonesian army allowed only the UN envoy, Winspeare Guicciardi, to visit Dili, Manatuto and Baucau. Everywhere else Fretilin was in control or fighting was intense. Yet the UN accepted the lie that he could not travel further "on technical and/or security grounds" or because the roads were "impassable".

Guicciardi's attempts to visit Fretilin-controlled areas from Darwin came to nothing when Australia refused logistical support for a UN flight to East Timor. A Portuguese offer of a corvette to land the mission in Fretilin strongholds was not taken up because Indonesia insisted on dictating conditions for the landings. Neither Waldheim nor the Western powers denounced Indonesia for refusing to comply with a unanimous resolution of the Security Council.

²³⁵ Ibid. at 14.

²³⁶ As cited in Ibid. at 14.

²³⁷ Roger Clark, "The 'Decolonization' of East Timor and the United Nations Norms on Self-Determination and Aggression," 7 Yale Journal of World Public Order No. 1 (Fall 1980) at 10.

Clark notes that in contrast with the December, 1975 Security Council resolution, which was adopted unanimously, the United States and Japan, in April, 1976, abstained on a resolution that reiterated the operative paragraphs of the December resolution, S.C. Res. 389, 31 UN SCOR, Resolutions and Decisions 18, UN Doc. S/Res/389 (1976).

The decline in support for East Timorese independence may have resulted, in part, from intense efforts by Indonesian diplomats to win support for their position. Clark notes that more than one foreign office found that its entire diplomatic relationship with Indonesia was "on the line" in this regard. (Clark's conversations with officials and representatives at the United Nations.)

4.1.2 United Nations General Assembly

A week before the Indonesian invasion, the Portuguese Government drew the UN's attention to the Indonesian military build-up inside East Timor, already warning of the tragedy that was to befall East Timor. Five days after the invasion the General Assembly "strongly deplore[d]" Indonesia's military intervention and called on it to withdraw its troops "without delay." "The sponsor of the resolution, Algeria, avoided the stronger word "condemn" to win wider support for East Timor."²³⁸ Even so, many Western powers could not bring themselves to vote against Jakarta and abstained. What worried them was not whether the UN Charter had been violated, as it clearly had, but rather how to avoid offending Indonesia.

Each year in the years following the invasion, the UN General Assembly passed a motion reaffirming East Timor's right to self-determination and calling for negotiations between Fretilin and the Indonesian and Portuguese governments. As a general rule, the governments of the industrialized states abstained. Many African, Asian and Latin American states voted with Indonesia, against the motion, with the Islamic bloc being particularly influential. The Soviet Union voted against but, in early in the 1980s, several Eastern European governments broke ranks and moved to an abstentionist vote. Early Chinese support for East Timor faded rapidly in the late 1970s. However, many smaller states, ranging from Costa Rica to Iceland, tended to support independence. The strongest advocates of self-determination were the former Portuguese colonies of Angola, Mozambique, Guinea-Bissau, Cape Verde, Sao Tome and Principe, together with

²³⁸ Carmel Budiardjo, "For fear of a showdown," *The New Internationalist* No. 253, March 1994 at 13.

Zimbabwe, Algeria, Benin and Vanuatu.²³⁹ In the 1980s, these states were joined by Portugal and Brazil. In 1982, the motion was passed only narrowly, by 50 votes to 46, and this was after the wording "interested parties" had been substituted for the previous reference to Fretilin in order to persuade delegations to vote for the motion. "Since 1982, the motion has not been resubmitted for debate, not only because of fears that it could be defeated but also because in that year it charged the UN Secretary-General with "exploring avenues for achieving a comprehensive settlement of the problem".²⁴⁰ From then on, any return to the General Assembly was dependent upon progress being made in negotiations between "all parties directly concerned", under the auspices of the Secretary-General's office.

Consultations that were initiated in New York under Resolution 37/30 of 1982 got nowhere as Indonesia refused to discuss self-determination. Pressure for Timorese participation was ignored. "Western governments, whose commercial ties and arms deals with Indonesia had soared, deflected calls for UN action by expressing satisfaction that bilateral talks were underway. The talks had become the pretext for doing nothing."²⁴¹

In addition to the General Assembly, within the UN there are two institutions whose specific purpose is to protect human rights by assessing cases of violation. These are the Human Rights Commission and the committee which prepares its agenda, the Sub-Commission on Prevention of Discrimination and Protection of minorities. The latter is

²³⁹ For a complete breakdown of voting according to country and year on this motion, please refer to Appendix 1.

²⁴⁰ *Supra* Note 121 at 177. See UN General Assembly Resolution number 37/30, 1982.

²⁴¹ *Supra* Note 238 at 14.

composed of government officials from 43 member states

4.1.3 United Nations Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities

In 1985, after annually adopting resolutions condemning human rights abuses in East Timor, the Human Rights Commission, in private session, voted to remove the issue from its agenda for reasons which were never made public. In 1989, the sub-commission re-adopted a resolution recommending the Human Rights Commission to "consider the human rights situation and fundamental freedoms in East Timor"¹²

In February, 1992, a strong draft resolution was sponsored at the UNCHR by the 12 Member States of the European Community with support from a number of countries, particularly in Africa. Indonesia is currently a member of the UNCHR, so is Australia. That year, Australia decided to lobby for a consensus "Chairman's Declaration" or, failing that, to lobby for the deletion or watering down of several paragraphs of the draft. The outcome was a consensus "Chairman's declaration" which Indonesia accepted. That year, the Sub-Commission adopted a strong new resolution on the Situation in East Timor. 13 members voted for the resolution, 6 voted against it and 4 abstained.

1993 saw a Resolution pass at the UNCHR, that was co-sponsored by the US, Canada and several West European countries, that called for special UN rapporteurs on torture, disappearances, extra-judicial killings and arbitrary detentions to visit East Timor. These visits have not yet taken place. At the Sub-Committee in 1993, another Resolution

¹² As quoted in *Supra* Note 121 at 178.

2

MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS
STANDARD REFERENCE MATERIAL 1010a
(ANSI and ISO TEST CHART No. 2)

was passed, in keeping with the strong language of the recent Resolution at the UNCHR

Amnesty International, in a report entitled "Fact and Fiction Implementing the Recommendations of the UN Commission on Human Rights"²⁴³ concludes that, with minor exceptions, the Indonesian government has failed to comply with the spirit or the substance of the Commission's recommendations. More specifically, this report concludes that:

The government has failed to provide sufficient information about the fate and identity of those killed and reported "disappeared" after the Santa Cruz massacre. This failure is symptomatic of a deeper problem: there is no effective avenue for the prompt, thorough and impartial investigation of serious human rights violations, either in Indonesia or East Timor.

Notwithstanding some prosecutions of military and police personnel in 1992, those ultimately responsible for the Santa Cruz massacre have not yet been brought to justice, and the serious discrepancy in the sentencing of soldiers and peaceful civilian protesters has not been redressed. This is an example of a more general problem: the perpetrators of human rights violations, whether in East Timor or Indonesia itself, are seldom brought to justice and when they are, the punishment is not commensurate with the severity of crimes they have committed. ...

The government has begun to implement only one of the eleven concrete recommendations made by the UN Special Rapporteur on Torture in his 1992 report, with the appointment of a 25-member National Human Rights Commission in late 1993. ... available information about its mandate, composition, and legal status, has given rise to concern that it may not (meet UN Standards)

Despite some improvement in the past two years, restrictions continue to be imposed on access to East Timor by international human rights and humanitarian organizations, including Amnesty International and the International Committee of the Red Cross

The government's acceptance of visits by representatives of the office of the United Nations Secretary-General, and its recent invitation to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor in 1994, are positive steps. But the government has a long way to go before it can be said to have complied

²⁴³ February 16, 1994

with the Commission's recommendation that it invite all four United Nations human rights monitoring mechanisms to visit East Timor.

However, at the UNCHR in 1994, a weak consensus statement was accepted by Portugal and Indonesia. The Canadian government sees this as a more positive step than the Resolution of 1993, given that Indonesia has accepted the terms of the Consensus Statement and thereby must comply with its articles.²⁴⁴ The Portuguese government and the office of the Secretary-General see the adoption of the Consensus Statement as a positive confidence building measure, which is key to the success of the Talks between Portugal and Indonesia that the Secretary-General is mediating. However, it remains to be seen what will be done with the Consensus Statement.

4.1.4 United Nations Committee on Decolonization

As noted in Chapter Three, in 1960, East Timor was considered by the United Nations as a non-autonomous territory under Portuguese administration, according to Resolution 1514 (XV) of December 14, 1960.²⁴⁵ After 1962 and until 1973 the General Assembly of the United Nations approved successive resolutions recognizing the right to self-determination of East Timor (and of all existing Portuguese colonies). The dictatorial regime of Salazar (and later of Caetano) refused to recognize this right, affirming that East Timor was a Portuguese province equal to any other.²⁴⁶ In April, 1974, a new

²⁴⁴ From conversations with officials at the Asia Pacific South Division of the Department of Foreign Affairs, February-March, 1994.

²⁴⁵ *Supra* Note 121 at 8.

²⁴⁶ *Ibid.* at 8.

regime succeeded to power in Lisbon²⁴⁷. The new government accepted its duties under Chapter XI and adopted a constitutional amendment recognizing the Portuguese territories' right to self-determination and independence²⁴⁸. On August 3, 1974, Portugal delivered to the Secretary-General of the United Nations a Memorandum in which it declared its willingness to cooperate fully with the United Nations, in accordance with the Declaration on the concession of independence to colonial peoples and territories²⁴⁹. In so doing, Portugal recognized the status of East Timor as a non-autonomous territory and acknowledged its own role as administering power. This is the legal framework which the United Nations and other international organizations have repeatedly recognized and affirmed, up to the present time.

4.2 Political Context

"All major western governments have established close economic ties with Indonesia since the military coup in 1965."²⁵⁰ The Inter-Governmental Group on Indonesia²⁵¹ (IGGI; now the CGI²⁵²) was set up in 1967 on the initiative of Japan "who

²⁴⁷ The Caetano regime was succeeded in April, 1974 by the Junta of National Salvation.

²⁴⁸ The amendment was adopted on July 24, 1974. For further details, refer to the Report of the Special Committee on the Situation With Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 30 U.N. GAOR, 2 Supp. (No. 23) 34 U.N. Doc. A/10023/Rev.1 (1975). In the Fourth Committee of the General Assembly, Portuguese representatives reaffirmed their nation's recognition of its obligations under Chapter XI. 29 U.N. GAOR, C.4 (208th mtg.) 3, 7, U.N. Doc. A/C.4/SR.2080 (1975).

²⁴⁹ Supra Note 121 at 8.

²⁵⁰ Supra Note 118 at 8.

²⁵¹ Members included the US, Japan, Australia, New Zealand, Canada and almost all the Western European governments.

has become Indonesia's chief trading partner and primary source of capital investment"²⁶³. The IGGI's deliberations remained totally unaffected by Indonesia's invasion of East Timor, as evidenced by the increase in level of western aid and involvement over the years since its inception.

The western powers most directly connected, the United States, Australia, had decided prior to the invasion to give Indonesia a "free hand"; the US for strategic reasons and Australia for economic reasons. These two countries, along with the Canadian position, will be examined below.

4.2.1 United States

The Indonesian invasion of East Timor was actually postponed for a few days so as to not embarrass President Gerald Ford and Secretary of State Henry Kissinger who were on a visit to Jakarta. Kissinger told the press in Jakarta that "the US understands Indonesia's position on the (Timor) question"²⁶⁴. In a cable from the Australian Ambassador to Jakarta, Richard Woolcott, to the Department of Foreign Affairs (Australia), he described Washington's views in mid-1975:

(US) Ambassador Newsom told me last night that he is under instructions from Kissinger personally not to involve himself in the discussions on Timor with the Indonesians on the grounds that the United States is involved in enough problems of greater importance overseas at present.

²⁶² See Chapter Six

²⁶³ Supra Note 118 at 8

²⁶⁴ As cited in ibid. at 9, quoting from the Los Angeles Times, 7 December 1975

The State Department has, we understand, instructed the (US) embassy to cut down its reporting on Timor . Newsom's present attitude is that the United States should keep out of the Portuguese Timor situation and allow events to take their course . His somewhat cynical comment to me was that if Indonesia were to intervene, the United States would hope they would do so "effectively, quickly, and not use our equipment "255

"Of course Washington knew very well that their equipment would be used, by 1975, 90% of the military equipment being used by the Indonesian army was supplied by the USA."256

One of the reasons for Washington condoning Indonesia's invasion of East Timor is strategic, namely control of the Ombai-Wetar Straits. The Straits is one of four waterways linking the Indian Ocean to the Pacific²⁵⁷. "These straits are crucial to the Pentagon for passage by its Poseidon and Polaris nuclear submarine fleets through a zone completed [sic] dominated by the Indonesian archipelago."²⁵⁸ The Canadian Defence Department produced a paper in 1977 by R.G Boyd on the military importance of the Ombai-Wetar Straits. Jill Jolliffe noted of the report that

The Malacca and Sunda passages are not reliable because they are too shallow, and Malacca is overcrowded with sea traffic. This makes Ombai-Wetar and Lombok essential to US strategy. He rated them, with Gibraltar, as the most crucial deep-water straits in the world in American defence planning.

The Ombai-Wetar Straits run within the boundaries of the former Portuguese territory of East Timor. During the Salazar dictatorship, the Pentagon had no concern about their security . Portugal's 1974 revolution

²⁵⁵ G.J. Munster and J.R. Walsh, Documents on Australian Defence and Foreign Policy, 1968-75 Hong Kong, 1980 and cited in Ibid at 9

²⁵⁶ Ibid at 9

²⁵⁷ The other three being the Malacca, Lombok and Sunda Straits

²⁵⁸ Supra Note 118 at 10.

aroused fears that the influence of revolutionary Portuguese officers, close to the pro-Moscow Portuguese Communist Party, might take root in an independent Timor threatening the secure passage of their submarines. This is one of the reasons the US and its regional ally Australia refused from the outset to contemplate self-determination for East Timor although Fretilin has consistently espoused a foreign policy of non-alignment and peaceful coexistence with Jakarta.²⁵⁹

This urgency was reinforced by the impending introduction of new Law of the Sea agreements, "which although likely to establish Indonesian control over the waters of its archipelago, were quite unlikely to include agreed rights for underwater passage by a foreign power"²⁶⁰. Their retention would depend, rather, on the good-will of the Indonesian military. The various US administrations worked hard to press other governments to not let the East Timor issue influence their relations with the Indonesian government. Similarly, the American delegation at the UN worked hard to lessen the impact of resolutions condemning the Indonesian invasion.

A cablegram published in the New York Times on 28 January 1976 had the then ambassador to the UN, Daniel Moynihan, applauding the "considerable progress" made by US strategy at the UN "toward a basic foreign-policy goal, that of breaking up the massive bloc of nations, mostly new nations, which for so long have been arrayed against us in international forums".²⁶¹

The cablegram dealt specifically with the General Assembly vote on East Timor the previous December. This theme was reiterated by the US over the next nine years of votes at the UN General Assembly. As referred to in Chapter Three, Moynihan summed it up best when he described how he took pride in having forestalled any international

²⁵⁹ As quoted in Ibid at 10, citing The Guardian, 10 February 1984.

²⁶⁰ Supra Note 121 at 169

²⁶¹ Ibid at 169-170

reaction to the aggression and massacre.²⁶² Moynihan wrote that "the Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook"²⁶³ relating to East Timor

Seven years into Indonesia's military campaign, President Reagan, stated that "No nation has pursued the goal of independence in a more responsible manner than Indonesia".²⁶⁴ During the last years of the Reagan administration and into the Bush presidency, American officials tried to influence international opinion to consider East Timor as a bilateral issue between Indonesia and Portugal rather than as a case of decolonization. The US Ambassador, on a visit to Lisbon in February 1987, concluded that "East Timor is an issue which should be solved between Portugal and Indonesia, without outside interference".²⁶⁵

While Australia had similar strategic reasons, its primary reason for supporting Indonesia's invasion of East Timor was due to economics.

4.2.2 Australia

As noted above, the Australian government had decided in advance not to interfere with the Indonesian invasion of East Timor. For example, on August 17, 1975, the Australian Ambassador in Jakarta, Richard Woolcott, advised the Department of Foreign

²⁶² Supra Note 224 at 133

²⁶³ As quoted in Ibid. at 133-134

²⁶⁴ Visit of President Suharto of Indonesia to the United States - remarks by President Reagan at the Arrival Ceremony, 12 October 1982, Weekly Compilation of Presidential Documents, 18 October 1982. Reproduced in Taylor's Indonesia's Forgotten War at 170

²⁶⁵ Timor Link (London), No. 9, March 1987

Affairs in Canberra that

The situation in Portuguese Timor is going to be a mess for some time. From here, I would suggest that our policies should be based on disengaging ourselves as far as possible from the Timor question; getting Australians presently there out of Timor; leave events to take their course; and if and when Indonesia does intervene, act in a way which would be designed to minimise the public impact in Australia and show privately understanding to Indonesia of their problems. Perhaps we should also make an effort to secure through Parliament and the media a greater understanding of our policy, and Indonesia's, although we do not want to become apologists for Indonesia...²⁶⁶

This policy was formulated with one goal in mind: exploring one of the most productive oil fields in the world, to "close the Timor Gap", to generate energy and revenue for the Australian economy. "When, in early January 1978, the Fraser Government gave *de facto* recognition, it began to drill more extensively for oil in the Challis and Jabiru fields adjacent to the Timor Gap in an area claimed by Indonesia."²⁶⁷ When the Australian government gave *de jure* recognition in 1979, "discussions on the Timor Gap area ensued immediately"²⁶⁸. In April 1985, the Labour Government recognized the integration as complete and discussions moved to a new stage, namely a joint development zone with the Indonesian military²⁶⁹. "This was pursued further in an agreement establishing a "zone of co-operation" between the two governments in September 1988."²⁷⁰ On December 11, 1989, in a ceremony held on a plane flying over

²⁶⁶ As quoted in Supra Note 118 at 9

²⁶⁷ Ibid at 170

²⁶⁸ Ibid at 170

²⁶⁹ Ibid at 170

²⁷⁰ Ibid at 170

the Timor Gap, Australian and Indonesian foreign ministers Ali Alatas and Gareth Evans signed a treaty formally dividing the area into zones with exploration rights for each country.

Since 1986, the Australian government has received \$31 million (Aus) from sales of permits to oil companies. Foreign Minister Bill Hayden put the position most succinctly in April 1984 in the following:

There is as you know a large gap off East Timor in the sea-bed boundary. In that gap are positioned natural gas fields and probably oil fields. We would not be regarded with great public celebration if we were to make a mess of those negotiations, and yet the implication of the negotiations is that as the area open or undefined at this point is off East Timor, a certain recognition must be established to East Timor. For some people in my party who have expressed concern about the pressure of Indonesia on East Timor, this is a cold, hard, sobering reality that must also be addressed in respect of those other interests we must attend to.²⁷¹

It could have not been made any more clearer.

Another country, with less at stake economically than Australia, and less strategically and economically than the US, is Canada, who's record at the UN is equally atrocious, for political and economic reasons.

4.2.3 Canada

The premise for this thesis is that in the case of East Timor, Canada has little or no concern for the human rights violations so long as there is an economically and politically profitable relationship to be had with Indonesia. This is of concern, given the resolutions on East Timor that have passed at different branches of the United Nations,

²⁷¹ Canberra Times, 18 April 1984, quoting a speech made by Foreign Minister Bill Hayden in a speech to the Joint Services Staff College in April, 1984 and cited in Taylor's Indonesia's Forgotten War at 171.

both with and without Canada's support. As will be shown below, Canada's voting position at the different UN bodies was, on the whole, determined by concerns for Canada's economic relationship with Indonesia and not by concerns for human rights.

4.2.3.1 United Nations General Assembly

This examination of Canada's position at the UN General Assembly will be based on notes, memorandums, etc., between External Affairs, the Canadian Embassy in Jakarta, and Canada's Permanent Mission to the United Nations (New York) which were acquired through an Access to Information request²⁷².

While the actual vote is what is most important in terms of the United Nations, for the purpose of this paper, the most interesting aspect is what went on "behind the scenes" leading to the position that the Canadian government would take at the General Assembly on "The Question of East Timor". Unfortunately, a complete examination is not possible due to the concerns that External Affairs had with the "sensitive" nature of some of the information, prompting the Department to censor a great deal of the material. Chomsky has noted a similar trend in the United States which he presumes reflects "... the Reagan-era commitment to protect state power from the public"²⁷³. Even with this impediment, the information released is illuminating and worth examining.

According to the material received, there were three main factors that influenced the Canadian vote, namely: (1) reports that the Canadian government received concerning

²⁷² Filed by Patrick Hughes, and photocopied in whole and sent to myself

²⁷³ Noam Chomsky, Detering Democracy at 183.

the situation in East Timor; (2) the position that other countries would take on the vote, and (3) statements on how the Canadian vote would influence Canada's economic relationship with Indonesia.

Nothing was released from 1975 concerning Canada's vote at the General Assembly; however, on September 27, 1976, in United Nations Commentaries Timor and Brunei, External Affairs notes that Canada abstained on the United Nations General Assembly Resolution 3485 "... which deplored the military intervention of the armed forces of Indonesia in Portuguese Timor" {the rest being censored} By refusing to condemn the military intervention by Indonesia publicly, Canada is, for the first (but certainly not the last) time implicitly condoning the use of the Indonesian armed forces in East Timor. In the same Commentary, it was noted that Canada supported the spirit of the more balanced Security Council Resolution 384 (December 22, 1975) and stated that

[t]his resolution called upon the Security General to send a special representative to the territory to study the situation. ... this mission was hampered by the fact that he was not granted access to much of the territory.

What is even more illuminating is a statement by the Secretary of State for External Affairs in Jakarta regarding Canadian policy on East Timor

Canada has always supported the self-determination of the peoples. I know that Indonesia supports that as well. Obviously we regret that it was necessary to use force in East Timor but the Indonesian involvement obviously cannot be dissociated from the situation that preceded the action taken by Indonesia. We know that the problem that exists and has existed in East Timor is part of the general process of bringing the colonial era to an end and we understand the difficult options that existed in this particular situation. At the United Nations we have not supported

resolutions that deplore the action by Indonesia because we felt that the resolutions had not properly expressed the circumstances which led to this particular action or policy.

Well having said that much I repeat that we do not have any direct involvement in the problem. We are very far away but I said to Mr. Malik that in developing our attitude towards this question at the UN that we would try to follow as closely as possible the general policy on Timor that would be adopted by the ASEAN.

From the beginning of the illegal invasion of East Timor, Canada has tacitly supported the Indonesian government. How ironic that the Minister for External Affairs should note how "far away" Canada is, geographically, from East Timor, thereby stating from the beginning that the Canadian government would have little or nothing to do with East Timor.

In 1976, Canada abstained once again on "The Question of East Timor", stating that, "[i]n view of the history of this item, we also agree there is no ... need to make explanation of vote."⁷⁴ In a memorandum on the day of the vote at the General Assembly, Canada's Delegation to the United Nations (New York) noted that on the Timor resolutions "... co-sponsors suffered moral defeat in that abstentions and no's together outnumbered positive votes". Further, the same memorandum noted that

Indonesia intervened to indicate its complete rejection of resolution adopted on Timor and of right of United Nations to give any further consideration to territory whose decolonization had been fully and appropriately accomplished.

In response to a letter from a Senator {who's name has been withheld from release}, the Secretary of State for External Affairs, MacEachen, notes that

⁷⁴ In a confidential memorandum from External Affairs to the Canadian Delegation at Canada's Permanent Mission to the United Nations in New York City, sent November 16, 1976. The vote was adopted by 68 (yes) - 20 (no) - 49 (abstain)(Canada).

[a]t the United Nations. Canada did not support the resolution which deplored the action taken by Indonesia because the Canadian government considered that the resolution had not properly expressed the circumstances in East Timor at the time of the Indonesian involvement in the territory

In 1977, briefing and reporting was minimal. On November 7, 1977, in a communique from the Canadian UN Delegation (New York) to External Affairs, most of which was exempted, it was noted that "voting positions should closely resemble last year". On November 11, 1977, it was noted that the Fourth Committee Adopted the Resolution by 61-26-47; Canada abstained

In 1978, shortly after a visit by the Canadian Ambassador to Indonesia at the time Glen Shortliffe, a memo was sent from Jakarta to External Affairs²⁷⁵, giving reasons for amending Canada's position at the United Nations General Assembly²⁷⁶. In a response by External Affairs to Shortliffe's telegram, it was stated that "the chief consideration must now be the vote of our Asia and Pacific friends" {the rest censored} concerning "The Question of East Timor" at the United Nations General Assembly. On December 5, 1978, the Fourth Committee Adopted the Draft Resolution by a vote of 55-29-42, Canada abstaining. That year was different from the previous years in that Canada gave an explanation of its vote to the Committee.²⁷⁷ After the vote, External Affairs sent the following message to its embassy in Jakarta:

{censored} You should ensure that text is made available to interested officials in foreign ministry and possibly {censored}. If you have

²⁷⁵ Sent on September 19, 1978

²⁷⁶ However, the three pages that he had written on the topic were censored

²⁷⁷ Please note that all Canadian explanations regarding its vote on the "Timor Question" are contained in Appendix J.

appropriate personal contacts in president's office and Antara, you might wish to "show them the text" ²⁷⁸

Finally, on December 11, 1978, Shortliffe wrote to External Affairs noting that,

In sum, believe steps that we have taken this year not only can help benefit people of Timor but have put in position where benefits to our bilateral interests can be achieved.

This most clearly shows the true motivation behind Canada's votes at the United Nations General Assembly Canada's bilateral interests with Indonesia.

In 1979, instructions were sent from External Affairs to Canada's UN Permanent Mission (New York) concerning the upcoming vote at the United Nations General Assembly on the "Question of East Timor".

After careful consideration {censored} you should abstain on vote on resolution because in the end we cannot ... disagree with the mild language supporting the right of the Timorese people to self-determination. Our strong explanation .. reserves right to deal with this item in future in terms of the realities of the situation {censored}.

On November 8, 1979, the vote on the East Timor Resolution in the Fourth Committee of the United Nations General Assembly was 55 (yes) - 26 (no) - 42 (abstentions). Canada abstained (again). However, Canada gave a more lengthy explanation concerning the United Nations Resolution (refer to Appendix J for full text). Perhaps the most interesting point was Canada's statement that it did not accept Portugal as the administering power. Following a strong denunciation of the debate in this and previous years, Canada stated that it " would prefer to see this item removed from the agenda"

²⁷⁸ Remaining 1 1/2 pages of 2 pages was censored

The next year, 1980, was significant for it is the first year that Canada changed its vote from "abstaining" to a vote of "no", choosing to side publicly with Indonesia. The backgrounder, which, while heavily censored, does provide one small piece of information foreshadowing the Canadian government's change in vote at the United Nations.

While recognizing the irreversibility of the Indonesian occupation, Canada has not wished to condone any infringement of the principle of self-determination. On the other hand, implementation of the resolution resulting in the withdrawal of Indonesian forces and authority {censored} would create considerable instability and be a threat to peace and security. It would also adversely affect the economy which in turn would create greater deprivation and hardship {censored}.

This only serves to underline that where East Timor and Indonesia are concerned, the Canadian government's main interest is economic. Further in this document, under the heading of "Recent Developments", External Affairs notes that the Indonesian military remains firmly in control of East Timor {censored}." There is no reference anywhere to the massive loss of life since the invasion.

The backgrounder provided for 1981 is similar to 1980, except that

Last year, Canada joined ASEAN's other Dialogue partners who, with the exception of the EEC, all oppose the Resolution. . . the wording of the successive Resolution increasingly distanced itself from the situation on the ground in East Timor. ... This led to decision to vote "no" on the Resolution in 1980.

On December 3, 1981, External Affairs noted that "the results in the General Assembly were even more favourable to the Indonesians: 54 - 42 (Canada) - 46, compared to 58 - 35 (Canada) - 46 in 1980." There was a net increase for Indonesia's position of 7 "no" votes.

The final year for a vote on the "Question of East Timor" was 1982. Canada's UN Permanent Mission (New York), in a memo to External Affairs notes.

{censored} Draft emphasizes both principles of self-determination and humanitarian situation. Operative paragraphs request Secretary General to initiate consultations with all parties with view to exploring avenues for comprehensive settlement; requests Special Committee of 24 on Decolonization to keep situation in territory under active consideration and calls upon specialized agencies in particular, WFP, UNICEF and UNITAR to assist people of East Timor.

Prior to the final decision on the position that Canada would make at the United Nations General Assembly, the Secretary of State for External Affairs met with the Indonesian Ambassador in Ottawa. In the backgrounder provided the day before the meeting, it was noted

East Timor, formerly colony of Portugal, was incorporated as the 27th province of Indonesia in July, 1976 following a period of destabilization and virtual civil war. This occurred after the Portuguese withdrew their colonial administration in December, 1975 {censored} ... After abstaining on these resolutions, joining Indonesia and its partners in ASEAN, we did so because the resolutions had become increasingly divorced from reality.

It is interesting that the Indonesian government attempts a campaign prior to the vote to have the situation removed permanently from the General Assembly. In a letter from Ali Alatas, then Ambassador for Indonesia's Permanent Mission to the United Nations (New York)²⁷⁹ to Gerard Pelletier, Canada's Ambassador to its UN Permanent Mission (New York), Alatas notes that:

The draft resolution is being presented as one that is purported to be "milder" as compared to resolution 36/50 of last year. Upon closer scrutiny, however, it can be shown that this is not the case at all, as the present draft contains the same prejudicial premises and propositions that

²⁷⁹ Now Foreign Minister for Indonesia and key negotiator in the United Nations sponsored peace talks between Indonesia and Portugal

are totally unacceptable to Indonesia. Enclosed I am sending you our preliminary comments/observations on the draft in the hope that they may be helpful to you in obtaining a correct assessment of its real intent and implications.

The comments and observations provided by Indonesia are detailed in full in Appendix K. The end result was that the Resolution passed once again, however, with its smallest majority since the Resolution was first introduced; on this last vote, Canada voted "no"

It is apparent, even with so many of the relevant sections censored, that Canada stood on its own only in the first year in the vote at the Security Council, presumably because the vote was so sudden, and Canada voted with its conscience instead of voting alongside other countries, or in line with Indonesian propaganda. However, it is again apparent that in spite of the professed importance of human rights in its foreign policy, Canada chose to vote in favour of Indonesia, ignoring the vast loss of life in East Timor. Even in light of changes within the Canadian government and world events²⁸⁰ since the last General Assembly resolution passed in 1982, in 1993, the Canadian government still proclaimed that should a resolution on the "Question of East Timor" be raised at the 1993 seating of the General Assembly, Canada's position would not change²⁸¹. Even at the highest levels, in this case, the United Nations, before the world community, Canada shamelessly promotes its economic relationship at the cost of more than 250,000 lives lost

²⁸⁰ Perhaps the event with the strongest parallel to East Timor was the invasion of Kuwait by Iraq

²⁸¹ For further details, refer to Appendix O, a letter from the then Minister of External Affairs, Barbara McDougall, to David Kilgour, MP

At the General Assembly in the Fall of 1993, the Question of East Timor was not raised. However, in December, 1993, in Canada's statement on the creation of a permanent High Commissioner on Human Rights, Louise Frechette, Canada's Ambassador to its Permanent Mission to the UN (New York) did mention East Timor and the human rights abuses being perpetrated by the Indonesian military.

in East Timor

4.2.3.2 United Nations Commission on Human Rights

As noted earlier, East Timor has been on the agenda of the United Nations Human Rights Commission for many years. In the past, Canada has actively lobbied to either have a resolution removed, or failing that, to have the resolution watered down to such an extent that it is meaningless. However, in 1993, Canada did a complete turnaround at the UNCHR, when it chose to co-sponsor a Resolution along with 15 other countries. While it would seem that Canada is finally taking a stronger public stance on the human rights situation in East Timor, it was reported that prior to the vote on the Resolution, Canadian representatives were once again actively lobbying to "water down" the text of the Resolution. In a last minute decision, the Clinton administration in Washington sent word to Geneva that it would co-sponsor the Resolution. At this point, External Affairs sent word to its delegation that it would also co-sponsor the Resolution. So, while the end result was positive for the East Timorese, Canada's co-sponsorship of the Resolution was due not to its concerns about the gross violations in East Timor; but rather with "keeping up" with the United States.²⁸²

This was a strong resolution, and a surprising change in US and Canadian positions, a situation which angered the Indonesian delegation. But, as noted by the Amnesty International document in an earlier section, the atrocities continue to grow in East Timor, human rights are consistently and flagrantly violated; to date, it appears that

²⁸² The full text of the Resolution is provided in Appendix H, also included is the breakdown of voting by country

the Resolution, with the exception of some positive press in Western countries, has had little or no effect. To be effective, there must be some form of ongoing monitoring and enforcement by the countries which co-sponsor a resolution at the UNCHR. One method of monitoring might include coverage by the media, keeping the public informed of the events that either are or are not happening in accordance with the Resolution and then the public would apply pressure on their government to urge Indonesia to comply. It is interesting to note in retrospect that an official of the US CIA stated at the end of 1980 that "It [East Timor] would have been a viable entity if we and some other governments had made it clear to the Indonesians that there would be a price to pay if they went ahead and invaded."²⁸³ This could have happened if more people were informed, if the media had done their "job". However, concerning the issue of East Timor, the media has generally remained virtually silent from the day of invasion to present day.

4.3 Media Coverage

For this section, I did a search of the *Globe and Mail* of reporting on East Timor from 1975 to March, 1994. The idea for such a search comes from reading several of Noam Chomsky's books, and in particular, his research concerning coverage in *The New York Times* of East Timor. I was curious to see if the Canadian "Free Press" was similarly silent. Most people have not heard of the tragedy in East Timor because it is not reported in the news. To put the coverage into context, I also compared major articles on East Timor with coverage of major articles on Cambodia that appeared during

²⁸³ Christian Science Monitor, 17 December 1980 and quoted in Taylor's Indonesia's Forgotten War at 180

the same time period, for a balanced comparison. I chose the *Globe and Mail*, since, in my opinion, it is the newspaper in Canada that is on a scale similar to *The New York Times*. To begin with, some of Chomsky's research on this issue will be examined before looking at the Canadian situation. This is relevant due to the fact that *The Globe and Mail* at times, reprints articles from the *New York Times*; it is also relevant due to the similarities in observations of patterns (etc.) between *The New York Times* and the *Globe and Mail*.

Much can be learned from comparing Western reaction to these to instances of reported bloodbaths. As Chomsky and Herman note,

In the case of Cambodia reported atrocities have not only been eagerly seized upon by the Western media but also embellished by substantial fabrication -- which, interestingly, persist even long after they are exposed. The case of Timor is radically different. The media have shown no interest in examining the atrocities of the Indonesian invaders, though even in absolute numbers these are on the same scale as those reported by sources of comparable credibility concerning Cambodia, and relative to the population, are many times as great. Nevertheless, apart from Australia, and to a lesser degree, the Netherlands, the Western reaction has been almost total silence. In the United States, lack of concern has been coupled with some show of hostility to the bearers of unwelcome tidings. On the rare occasions when the press deals with Timor it generally presents as fact that latest handout of the Indonesian propaganda agencies ... or else reports the iniquity of the resistance, compliments of Indonesian generals.²⁸⁴

Below is Table 4.1, a chart comparing *Globe and Mail* coverage of major articles relating to East Timor and Cambodia over the same time period.

²⁸⁴ *Supra* Note 15 at 130

Table 4.1

**GLOBE AND MAIL COVERAGE OF EAST TIMOR AND CAMBODIA
NOVEMBER 1, 1977 - AUGUST 31, 1993²⁸⁵**

YEAR	MAJOR ARTICLES ON EAST TIMOR	MAJOR ARTICLES ON CAMBODIA
Nov.- Dec., 1977	1	0
1978	0	0
1979	3	6
1980	3	22
1981	2	65
1982	3	34
1983	5	47
1984	2	31
1985	2	74
1986	1	34
1987	1	28
1988	2	68
1989	8	90
1990	3	71
1991	12	53
1992	13	57
Jan.-Aug.31, 1993	1	71
TOTAL	61	751

It is interesting to observe the *Times* coverage of the events leading up to the Indonesian invasion. For example, a special field report from Dili gave a surprisingly

²⁸⁵ Statistics for this research were compiled with the assistance of InfoGlobe, a database provided through QuickLaw communication systems

accurate account of the situation, noting in particular that FRETILIN "is in *de facto* control of the territory".²⁸⁶ However, such accuracy was rare. Compare it with the regular *Times* correspondent, David Andelman, who noted on November 26, 1975, in a dispatch from Jakarta²⁸⁷ that Indonesia badly needed Western aid, and with Ford coming for a visit and congressional approval for new military grants still pending, "Indonesians, in the words of a senior military official, will be "on our best behaviour".²⁸⁸ He did not have anything to say about what their "best behaviour" had been in the preceding months but wrote instead that the Indonesians "point to their hands-off policy with respect to the civil war that is engulfing Portuguese Timor"²⁸⁹. Continuing, Andelman explained that U.S.-supplied Indonesian destroyers "cruise the waters around Timor to prevent infiltration of arms by sea to the left-wing rebels who seized control of the colony last August"²⁹⁰. Andelman continues: "American supplied Indonesian troops patrol the Indonesian side of the border on the island. Last week it was announced here that Indonesian forces would be supplying and training refugee opponents of the rebels in "self-defense" before they are returned to the eastern part of the island". This is six weeks after the fall of Balibo to an Indonesian military attack. Finally comes this insight: "The Indonesian

²⁸⁶ *New York Times*, "Strife-Torn Timor, Short of Food, Asks World Help," special to the *Times* (15 September 1975)

²⁸⁷ Andelman, "Jakarta Strives to Keep Foreign Aid, More U.S. Arms and Other Help Due," *Jakarta, New York Times* (26 November 1975)

²⁸⁸ *Supra* Note 15 at 150

²⁸⁹ Refer to Chapter Three for details on the brief civil war in Timor that was instigated by Indonesia.

²⁹⁰ At that point Atabae had been under naval bombardment for 12 days, and fell to Indonesian occupation two days later

forces reportedly at the direct orders of President Suharto, who has been urged by military men to intervene, have been showing remarkable restraint, for what is at stake [is military aid]." As Chomsky and Herman note, "this "remarkable restraint," as we have seen, existed only in the pages of the country's leading paper; and in the *Times* index, where the phrase identifies the article"²⁹¹.

In terms of *Globe and Mail* coverage, a small article appeared on November 26, 1975, entitled "East Timor Official Seeks Help (from International Community)" On November 29, *Globe and Mail* headlines reported that "Guerrilla Group Declares Independence for Timor"; the report was from Dili. It is interesting to note that articles datelined from Dili (prior to the invasion) were by far more reflective of the reality than articles that were datelined Jakarta. *Globe and Mail* articles originating from Jakarta continued to report conflicts in East Timor in late November and early December, thus seeming to justify a full-fledged invasion by Indonesia.²⁹²

In both *Times* and *Globe and Mail* coverage, the Indonesian version is always presented not as a claim but as fact, even when there is evidence proving to the contrary. For example, in the *Times*, it was noted "The pro-Indonesian forces have been engaged in a war with the left-wing Revolutionary Front for an Independent East Timor ." (December 2).²⁹³

The scope of coverage also gives some understanding of how the Free Press

²⁹¹ *Supra* Note 15 at 150

²⁹² For a full list of articles, authors, datelines, etc , from 1975 to present, please refer to Appendix A

²⁹³ As observed by Chomsky and Herman in *Supra* Note 15 at 151

functions. Chomsky and Herman note that

For the year 1975, when the Portuguese revolution and the fate of the Portuguese colonies was a matter of great concern in the West, the *New York Times* index has six full columns of citations to Timor. In 1976, when Indonesian troops were carrying out a major massacre, coverage dropped to less than half a column. For 1977, when the massacre advanced to a point that some feel amounts to genocide, there are five lines. These five lines, furthermore, refer to a story about refugees living in Portugal. Actual coverage of East Timor is a flat zero.

Of the six articles in the *Globe and Mail* in 1976, four were from Jakarta with headings such as "East Timor Merger Approved" (June 30, 1976) and "East Timor Becomes Province of Indonesia" (June 1, 1976). In 1977, the only article that appeared was comprised of five short lines and headlined "Australians Charge over 100,000 killings" (March 1, 1977). Instead of provoking massive outcries from outraged citizens, and generating further coverage, reporting in the *Globe and Mail* dropped to nil for the next two-and-a-half years (March, 1977 to September 1979). Ironically, 1978 was the year Glen Shortliffe, in his capacity as Canadian Ambassador to Indonesia, made his visit, on behalf of Canada, to East Timor. While journalists accompanied him, not a single word concerning the visit made it to the pages of the Canadian "Free Press".

Table 4 2, on the following page, presents an analysis of both the number and the types of articles covered by the *Globe and Mail* from 1975 to March 20, 1994.

Table 4.2
SEARCH OF GLOBE AND MAIL ARTICLES RELATING TO EAST TIMOR
DECEMBER 7, 1975 - March 20, 1994²⁹⁴

YEAR	TOTAL ARTICLES	MENTION E. TIMOR IN PASSING	ARTICLES ABOUT E. TIMOR	EDI- TORIAL	LETTERS TO ED RE EAST TIMOR
1975*	36				
Feb. '75:	1		1		
Aug-Sept:	22	1	21		
Oct-Dec.6:	6	1	5		
Dec.7-31:	7		7		
1976*	6		7		
1977*	1		1		
1978	0				
1979	3		3		
1980	5	1	3		1
1981	5	3	2		
1982	9	5	3		1
1983	10	5	5		
1984	18	6	2		10
1985	7	3	2		2
1986	4	3	1		
1987	13	3	1	1	8
1988	9	4	2		3
1989	19	2	8		9
1990	12	4	3		5
1991	28	12 (2 Dili)	12 (12 Dili)		4 (3 Dili)
1992	34	13	13	1	7
1993	11	7	3		1
Jan-Mar 1994	4	3			1

²⁹⁴ * Credit for research on *Globe and Mail* coverage for 1975-1977 goes to Professor Peter Eghn and his research assistant, Anna Toth.

The remaining years of research on *Globe* coverage was done by myself, through the aid of a computerized database, InfoGlobe Online, available from QuickLaw

For 1991, the "Dili" notation refers to the Dili Massacre, or the Santa Cruz Massacre as it is more commonly known.

4.4 Conclusion

This chapter has detailed the legal arguments showing that the Indonesian invasion of East Timor has been declared illegal from the very beginning. The clear-cut statements of international law as enunciated by the United Nations should be reflected in a country's foreign policy, however, in the countries outlined above, economic and strategic self-interest have taken precedence over human rights concerns in East Timor. Consequently, the world community has been involved in promoting double standards, and this is best summarized by Moynihan's memoirs of his days at the UN. These governments have been able to act with little accountability to their citizens due to the scarcity of accurate coverage by the media of the events in East Timor. World opinion has not been informed.

Due to the minimal outcry of injustice from Canadians, the government of Canada has been able to develop a profitable relationship with Indonesia. This has been facilitated by Canadian diplomatic activity and evidenced by Canadian aid programs in Indonesia and East Timor, and a very profitable trading relationship; all of which will be examined in some detail in the following chapters. These three areas demonstrate the basic tenet of this paper, namely that where economics and politics are involved in a favourable relationship, in this case Indonesia, Canada has little regard for human rights violations

CHAPTER FIVE

CANADIAN DIPLOMATIC ACTIVITY

5. CANADIAN DIPLOMATIC ACTIVITY

5.0 Official Visits Between Canadian and Indonesian Heads of Government and Canadian Ambassadors to Indonesia

The visits by Canadian diplomats are of particular interest for their contribution to and reflection of Canada's foreign policy. The visits are the truest extension of the politics that must be undertaken in order to remain "friendly" with Indonesia. The theoretical postulations provided by documents from Suharto's only visit to Canada, in July 1975²⁰ provide an interesting contrast to the actual situation existing in Canadian foreign policy in the 1990s. The visits by two of Canada's Ambassadors to Indonesia, Glen Shortliffe and Jack Whittleton, resulted in reports to the Canadian government that attempted to put the human rights violations in East Timor into a positive light. In doing so, the Canadian government was then able to minimize the impact of the abuses to Canadian interests and continue with its "business as usual" foreign policy. Essentially, if the Canadian government does not recognize the ongoing genocide in East Timor as gross human rights violations, then the Canadian government does not contradict its stated foreign policy objectives. This chapter will examine some of the politics that are involved in maintaining the profitable relationship between Canada and Indonesia.

5.1 Official State Visit -- President Suharto to Ottawa, July 2-5, 1975

Canada's official interest in Indonesia was shaped by then Prime Minister Pierre

²⁰ Suharto's visit occurred just five months before the wide-scale invasion of East Timor

Trudeau. Canada's aid program in Indonesia was introduced by the Trudeau government in 1970. Trudeau formally visited Indonesia in January, 1971 and 1983. President Suharto visited Canada in July, 1975. The visit of particular interest is that of Suharto's to Ottawa in 1975²⁹⁶. Suharto visited at a time when the Indonesian military was formulating its plan to divide the two main political parties in Timor, namely UDT and Fretilin, and cause a civil war to take place. There is no doubt that the Military was also planning and preparing for a full-scale invasion of East Timor, should the backing of a civil war fail to discourage Timor's quest for independence. Suharto was obviously aware of these war plans, yet he continued his summer tour of Canada, and other Western countries (including Britain and the United States), seeking aid, arms, and trade for Indonesia.

In a memorandum²⁹⁷ from the Prime Minister's Office to the Canadian embassy in Jakarta regarding issues to be covered in the visit with Suharto, there were four main items listed for discussion: (a) ASEAN; (b) Indonesia/Japanese/Australian/Canadian/-Pacific Regional Cooperation; (c) Prospects and Developments in Portuguese Timor, and (d) Cooperation in the Nuclear field. In early June, 1975, a memo identified the objectives for the Suharto visit, which included, among others:

²⁹⁶ Even though the Indonesian head of State has not come to Canada since Suharto has regularly sent his representatives to Canada, including in March 1992 when Foreign Minister Ali Alatas came to Ottawa to "reassure" Canada that Indonesia had taken care of the problems in East Timor (referring to the Dili Massacre of December, 1991)

²⁹⁷ The information for this section comes entirely from an Access to Information request which generated over 400 pieces of paper, describing in detail most aspects of the visit and conversations, memos, etc., that took place. However, the one issue of particular concern namely that relating to the then Portuguese island of Timor, is heavily censored

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

One notable aspect of this visit was, as referred to above, a \$200 million aid package which was signed July 3, 1975. "The concept of the package is to facilitate Indonesia's transformation from aid recipient to trading partner." The \$200 million was to be broken down as follows: \$25 million in loans at 0/10/50 financing from the Canadian International Development Agency (CIDA); \$100 million in Export Development Credits (EDC); and \$75 million from Canadian Chartered Banks. CIDA's funding was to be in addition to the \$40 million pledge at that time to the IGGI (Inter-Governmental Group on Indonesia which preceded the Consultative Group on Indonesia). The EDC's share was to be additional (depending on when projects that were approved in principle were finalized). With regards to the Chartered Banks, all Canadian commercial banks except Mercantile and Unity were involved in the \$75 million (External Affairs memorandum, dated July 23, 1975).

In the notes of one conversation between Prime Minister Trudeau and President Suharto (of which many pages were excluded), it is interesting to note that Trudeau spent a lot of the time on the issue of communism about which Trudeau was very concerned. Another issue discussed was nuclear assistance. Prior to this conversation, concern regarding the issue of nuclear assistance to Indonesia was raised in the House of

Commons. On this, Trudeau notes:

You observed the concern expressed a few moments ago in the House
We share our nuclear technology because of our belief in sharing.

Trudeau expressed his concern that lesser developed countries have "... a complete lack of regard for the due concern in Canada ... about the dangers of proliferation of nuclear explosions..." Suharto's response to this was censored by External Affairs. Then Suharto asks about Canada exporting nuclear reactors to Indonesia to which Trudeau replied: "... not just at this moment" as Canada was over extended in the nuclear field. However, Trudeau did not rule out a future cooperation in this area.

In the briefing document prepared for the Prime Minister, there was an entire section devoted to "Portuguese Timor". Little is given outside of the bare basic facts about the island such as geographical location and listing the political parties in Timor, the rest of which was censored according to section 15 (1) of the Access to Information Act²⁹⁸. However, in another document entitled "Memorandum for the Minister" (Confidential, July 4, 1975) it was noted that Indonesia's Foreign Minister Malik, during his talk with Canada's Minister for External Affairs, devoted considerable attention to "... the question of Portuguese Timor and Indonesian concerns about its future." One interesting statement was as follows:

Although we have not raised the subject officially with the Indonesians, we share {censored²⁹⁹} objections to a military takeover, and know that it has voiced its views to President Soeharto. It is possible that the subject came up in the President's talk with Prime Minister Trudeau, but since no representative of this Department was present, we do not know.

²⁹⁸ For the full Act, refer to Appendix G

²⁹⁹ Censored according to section 15 (1) of the Access to Information Act

The last section of the follow-up briefing, prior to censorship by External Affairs, dealt with "Negotiations with Portugal concerning Timor's future" which were listed as follows:

1. A referendum "sometime in the future" was first promised by Portugal {censored³⁰⁰}.
2. Negotiations to start June 15 in Macao:
 - a) between the parties and Portugal;
 - b) the issues to be decided:
 - (i) date of independence;
 - (ii) method of transferring power;
 - (iii) recipient of transferred power;
 - (iv) extent of continuing Portuguese economic administrative and military assistance.

The rest of the briefing on Portuguese Timor, totalling approximately three pages, has been censored³⁰¹.

It is interesting to note that the Canadian government apparently realized in July, 1975, that East Timor was well on its way to becoming an independent state. This is the only record that I could obtain that showed this position. One must wonder what negotiations went on behind the scenes in the year that followed, when Timor was illegally invaded and "integrated" into Indonesia. At that time, Canada's aid program was still fledgling, our trade was only just beginning and investments in Indonesia were still relatively minimal.³⁰² However, due to pressure applied by Indonesia (most likely with promises of increased economic involvement), and not wanting to be seen as differing from the United States, Canada soon changed its policy, supporting the *de facto*

³⁰⁰ Censored according to section 15 (1) of the Access to Information Act

³⁰¹ According to sections 13 (1)(a) and 15 (1) of the Access to Information Act

³⁰² This may explain why Canada originally supported the Security Council resolution in December, 1975

incorporation of East Timor, still a UN recognized state, into Indonesia. This position is further reflected in the actions of Canadian ambassadors to Indonesia.

5.2 Visits to East Timor by Canadian Ambassadors to Indonesia

5.2.1 Visit by Glen Shortliffe to East Timor, September 6-8, 1978

The visit of Mr. Shortliffe³⁰³, Canada's Ambassador to Indonesia from 1977 to 1979, was significant in that he was the first official representative of Canada to enter East Timor since the Indonesian invasion and illegal occupation of 1975. His report is illuminating in that it shows the extent to which the Canadian government relies on and accepts the "official" rhetoric of the Indonesian government, even though Mr. Shortliffe saw the selected atrocities with his own eyes, what he reported reflected the Indonesian line. What follows is a summary of Mr. Shortliffe's report³⁰⁴, together with a critique based on the actual facts.³⁰⁵

A telegram from External Affairs to Mr. Shortliffe in Jakarta stated that "We believe you should take opportunity in good company ... to see first hand what is happening in that territory and to take first steps towards ... ["] accepting reality of East Timor's incorporation into Indonesia["] " {censored³⁰⁶} "If you are asked about meaning of your visit, you should

³⁰³ It should be noted that as I read through External Affairs' files, which included among other things, a censored version of Shortliffe's report, I was also reading Telling East Timor -- Personal Testimonies 1942-1992 by Michele Turner. The personal accounts compared with what Shortliffe "saw" proved to be more than a contrast, it made me angry at the blinders that the Ambassadors entered East Timor wearing, and their willingness to accept the "line" of the Indonesian government concerning East Timor.

³⁰⁴ The full report by Glen Shortliffe is provided in Appendix R.

³⁰⁵ The information concerning Shortliffe's visit to Timor from September 6-8, 1978, along with several other Ambassadors, came as a result of an Access to Information request filed by Patrick Hughes of which a copy was sent to me. Unfortunately, much of the information was censored.

³⁰⁶ Censored according to section 21 (1)(b) of the Access to Information Act.

say that you are taking advantage of an opportunity to see first hand what is happening in East Timor. You could add that Canada accepts that East Timor has *de facto* been integrated into Indonesia and that it is highly unlikely in our view that this fact will change." {censored³⁰⁷} ... "Canada has not ... yet decided what position it will adopt at the UN, but that visit will contribute to ongoing assessment of that position."

Shortliffe reassures External Affairs at Point 11 that:

"As to what we saw ourselves, I can attest that at no time did we see any evidence of a massive military presence or of military operations. ... There were no signs in downtown Dili of the alleged heavy fighting that took place in 1975-76 and it is clear that stories about naval bombardments, heavy artillery, etc., are patently false." ...³⁰⁸

It is impressive that Shortliffe is able to ascertain these facts after a short "controlled" walk through Dili, with the other Ambassadors and their Indonesian hosts. Even a novice would realize that the Indonesian government would not take these Ambassadors and journalists to the sections of Dili that had been destroyed, to see the abject poverty left in the wake of the Indonesian invasion and occupation; if a particular area was unavoidable, one would assume that in the days prior to the formal invitation of the Ambassadors, all signs of the brutal warfare would have been cleaned up.³⁰⁹

The next section of Shortliffe's report dealt with "The Economy and Development". Shortliffe notes that Portugal, throughout its "500" years of colonial occupation did not "... invest much in economic viability or the betterment of the people."

³⁰⁷ Censored according to provisions in Section 15(1) of the Access to Information Act.

³⁰⁸ With regard to the security situation in Timor, a member of the Canadian public will never know what Shortliffe wrote for almost three pages, because it was all censored out, due to the fact that such information would be "injurious to the conduct of international affairs" according to s. 15 (1) of the Access to Information Act. For full section, refer to Appendix G.

³⁰⁹ The remaining points, 13 and 14, were censored

Shortliffe ignored the fact that the Timorese have survived for thousands of years without foreign intervention, to note that:

East Timor is not viable as an economic entity and had it become an independent country, both politically and economically it would have to have been sustained by some outside power

This shows Shortliffe's colonial, Eurocentricism at its worst. Shortliffe observes, accurately, that "East Timor is not self-sufficient in food." However, he does not note that this is a result of the invasion, which led to mass destruction of crops and animals, and the ongoing illegal occupation. What agriculture remained was used first to support the Indonesian military, and then secondly, used for bribes for the Timorese

From the few select individuals³¹⁰ Shortliffe was able to "view" while in Timor, he concluded that "... it is impossible to consider that the bulk of the population is even capable of being politicized in any sophisticated sense." Next, Shortliffe notes that Indonesia sees education (along with TV and radio) as the most important vehicle for "rapid acquisition of Bahasa Indonesian by the next generation of young people." Such support only lends further credence to the legitimacy of the Indonesian rule.

Shortliffe observes that "[r]oads are also very scarce and many, if not a majority of Timorese, live in rugged mountain areas connected only by footpaths along ridges." Of course, the majority of the Timorese are not in the mountains by choice, but by necessity in order to escape the Indonesian military³¹¹

³¹⁰ And one cannot even assume that they were Timorese, for in many cases, the Indonesian military disguised themselves as Timorese for the benefit of showing a "rosy" picture to "foreigners"

³¹¹ Indonesia views the construction of roads into the mountains a priority for moving heavy artillery and its troops closer to the Timorese

At point 20, Shortliffe once again exposes his Eurocentrism and support for the Indonesian presence in East Timor by noting that "[t]he economic condition and development of East Timor at the time of the Portuguese withdrawal was at rock bottom. A primitive, ignored population existed in what I can only describe as stark poverty."

In spite of his limited tour, Shortliffe felt able to observe that

... there is no doubt but that East Timor will remain a part of Indonesia, it is equally true that at this stage the Timorese are not Indonesian. What is giving them the incentive to become Indonesian is the very limited economic development capacities of the Indonesian Central Government. The more this process is accelerated, the quicker the benefits to what is now a poverty-stricken population, and the better the chances for political and social stability. ... From the Canadian point of view, I think that some of this thinking has merit in and of itself, but more important, the people of this tragic area should have an opportunity for some improvement. ...

Indonesia has therefore successfully created a situation where the Timorese must rely on Indonesia for their very survival; and what makes it even worse is that Western governments, such as Canada, supported Indonesia in its quest to "Indonesianize" East Timor, in effect condoning ethnocide.

The next section of Shortliffe's report concerns "Displaced Persons" who are held in "receiving centres".³¹² In Telling, one Timorese refers to these "receiving centres" as concentration camps.³¹³ At the time of Shortliffe's visit, there were 14 "receiving centres" located throughout the island.

³¹² The one "receiving" centre that Shortliffe visited was Remexio, which was described above in the Human Rights Abuses section of Chapter 3

³¹³ "Justino" as interviewed by Michele Turner in Telling at 178.

People were brought to a camp a long way from their own place. They missed their land and their belongings, their ancestors and *lulik* things. The camps were for the Indonesian military to control people and keep them away from Resistance fighters. They weren't like refugee camps where people get help to build their hope.

The Indonesians assert that at least 200 a day come down from the mountains throughout the island, although this figure may be somewhat on the low side. The Indonesians said that at present, during our visit, 20,000 displaced persons were being processed in receiving centres and that another 10-20,000 were left in the hills.

Shortliffe's numbers are apparently obtained from the Indonesian government. Contrast them with "Justino's" observations, where he notes that in 1979, in Baucau alone there were more than 50 camps.³¹⁴ Contrary to the Indonesian government's claims, three months after Shortliffe's visit, on December 29/78, the *Far Eastern Economic Review* estimated that there were 165,839 refugees in East Timor's resettlement camps.³¹⁵

Even more interesting is Shortliffe's reference to an "unknown" number who have died in the last three years, but giving External Affairs the possibility that very few, to almost no Timorese, had died in the brutal war.

It is very difficult to get any accurate figures on the number of people who may still appear as displaced persons. ... the Portuguese estimate of population in 1975 was 600,000 people for the territory as a whole. Dading maintains that today 460,000 people are under Indonesian control, 50,000 have left the territory in the last three years, an "unknown" number have died, and the rest are still in the remote mountains. Thus, the number could range between 20-90,000 people still out of contact with government authorities.

By Shortliffe suggesting that as many as 90,000 people are "displaced", he states that there is the possibility that there may have been no casualties of the war. This "unknown" number of deaths should be compared with statements such as: on November 19, 1976, Indonesian relief workers visit East Timor and report that 100,000 people have

³¹⁴ "Justino" in *Telling* at 178

³¹⁵ *Supra* Note 205 at 19

been killed since the invasion³¹⁶. One month after Shortliffe's visit, the Indonesian administration's "Assistant for Defence and Security" in East Timor estimates the country's population to be 329,271³¹⁷. Therefore, taking Shortliffe's figure of 50,000 as leaving the territory, that would still mean that 80,729 Timorese had been killed in less than three years. Shortliffe does not even hint at this tragedy.

The Ambassadors visited a "receiving centre" in Remexio. The following are Shortliffe's observations:

The day before our arrival about 200 people had come down from the nearby mountains. They were in an appalling condition. Little children had the distended bellies of those in advanced state of starvation, their clothing was in rags; men, women and children were covered with running sores, in the grip of advanced respiratory illnesses, the hair of many had turned orange, and obviously some would not survive even with the assistance they were receiving. ... I can confirm that the condition of these people was as bad as purported in more widely publicized refugee situations such as Bangladesh, Vietnam, etc.

Shortliffe's report is interesting to read but leaves a reader wondering how he could have seen the result of this brutal war and illegal occupation, but yet unquestioningly accept what he saw in the streets and concentration camps. What he saw was obviously the result of a prolonged war and to his credit, Shortliffe makes a passing comparison to Vietnam; but, even if Shortliffe (and the Canadian government) believed the official Indonesian line, that the war was contained to 1975-76, and that the Indonesian government is now in complete control, why would there be a need for "resettlement" camps two years later. One would wonder why the Timorese would prefer to hide in the

³¹⁶ Ibid. at 10

³¹⁷ Timor Information Service, Melbourne, No. 28, Feb., 1987 as reported in Taylor. Ibid. at 18

mountains, with many dying, instead of choosing to come to a friendly "receiving centre"

It was impossible for me to characterize these people in any sense as "Fretilin supporters". They were people at the most primitive of levels, illiterate, unable to count, subsistence farmers. At one stage there had obviously been heavy fighting in Remexio and it is quite conceivable to me that the people we saw would have fled in terror from a modern firefight and would have stayed in their fear in the mountains until cajoled out by word of mouth in recent weeks or months.

Once again showing his Eurocentrism, it is curious that Shortliffe doesn't take his speculations further and wonder why tens of thousands would hide in fear for years, preferring to starve, when they had knowledge of these "receiving centres". Given the refusal to voluntarily submit on their own, one must wonder about the true nature and sense of the "cajoling" the Indonesians engaged in to have the Timorese to leave the mountains. With regard to the Timorese being "Fretilin supporters", Shortliffe seems to be of the opinion that one cannot support any political party without a university degree. The Timorese were acutely aware of what integration with Indonesia meant, and they are still willing to fight with all they had to resist it. While they may not have been members of the military wing, Falintil, they still resisted with their entire beings.

"Governmental authorities explained to us that the first priority at the moment is the care of refugees." If this was the case, then the Indonesian government was at cross-purposes with itself in creating more refugees by engaging in increasing brutality, and stepping up the number of troops in Timor. If the "first priority" was to take care of the many refugees, and there are many documented cases that there were many "refugees", there should have been more than one doctor in Remexio.

The report of Shortliffe, who was recently³¹⁸ Canada's top bureaucrat (head of the Privy Council)³¹⁹, is more than disturbing. It is horrifying that while a genocide was going on around him, Shortliffe was encouraging the Canadian government to continue to strengthen its relationship with the brutal Suharto regime. Perhaps this report is the most clear example of the blind unwillingness of the Canadian government to implement a policy of linking human rights to its foreign policy with Indonesia. Consider for example that at that same time, Canada cut off all its ties with Cuba, expressing concerns about human rights abuses in Cuba. Meanwhile, Canada increased its aid, trade, loans, and other economic relationships with Indonesia. Within the first five years of Indonesian occupation of East Timor, approximately 200,000 people died, whether through fighting, bombing, napalm, or forced starvation, making it, according to the United States Centre for Defence Information, on a per capita basis, the worst genocide since World War II. This genocide was facilitated by the Canadian government, which chose to support the Indonesian government instead of taking a strong stance and condemning the genocide of the East Timorese.

5.2.2 Visit by Jack Whittleton to East Timor, April 12-15, 1987

The visit by Mr. Jack Whittleton, Canadian Ambassador to Indonesia, in April of 1987, is particularly disturbing in that he was accompanying Indonesia's Foreign Minister,

³¹⁸ Until March, 1994

³¹⁹ Shortliffe was Canada's Ambassador to Indonesia from 1977 to 1979. From 1979 to 1982, Shortliffe was Vice President of the Canadian International Development Agency, and from there he moved on to Assistant Deputy Minister of External Affairs from 1982 to 1986.

Mochtar Kusumaatmadja. Mochtar was *Golkar's*³²⁰ main candidate in East Timor. In order to understand the reasons why the trip was not diplomatically proper, one must understand first the nature of the 1987 election in East Timor.

It should be noted that the 1987 elections produced a result similar to the 1976 elections, where East Timor "voted" for incorporation with Indonesia. The 1976 elections had 309,734 votes cast by the Timorese, 3,227 more than the number of people registered to vote. Once again, in 1987, more than 100 per cent of the registered population cast their vote, with some regions producing incredible results. For example, Aileu recorded 327.6 per cent voting. In Jakarta, the results from East Timor were the first to be published once again. *Golkar* was stage-managed to achieve 93.7 per cent of the vote which allowed Governor Carrascalao to conclude that, since the opposition had achieved some of the vote, "the international world can see that there was freedom for the East Timorese people to cast their votes"³²¹. The main contribution of Foreign Minister

³²⁰ In the first election after the invasion shows the extent of democratic rights allowed in Timor by the Indonesian government. Indigenous parties were banned and only three parties, all Indonesian, were allowed to run candidates. These were the government party, *Golkar* (the Moslem party), *Partai Persatuan Pembangunan*, and a Nationalist-Christian coalition party, *Partai Demokrasi Indonesia*. The latter two had been created by military-induced amalgamations of pre-existing parties. None of these parties had any roots inside East Timor itself, and the only party allowed to campaign in the pre-election period was *Golkar*. The presence of the other parties on election day was nothing more than a formality. Even the then governor, former UDT leader Lopez da Cruz, was moved to comment that "The only contest between the contestants was over who could decorate the polling booths most attractively." (From Taylor's *Indonesia's Forgotten War* at 132-133.)

In 1976, no less than 99.5 per cent of the population voted for *Golkar*. Finally, despite its distance from Jakarta and despite the difficulties of collecting ballot boxes in an inaccessible mountainous territory, East Timor was the first to declare its vote, well in advance of all other areas.

During the General Elections [wrote an eye-witness] one of my fellow seminarians and myself were taken away during the night by secret agents. We were interrogated and threatened because we hadn't voted. On the day before the election I had seen Indonesian soldiers giving orders to Timorese people forcing them to vote for *Golkar*. (From Taylor *Supra* Note 121 at 133.)

³²¹ *Supra* Note 121 at 133.

Mochtar as *Golkar's* chief candidate for East Timor was a road-show of rock groups, marching bands, Timorese horsemen, and Balinese dancers from a transmigration site. "A high turnout, Mochtar concluded, would show 'that East Timor is part of the big family of the Republic of Indonesia' "³²²

Also important is that fact that indigenous parties in East Timor were banned and ballots were placed in identifiable separate boxes that prejudiced the secrecy of the vote. The election results in East Timor were predictable. No one was surprised when Foreign Minister Mochtar won the constituency with more than ninety-nine per cent of the vote. What puzzled independent observers, however, was the number of ballots cast in various parts of East Timor, *Golkar* somehow managed to obtain a greater number of votes than the eligible voters registered.

Government officials attempted to explain this anomaly by suggesting that sometimes sailors insisted on leaving their ships to vote for the ruling party. This therefore swelled the local vote to more than one hundred per cent. The explanation implied that almost one in five of the territory's voting population were unexpected visitors. Sailor enthusiasm, however, failed to explain the over one hundred per cent turnout for *Golkar* in certain interior areas with no seaports.³²³

With regard to these elections, the Parliamentary Human Rights Group state that "having illegally invaded and annexed East Timor, Indonesia cannot subsequently validate its

³²² *Ibid.* at 133

³²³ Adam Zachary, "Canada (Censored) East Timor: Why Was Our Envoy on the Campaign Trail?" in 21 *The Magazine* No. 6, November 1987 and reproduced in the reply to Access to Information request that was filed

illegal acquisition by conducting elections. In this sense, whether the elections are free or not is entirely irrelevant."³²⁴

Of the eight ambassadors in Jakarta invited to join Mochtar's party, only three went, those representing Canada, Nigeria and East Germany. Mr. Whittleton refers to the latter two in communiques with External Affairs in Ottawa as "like minded countries"³²⁵. Most refused as they felt it would be diplomatically embarrassing to be seen supporting the minister as a Golkar candidate in a political campaign³²⁶. But it was, once again, a political plus for Canada to be seen participating in this visit. Mr. Whittleton even admitted later that, after international criticism of the visit, "I did feel like I was being used. I only agreed to join this trip if my name and position was not mentioned, because it's standard diplomatic procedure that ambassadors do not get involved in domestic politics"³²⁷.

Through an Access To Information request concerning the visit of Mr. Whittleton to East Timor³²⁸, a few other details concerning the visit came to light. In a message from External Affairs, just prior to the visit by the Canadian Ambassador, External Affairs directed Mr. Whittleton as follows.

Insofar as Canadian accompaniment is seen as reflecting support for vote as referendum on E. Timor status as part of Indonesia, we believe any

³²⁴ Lapol Bulletin, 1987

³²⁵ Message from External Affairs to Canadian Ambassador Jack Whittleton in Jakarta in April 1987

³²⁶ Far Eastern Economic Review, April 23, 1987

³²⁷ Sydney Morning Herald, April 17, 1987, as reported in Lapol Bulletin, 1987

³²⁸ Which was heavily censored, due to fears that the release of such information to a student would be injurious to international affairs

criticism can be managed. While we would not ... want this support to be surmised by our visit, it is [Canadian] position that we accept incorporation of E.Timor as 27th province as de facto and irreversible. We do not ... condone manner of incorporation in 1975 as it was not ... de jure; however, we do not ... support reopening issue of self-determination.³²⁹

On the final day, the diplomats learned that even though they had been invited by the Foreign Ministry and had been told that the program was in the hands of the Governor of East Timor, the program had been arranged in its entirety by *Golkar*, which covered all the expenses in East Timor. There were attempts during the visit to have Mr. Whittleton sit on stage with Mochtar, Mr. Whittleton refused, "but they were not happy moments"³³⁰.

Prior to the departure from Jakarta of Mr. Whittleton, External Affairs made it clear to the Canadian ambassador that he should "request one or two events of your own choosing, separate from official party and outside Dili"³³¹. However, in the end, Mr. Whittleton reports that "[m]y program mirrored that of [Foreign Minister] for his campaign tour. No ... arrangements were made for separate calls by diplomats accompanying him."³³² Mr. Whittleton notes that in Dili, "Mochtar's appeal was related to popularity of Governor (of East Timor) saying that if people liked [the] Governor and

³²⁹ It is interesting to note that the last sentence of this quote is scratched out by External Affairs in its message

³³⁰ Summary of visit written by Mr. Jack Whittleton and sent to External Affairs. Obtained through an Access to Information request

³³¹ In a confidential memo from External Affairs to Jack Whittleton, dated April 7, 1987, obtained through an Access to Information request

³³² In a confidential memo to External Affairs from Jack Whittleton, Canadian Ambassador to Indonesia, dated April 27, 1987

wanted him retained, they should vote Golkar "³³³

The only reference to East Timor itself comes in the final paragraphs of Mr Whittleton's report, where he notes that

Certainly from what I saw, E[ast] Timor is [the] poorest area of Indonesia that I have visited. Despite moving per capita income to USA [dollars] 160 from USA [dollars] 40 since 1976, this is less than one third of [the national] average. Although we arrived in Dili at [the] end of [the] rainy season, [the] ground looked parched and river beds on north coast were dry or nearly dry. Terrain that I saw was mountainous, rocky and soil was poor. There is little evidence of [agriculture] along [the] north coast between Dili and Baucau and prospects seem non-existent. I understand other parts of [the] province are more fertile. There is no industry to speak of but people seem to hold out prospect for development of tourist industry. It was difficult to see what attraction would be, given competition from areas like Bali and Jogjakarta

Although there were number of military camps, we saw little evidence of substantial military presence. Most unpleasant aspect of visit for me was that on two of three walking expeditions I took in Dili I was followed by 4-5 person teams of young men. When I complained about this I was told that they were overzealous Golkar officials.³³⁴

Perhaps this "blind-eye" approach to the massive human rights violations informs a declaration made in February, 1987, by the (then) Minister for External Affairs, Joe Clark, in the House of Commons, in response to a question from Pauline Jewett concerning Canadian military exports to Indonesia, and the human rights violations in East Timor. Mr. Clark replied:

Mr. Speaker, I know the Hon Member takes these matters seriously and would not want to engage in representations that would be misleading

³³³ Ibid., dated April 27, 1987

³³⁴ The rest of this and the following paragraphs are censored due to External Affairs' opinion once again that to release it would be injurious to the conduct of international affairs (section 15(1) of the Access to Information Act)

She made reference to the export of military equipment. The military equipment in question is not arms. She made reference to the question of massive violations of human rights and asked if I was satisfied that those were not occurring. I am satisfied that there are not massive violations of human rights.

There was very legitimate room for concern for a period of time with regard to this situation in East Timor. It is our information that cause for concern has diminished considerably in recent years. I would welcome the Member to acquaint herself with the current facts in East Timor.³³⁴

To which Ms. Jewett replied, "I have".

By participating in the Spring, 1987 election, Canada did two things: it sent a signal to the international community that it would once again support the illegal Indonesian invasion when the matter came to a vote in the United Nations; it also lent credibility to a pseudo-democratic electoral exercise that received sceptical appraisal in the international media. Unfortunately, a more thorough analysis of Mr. Whittleton's visit to East Timor is not possible due to the refusal of External Affairs to release complete information.

5.3 Conclusion

This chapter has been an example of the politics that Canada has been engaged in pursuing the friendly and profitable relationship that it currently enjoys with Indonesia, almost ignoring the human rights violations that are ongoing in East Timor. This chapter has shown two Canadian diplomats presented with the horror of the Indonesian occupation of East Timor and not recognizing the actions as genocidal. If these representatives of the Canadian government (and its foreign policy) had reported unbiasedly, it is unlikely

³³⁴ House of Commons Debates, February 17, 1987.

that the favourable economic and political relationship that was experienced then would have grown to the extent as it exists in 1994. One area that this is clearly demonstrated is in Canada's aid program with Indonesia

CHAPTER SIX

CANADIAN AID TO INDONESIA

**(WITH AN EMPHASIS ON
EAST TIMOR)**

6. CANADIAN AID TO INDONESIA (With An Emphasis on East Timor)

Although it represents the second largest recipient of Canadian bilateral aid, Indonesia is quick to remind the Canadian government that the aid that it receives from Canada represents 2% or less of Indonesia's total aid. Nevertheless, Canada ranks 7th among all aid donors to Indonesia³⁶; and has continually remained among Indonesia's top ten aid donors since the 1975 invasion of East Timor³⁷. Canada's aid program has in fact grown 10 times larger since 1975. For a comprehensive breakdown of statistics relating to Canada's aid program with Indonesia since 1975, please refer to Appendix C. Clearly, cooperation among other donor countries would exert greater influence on Indonesia's policies regarding human rights, if this was of concern to the Canadian government.

In the case of East Timor, Canada has little or no concern for the human rights violations so long as there is an economically and politically profitable relationship to be had with Indonesia. Canada's disregard of the human rights violations in East Timor in favour of an economically and politically profitable relationship with Indonesia has been demonstrated by Canada's position at the United Nations General Assembly, by the reports that Canada's ambassadors have filed concerning their visits to East Timor, and perhaps most obviously, by the favourable trade relationship Canada has with Indonesia. Canada's aid projects in Indonesia and East Timor fall somewhere in between all of this. More recently, the visits by Canada's ambassadors to East Timor have been useful for formulating aid policies which to some extent appease the Canadian government's

³⁶ Canadian International Development Agency, CIDA Programs in Asia -- Indonesia (June 1992) at 3

³⁷ Refer to CIDA Annual Reports from 1975/76 to present

collective conscience, notably that it is doing something concrete that is helping the people of East Timor; recognizing that the people in East Timor need assistance but not as a result of the brutal Indonesian invasion. The Canadian government, however, has been reticent to act on its own; with objections ranging from "Canada cannot be the world's boyscout" to the line that Canada is not a big player in the international community.

One should not discount, however, the effect that Canada, acting alone, could have on Indonesia. On December 8, 1991, Canada suspended \$30 million in new aid projects to Indonesia; and in July 1992, at the annual CGI (Consultative Group on Indonesia) Canada refrained from committing any money to multilateral organizations, due to concern with human rights abuses in East Timor. Indonesia reacted to these positions. In February, 1992, Ali Alatas, Minister of Foreign Affairs and in May, 1992, Radius Prawiro, Coordinating Minister for Economic Affairs came to Ottawa to express their concerns directly to Brian Mulroney (then Canadian Prime Minister) and the Minister for External Affairs, Barbara McDougall. The intention of their visits was to have the aid suspension lifted. However, due to pressure from opposition MPs³³⁸ and outrage expressed by the Canadian public, Canada chose to reaffirm its continued concern over East Timor and undertook to keep the suspension of new aid under review. Nevertheless, optimism over a change in Canadian policy must remain guarded, since McDougall also noted while Alatas was here that Canada would move towards normalization soon³³⁹, once

³³⁸ Who are members of an international organization called Parliamentarians for East Timor (PET)

³³⁹ At a press conference, hosted by External Affairs between Barbara McDougall and Ali Alatas

the issue became less public³⁴⁰

Canada must promote respect for human rights for the sake of human rights, not for some greater benefit to Canada. While the foundation for human rights may be essentially ethical and moral, human rights are also political and economic in nature. Canada has a valid interest in the Indonesian economy given the aid projects that are in place; as such, Canada has every reason to be concerned with respect for human rights in Indonesia. It is interesting to note that in addition to Canadian aid projects in Indonesia, Canada also has a separate aid program for projects in East Timor.

6.1 Canadian Aid Programs in East Timor³⁴¹

On April 30, 1993, the Canadian International Development Agency (CIDA) released its first comprehensive report on Canada's aid programs in East Timor. The document, classified as internal, contradicts past statements by CIDA officials that no Canadian money goes back to the Indonesian administration of East Timor, and includes a whitewash of Indonesia's military-dominated regime and its record in East Timor.

It goes to great lengths to praise the Indonesian regime with passages such as "Since 1965 the country has progressed under the steadfast leadership of President

³⁴⁰ Conversation with desk officer at the Indonesian desk at External Affairs (due to confidentiality, this person and date of conversation must remain anonymous)

Alatas' visit was made more public by media coverage of External Affairs' press conference at which it was originally intended to announce that the \$30 million that had been suspended in December, 1991, would be reinstated, but was changed when questions came from *The New Yorker* journalist Allan Nairn. Allan Nairn was one of the Western journalists who witnessed the Santa Cruz Massacre on November 12, 1991, and was almost killed himself but escaped with "only" a fractured skull.

³⁴¹ Credit must be given to the East Timor Alert Network/Canada for their assistance in criticizing the report by CIDA "CIDA in East Timor". I extend a special thanks to David Webster of ETAN/Toronto for his strong analysis of the report.

Suharto" and "[t]he government has earned respect internationally for its prudent economic policies which stress growth in the private sector and sustainable development."¹⁴² Meanwhile, the invasion and illegal occupation of East Timor is described as "Indonesia fill[ing] the vacuum created by the departure of the European administration"¹⁴³.

Most Canadian aid to East Timor is funnelled through the Canada Fund, which is exempted from sanctions on bilateral aid to Indonesia. In 1992-93, the Canada Fund spent \$500,000 to fund 26 small projects in East Timor, and is projected to be approximately \$1,000,000 for 1993-94¹⁴⁴. Future projects, the report says, will "continue to focus on development at the community level"¹⁴⁵ which is a noble sounding goal, but one which has the net effect of strengthening Indonesian control over a territory they occupy in violation of international law. The Timorese resistance movement, CNRM, has called for a suspension of all aid until the self-determination question is settled in East Timor by referendum.

The rest of the money goes to ETADEP (the East Timor Agricultural Development Project), which is an Indonesian NGO. Although formally established in September, 1987, ETADEP had existed for many years previously as a subunit of the Catholic Relief Services (CRS). In February, 1988 the CRS discontinued its activities in East Timor and

¹⁴² Canadian International Development Agency, CIDA In East Timor at 2.

¹⁴³ Ibid at 3

¹⁴⁴ Ibid at 6

¹⁴⁵ Ibid at 9

ETADEP acquired CRS' assets and assumed responsibility to complete CRS projects which were in progress.

The mandate of the Catholic Relief Services in the early 1980s was to rebuild a viable agro-ecosystem in those parts of East Timor which had suffered during the conflict. However, ETADEP's mandate included broader objectives, namely

to improve the effectiveness of community organizations so that they could become a functional and participatory mechanism for group action, and to raise awareness regarding the interrelated nature of environmental problems and the need for an interdisciplinary approach to resource planning and management for the benefit of local people.¹⁴⁶

Since 1989/90, ETADEP has administered a Canada Fund "Block Grant" under which ETADEP assumes responsibility for managing its own projects and for overseeing more modest initiatives of other NGOs.¹⁴⁷ In both fiscal year 1991/92 and 1992/93, ETADEP received Block Grants of \$115,000. For 1993/94, ETADEP has requested that its Block Grant be reduced to approximately \$57,500¹⁴⁸. "Increases in contributions from other donors and the limited number of viable projects available to pursue has prompted this reduction."¹⁴⁹ Finally, ETADEP is based in Dili, East Timor, and receives funding from other sources including the United States, New Zealand, Australia and Germany. However, based on initial research¹⁵⁰, Canada appears to be the largest single aid donor

¹⁴⁶ *Ibid.* at Appendix B1

¹⁴⁷ *Ibid.* at Appendix B1

¹⁴⁸ *Ibid.* at Appendix B1

¹⁴⁹ *Ibid.* at Appendix B1

¹⁵⁰ This information cannot be confirmed without contacting directly the various government's aid agencies, which would be beyond the scope of this thesis

in East Timor

Due to the limited information available concerning Canada's projects in East Timor³⁴¹, it is difficult to mount any significant criticism of the projects. However, there are two causes for concern in the administration of the Canadian aid projects. Florentine Sarmento, who oversees the Canadian aid projects in East Timor through ETADep, was one of the Timorese that the Indonesian government sent to the Vienna Conference on Human Rights to head the Indonesian delegation. Reports from exiled Timorese present in Vienna³⁴² noted that there was no difference between Mr Sarmento and other Indonesian representatives. The Indonesian delegation continually harassed the representatives of East Timor, going so far as to attempt to block their participation at the conference. They were successful in preventing the Timorese delegation from speaking three days in a row, with the effect that by the time that the Timorese did get to make their presentation, José Ramos-Horta, the head of the Timorese delegation, had already been forced to depart due to commitments elsewhere, thus weakening the Timorese presence. The Timorese were also harassed by the Indonesian "Secret Service", who took pictures, etc., of the Timorese representatives³⁴³. It is disconcerting that the person in

³⁴¹ I have filed an Access to Information Request through CIDA for a comprehensive list of all projects and their mandates, as well as the checks and balances applied by the Canadian embassy in Indonesia to ensure that these projects are not being used for the wrong purposes. I have received copies of all the contracts, etc., in fact what appears to be everything that CIDA has in its offices in Hull. However, CIDA is the first to admit that most of the information either doesn't exist or remains in the Canadian embassy in Jakarta.

³⁴² Including José Ramos-Horta, Constancio Pinto and José Amorim Dias, who are all representatives of CNRM.

³⁴³ This report of Indonesian activities while at the Vienna World Human Rights Conference comes from a personal conversation between myself and José Amorim Dias, one of the CNRM's representatives at the Conference.

charge of administering Canada's portion of ETADep. Mr. Florentine Sarmiento is not only aligned with the Indonesian government, but actively promoting disrespect for the rights of the Timorese in the international community. Either Canada is placing blind trust in these administrators, or is turning a blind eye to the obvious conflict of interest. Secondly, it is astounding to think that in a project as large as the CIDA funds in Timor there is not one single Canadian present to ensure that the concerns of Canadians are being met and that the funds go to the projects for which they are designated. A Canadian presence in East Timor would remind the Timorese that these projects can be "credited" to Canada. Another reason to have a Canadian co-administrator would be to ensure that projects are not legitimizing the Indonesia regime's presence in East Timor.

6.2 Consultative Group on Indonesia

The Consultative Group on Indonesia (CGI) is the offspring of the Intergovernmental Group on Indonesia (IGGI) which was "a series of meetings between Indonesia and its donor countries and organizations" and an "international country-aimed coordination mechanism" through which economic assistance to Indonesia was channelled¹⁴⁴. From its 1967 inception, the IGGI was chaired by the Netherlands. The CGI is simply the IGGI in another guise. The only difference is that it is now chaired by the World Bank (and thus less likely to be "political" from Jakarta's perspective) instead of the Netherlands. As before, the CGI is a consortium of donors to Indonesia (countries and multilateral lending institutions) through which aid to Jakarta is

¹⁴⁴ Posthumus (1971) at 7

coordinated ³⁵⁵ Indonesia broke up the IGGI, which was held annually in the Netherlands, when the Netherlands cut all aid to Indonesia after the Santa Cruz Massacre on November 12, 1991

In 1992, the first year of the CGI, Canada actually took a stance and attended only as an observer, primarily due to the strong stance it took in late 1991 in suspending three new aid projects to Indonesia after the Santa Cruz Massacre. However, this stance changed in June, 1993. At the second meeting of the CGI, Canada read an opening statement, which reconfirmed that there would not be any new aid projects in Indonesia. Canada noted that in recent years it has placed increasing emphasis on country performance relating to good governance and human rights. This is due to Canada's belief that there exists a direct relationship between good governance which includes human rights and sustainable development. However, certain aspects of the statement give reason for concern. Canada stated that it was "encouraged" by certain steps that Indonesia had taken in the past year, including the establishment of a national human rights commission, the hosting of a UN sponsored regional workshop on human rights; the recent visits to Indonesia of representatives from organizations such as Asia Watch and Amnesty International, and increasingly lively debate around human rights and governance issues within Indonesia³⁵⁶. It should be noted that Asia Watch and Amnesty International are still refused permission by the Indonesian government to visit East

³⁵⁵ Thanks must go to Matthew Jardine for this background regarding the CGI. Matthew Jardine, who just completed his Master's thesis at the UCI A on "Self-Determination in East Timor", was recently in East Timor himself and is completing a book on the US involvement in the tragedy in East Timor.

³⁵⁶ Canada's statement to the CGI, June 29 and 30, 1993 at 3. For full statement, please refer to Appendix P.

Timor. If the Indonesian government is committed to human rights, then internationally respected human rights groups should be allowed complete and unhindered access to all areas that Indonesia occupies particularly if Indonesia has nothing to hide

Canada's statement noted that Canada would not suspend its aid program to Indonesia due to human rights concerns. Specifically, Canada concluded by stating that

... Canada's development cooperation relationship with Indonesia spans almost 40, uninterrupted years. We look forward to building on this long and deep relationship, and working closely with Indonesia as it makes its transition to a middle income country, and as our relationship undergoes its own transformation from that of development cooperation, toward one of economic cooperation.³⁵⁷

With reference to the Santa Cruz Massacre that saw Canada suspend \$30 million in new aid projects to Indonesia, there is only a passing reference

We are on record in expressing our concerns about the human rights situation in Indonesia. The tragic events in late 1991 brought this situation into sharper focus, and raised the level of awareness and concern among Canadians. These concerns remain to this day, and we will continue to pursue these matters both bilaterally and multilaterally, where appropriate.³⁵⁸

Much may be gleaned from these three sentences. First, and perhaps most symbolically, the Canadian government does not mention "East Timor" thereby implicitly recognizing its *de facto* integration by Indonesia. The specific reference to the Santa Cruz Massacre implies that it was an anomaly in an otherwise reasonably decent human rights situation. Finally, Canada states that it will pursue these matters both bilaterally and multilaterally, with the proviso "where appropriate". Apparently East Timor will be consigned to

³⁵⁷ *Ibid.* at 3

³⁵⁸ *Ibid.* at 3

diplomatic conversations for which the Canadian government is not accountable and about which the Canadian public will not be informed

The total sum committed for the upcoming year at the CGI was \$5.1 billion dollars, which is an increase of \$200 million over last year's allocation. It is interesting to note that while Canada appears to be back onboard, Belgium refused to commit any aid this year because it could not be assured that a human rights clause would be included. Belgium's aid only amounted to approximately \$16.4 million dollars, compare this with Canada's approximately \$40 million. Canada has repeatedly stated that it will not enforce conditionality regarding linking human rights with its development aid with Indonesia, because there would be no international effect. Belgium (whose aid stands at less than half that of Canada's) has thus taken a symbolic position that has been noticed by every aid donating country around the world.

6.3 Conclusion

It is unfortunate that one of the neediest countries in the world, with the fourth largest population, Indonesia, is also a country that has one of the most repressive regimes. As such, linking aid with human rights is a sensitive issue. Economic and political interests which Canada has in Indonesia contribute to the potential for inconsistency.

As noted in Chapter Two, the ultimate purpose of development aid, in theory, is to help those who need it the most; people should not be punished for the evils of their government. However, it must be borne in mind that bilateral aid is aid that goes from

one government to another and together the two work for the alleged benefit of the population. Most of Canada's aid to Indonesia and East Timor is bilateral and in conjunction with the Government of Indonesia. One must wonder that if the recipient government persists in systematically murdering and repressing another state, how can any donor country trust the recipient donor to work in the best interests of its peoples?

In view of the fact that gross human rights violations have been established³⁵⁹ as occurring in East Timor and Indonesia, Canada must take a strong stance and in the words of Prime Minister Brian Mulroney, refrain from further subsidizing "repression and the stifling of democracy"³⁶⁰. In addition, the victims of the Indonesian regime should not suffer a second time; bilateral aid should be rerouted from the government to NGOs working in the country directly with the people. However, the change should be gradual as NGOs currently do not have the capacity for absorbing all at once the government's bilateral aid allocation to Indonesia.³⁶¹ NGOs work with a budget that is one-twentieth

³⁵⁹ Once again, this is another tricky issue, how does one establish "true" figures on human rights abuses? For example, the Santa Cruz massacre in Indonesia sparked international outrage. Amnesty International investigated as did NGOs within East Timor, along with the Indonesian government carrying out an official inquiry into the massacre. All three came up with different numbers as to the number who were killed, the number who were injured and the number who disappeared. The Indonesian government states that no more than 50 were killed, Amnesty International puts the figure at around 200 and an independent NGO in East Timor has counted 276 dead bodies. I met the man who counted the bodies and it is his figure that I believe. Obviously, it is to the Indonesian government's best interests to ensure that the "official" number is kept low. However, this is just one example of the difficulties in ascertaining "true" figures and facts into human rights abuses in a country.

³⁶⁰ Supra Note 49 at 2

³⁶¹ This was something that came out of one of the meetings of the Subcommittee on Development and Human Rights on December 9, 1991 (the same day that Canada suspended \$30 million in new aid projects to Indonesia). For further information, please refer to Minutes of Proceedings and Evidence of the Subcommittee on Development and Human Rights of the Standing Committee on External Affairs and International Trade - Respecting Consideration of International Human Rights. Third Session of the Thirty-Fourth Parliament 1991 Issue No. 9 December 9, 1991.

that of the bilateral aid budget. NGOs are also generally able to bypass the governments' traditional preoccupation with large-scale projects and target their assistance to the poor who need it the most.

However, in the case of East Timor, a country under total repression, there are currently no independent NGOs in East Timor. Accordingly, José Ramos-Horta has stated that the only organizations which can operate at all in the interests of the people are the Catholic Church and the International Committee of the Red Cross. In addition, at a recent meeting with External Affairs and CIDA³⁶², Ramos-Horta asked the Canadian government to call for UN organizations, such as UNICEF and UNDP, to be present in Timor. However, if these organizations are to function optimally, they must report on a regional basis (for example, in Malaysia) and not nationally (i.e. Jakarta). East Timor has the highest infant mortality rate in the world³⁶³, there is a need for humanitarian organizations in Timor. Canadian aid in East Timor must either go through these channels, or be suspended until Indonesia withdraws its troops from Timor.

Clarifying the central purpose of the Canadian aid program is an essential first step, but it is only a first step. In deciding where to put our efforts, conditions for effective development must be stated and choices made. In some countries where there is desperate need, basic human rights have not been observed and the opposite of development is taking place ... Respect for basic human rights is one of the most important conditions for a true development process.³⁶⁴

Therefore the success of any official development policy must be situated in a broader

³⁶² October 18, 1993

³⁶³ Reuters report, August, 1993

³⁶⁴ Supra Note 90 at 2

context of claims for human rights and global obligations, even though there may be limits to the extent any one state can effect change. However, this can also be viewed as a self-fulfilling prophecy when one considers the political will (or lack thereof) in select cases. Canada has indicated its intention to effect change with regard to Indonesia. Now is the time to put such theory into practice, especially as it applies to this bilateral aid relationship. In light of the gross violations occurring in Timor, West Papua and Aceh, the Canadian government, in order to effect some semblance of linking human rights with development aid, must suspend all bilateral aid to Indonesia. Effective enforcement of such a policy will ensure that some of the population of East Timor remains for future generations. If Canada continues to sit complacently by while genocide continues, it is only a matter of time before an entire culture has disappeared. Canada will be left with only blood on its hands.

CHAPTER SEVEN

CANADA'S TRADE RELATIONSHIP WITH INDONESIA

7. CANADA'S TRADE RELATIONSHIP WITH INDONESIA

Canada's trade relationship with Indonesia is the primary reason that Canada continues to turn a blind eye to the human rights abuses by the Indonesian government. There have been some recent situations where Canada has been unable to avoid East Timor, such as the Santa Cruz Massacre which led to the suspension of three new aid projects, and at the UNCHR where in 1993 Canada co-sponsored a Resolution on the Question of East Timor. However, while Canada selectively portrays its concerns with human rights abuses on the international scene, the fact that Canada's trade relationship with Indonesia is so favourable is perhaps the truest indicator of the favour that Canada finds with the Indonesian government. Human rights abuses just do not factor into the equation.

Before analysing Canada's foreign policy with regard to Indonesia on the issue of trade, it is important to take into consideration the points that were outlined in Chapter two on the issue of trade and human rights. For the purposes of this chapter, trade with Indonesia will be looked at in the broader scope of human rights in Indonesia and not just limited to East Timor. As explored in Chapter Two, there are two aspects of trade that relate directly to human rights, notably workers rights and military exports. The issue of labour rights (and their infringement) in Indonesia will be briefly examined first which will be followed by an analysis of Canada's trade relationship with Indonesia, with a specific emphasis on Canadian military export permits. But first, a brief description of the appeal of the trade relationship with Indonesia will be provided.

7.1 Indonesia's Economic Profile

The scale of Indonesia's economic achievement is remarkable. When Suharto became president in 1967, Indonesia's GNP was \$70 per person, meaning that it was twice as poor as India or Bangladesh.³⁶⁵ "Since then Indonesia's economy has grown at a rate of almost 7% a year in real terms. In 1970 almost 60% of the population lived in poverty. By 1990 that figure was down to around 15%."³⁶⁶ Along with increased prosperity has come improvements in life expectancy and health. But it is still easy to find poor Indonesians. "With a GNP per person of around \$600 -- about the same as Egypt's -- Indonesia is still a poor country."³⁶⁷ But unlike Egypt, Indonesia is making steady progress towards prosperity. The Economist, in a special issue on Indonesia, notes the following on the link between Indonesia's human rights performance and its economic growth.

Indonesian officials can argue for hours about the facts and causes of the East Timor tragedy. But their ultimate justification for the New Order is that, whatever its cost in terms of liberties sacrificed and blood shed, it has brought stability, order and a huge advance in the material prosperity of millions of people.³⁶⁸

Unlike other Asia Pacific countries with relatively small populations, Indonesia has to deal with 2.3 million entrants to the labour market every year. One of Indonesia's appeals to international companies is its plentiful supply of cheap labour. "Indonesian

³⁶⁵ "Wealth in Its Grasp," The Economist, April 17, 1993 at 3.

³⁶⁶ Ibid. at 3

³⁶⁷ Ibid. at 3

³⁶⁸ Ibid. at 4

wage costs of 30 American cents an hour are even lower than those on offer in China And even 30 cents an hour -- or \$2.40 a day -- overstates wage levels in some industries."³⁶⁹

The World Bank has voiced its worries in the 1993 World Bank Report on Indonesia where it criticises the Indonesian government by saying that the results of the latest measures of deregulation are not impressive enough. The World Bank has been pressing for several years to liberalize (or deregulate) the economy. Unless this happens, it is argued, Indonesia risks falling behind its fast growing neighbours. Although the CGI is continuing to aid Indonesia (\$5.1 billion (US) for 1993), worries about the Indonesian economy are growing.³⁷⁰

The Indonesian economy has gone in two different directions. While on the one hand, a section of the manufacturing industry has entered the global market, other sectors have remained heavily protected. The series of economic reforms in the mid-1980s, in theory to develop a laissez faire economy, turned out to be very lucrative for the well-connected conglomerates. "In the meantime, new monopolies emerged, primarily run by the six Suharto offspring. The business interests of the Suharto family has become one of the biggest issues in present Indonesia. From the billion dollar petrochemical plants, toll highways, airline venture till the monopoly of citrus fruit in Kalimantan."³⁷¹

Another important aspect of the Indonesian economy is its inherent corruption at

³⁶⁹ Ibid. at 6.

³⁷⁰ Liem Soei Liong, "Indonesia's Orde Baru" (unpublished paper prepared for the 5th Symposium on Timor of the Oporto University, July 1993) at 6.

³⁷¹ Ibid. at 6.

the government level. "Many of the most egregious offences against economic rationality exist because someone close to the president -- a crony or a family member -- stands to make money from warding off competition."³⁷² However, monitoring the corruption in the Indonesian economy is difficult because large parts of the system remain secretive.

For Indonesia to have prospered so well for so many years is a testimony to the workers. However, the testimony of many workers is quite different from the picture of prosperity that attracts the companies to Indonesia.

7.2 Workers Rights in Indonesia

Severe labour rights violations in Indonesia continue, despite a warning to the Indonesian government from the Clinton administration on June 25, 1993 that trading benefits could be at stake if restrictions on those rights persist. In May and June 1993, the Indonesian military intervened in labour negotiations and attempted to prevent meetings of an independent union from taking place. A young woman labour organizer named Marsinah was murdered within days of a strike at the factory where she worked, although it is not yet clear who was responsible.³⁷³ Military intervention in that strike was extensive. In late July, the government banned a meeting of the independent labour union, Serikat Buruh Sejahtera Indonesia (Prosperous Workers Union of Indonesia) or SBSI, and subjected participants to threats, interrogation and petty harassment.³⁷⁴ In August, it closed

³⁷² Ibid. at 7

³⁷³ Asia Watch, "Indonesia More Restrictions on Workers," September 1993, Vol 5, No 12.

³⁷⁴ Ibid.

down an art exhibition commemorating the death of Marsinah

All of these incidents illustrate the tight restrictions on freedom of association, assembly and expression in Indonesia. Any effort to challenge governmental authority or assert independence from government-controlled organizations can lead to harassment from the army and police.³⁷⁵

But the labour issue is particularly sensitive for several reasons. Firstly, the Indonesian government does not want its international reputation tarnished by a focus on labour rights. One of Indonesia's appeals to the global market is its cheap labour and Indonesia does not want to lose the capital from these markets as might happen if Indonesia were to increase its minimum wage. Secondly, "... despite the collapse of communism internationally, the Suharto government continues to associate labour activism with the Indonesian Communist Party, banned in 1965 and subsequently annihilated"³⁷⁶ As the Indonesian government noted in a submission to the United States Trade Representative in November 1992,

One possible inroad for communist subversion is through worker unrest. The Government especially fears that the communist ideology might be attractive to young people who did not live through the national distress of the 1960's, and many of those young people can best be reached on the job through labour disputes.³⁷⁷

Finally, due to the efforts of workers themselves, Indonesian labour practices are increasingly coming under international scrutiny, as exemplified by the June decision of

³⁷⁵ Ibid.

³⁷⁶ Ibid.

³⁷⁷ As cited in Ibid.

the U.S. Trade Representative to review Indonesian labour practices with a view toward deciding whether trading benefits, under the Generalized System of Preferences (GSP) program, should be cut.¹⁷⁸

7.2.1 Forced or Compulsory Labour

In theory, forced labour is forbidden in Indonesia. However, Asia Watch has noted that in Irian Jaya (West Papua) local workers employed by logging companies had become bonded labour through debts allegedly incurred through the use of credit at company stores.

7.2.2 Child Labour

The Government of Indonesia acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued regulation per-ol/men/1987, "Protection of Children Forced to Work". This regulation legalizes the employment of children under the age of 14 who must work to contribute to the income of their families. It requires parental consent, prohibits dangerous or difficult work, limits work to four hours a day, and required employers to report the number of children working under its provisions. However, the 1987 regulation is not enforced. No employers have been taken to court for violating its restrictions on the nature of employment for children, and no reports are collected from establishments

¹⁷⁸ Ibid

It should be noted that the US decided not to revoke Indonesia's GSP privilege, given the progress that the Indonesian government appeared to be making

employing children

In July, 1993, the Indonesian government and the ILO sponsored a seminar on child labour, the first of its kind in Indonesia. Ministers surprised everyone by promising to ban child labour under 14, which since 1987 has been partly legal.³⁷⁹

In 1993, Indonesia increased compulsory schooling from six to nine years, something child workers say will also help. The government's new-found appetite for reform may be due in part to pressure from the United States, which has included the issue in its attack on Indonesia's labour record.

According to statistics compiled for the ILO's new International Programme for the Elimination of Child Labour (IPEC), which has chosen Indonesia as one of six test cases, at least 2.4 million children are working. This figure does not include children under the age of 10, many of whom are also believed to be working.³⁸⁰

The lawyers foundation LBH estimates that in the industrial city of Tangerang, 20 km (13 miles) west of Jakarta, 50,000 children, or 35 percent of the workforce, are working in the 1,200 factories.³⁸¹ Activists, on the other hand, say that nearly 90 percent of Indonesia's child labourers are found in the countryside. One group working in eastern Java said some 20 percent of children in villages under their care work planting rice or carrying firewood.³⁸²

³⁷⁹ From a wire article written by Jeremy Wagstaff for Reuters from TANGERANG, Indonesia, August 26, 1993.

³⁸⁰ *Ibid.*

³⁸¹ *Ibid.*

³⁸² *Ibid.*

The problem is complicated by the fact at least 60 percent of children working in the countryside are employed outside the family. They work between 35 and 60 hours a week exposed to physical strain and pesticides. The survey indicated that only a handful, 14 percent, were able to continue study.³⁸³

In one case, lawyers were working to protect children on off-sea platforms off the western island of Sumatra. They are suing two firms for employing some of the hundreds of children earning less than \$1 a day fishing. The children are kept on the platforms for months at a time at a fraction of the minimum wage.

7.2.3 Acceptable Conditions of Work

While Indonesia has succeeded in dramatically lowering the level of poverty throughout the country, the minimum wage rates have lagged behind the basic needs figures. The law establishes seven-hour workdays and 40-hour workweeks, with one 30-minute rest period for each 4 hours of work. The daily overtime rate is 1-1/2 times the normal hourly rate for the first hour, and twice the hourly rate for additional overtime. "Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the agreement of the employee."³⁸⁴ Employer violations of legal requirements are fairly common and often result in strikes and employee protests. In general, government enforcement and supervision of labour standards are weak.

Both law and regulations provide for minimum standards of industrial health and

³⁸³ Ibid

³⁸⁴ From the U.S. State Department Annual Human Rights Report, section on "Indonesia", February 1, 1994

safety. In the largely Western-operated oil sector, safety and health programs function reasonably well.

However, in the country's 100,000 larger registered companies in the non-oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is severely hampered by the limited number of qualified Department of Manpower inspectors as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are not uncommon. Workers are obligated to report hazardous working conditions; and while employers are prevented by law from retaliating against those who do, such retaliation does occur since the law is not effectively enforced.³⁸⁵

These sections have put into context the labour practices and rights that are infringed upon by both the Indonesian government and the companies operating in Indonesia. Bearing this in mind, the next section examines Canadian trade with Indonesia.

7.3 Canada's Trade Relationship With Indonesia

As trade statistics will indicate, Canada profits from a favourable trading relationship with Indonesia.³⁸⁶ The Department of External Affairs and International Trade published, in August 1993, a document entitled Survey of Bilateral Economic Relations Between Canada and Indonesia. This document summarizes Canada's policy with regard to the economic relationship between Canada and Indonesia. The whole tone of the document is overwhelmingly positive, emphasizing the benefit of a continued Canadian economic relationship with Indonesia.

³⁸⁵ Ibid.

³⁸⁶ For the extent of this trade, on a per annum basis, please refer to Appendix B.

Human rights is given a brief mention in the Introduction. It is interesting to note that even when the Canadian government practically acknowledges that there is a military regime in power in Indonesia, it still manages to exude hope for the future, especially as it pertains to economics. The following excerpts perhaps best summarize the Canadian government's priorities when it comes to respect for human rights at the expense of economics.

Canada's relationship with Indonesia dates from 1949 and has traditionally been characterized by development assistance, investment in the resource sectors and a modest level of trade. While neither country is a dominant player in the other's market, trade represents a strong base for the bilateral relationship. Indonesia's large domestic market and open economy can provide significant export opportunities to the Canadian private sector for goods and services.

Canada is strongly committed to a respect for human rights in Indonesia and continues to pursue the issue with Indonesian authorities bilaterally and through the United Nations Commission on Human Rights in Geneva.

Based on this document, one can conclude that the issue of trade sanctions as a result of the continued flagrant human rights abuses by the Indonesian government, against the people of East Timor and the people of Indonesia, is not even a possibility. Essentially, Canada will pursue the issue of human rights in Indonesia both bilaterally and in international fora, but only to the extent that Canada is not affected. One example of this hesitancy to impose any conditions on the trade relationship with Indonesia exists in the case of Canadian military exports.

7.3.1 Trade -- Military Goods

The promotion of human rights in Canada's foreign policy collides with another important objective, namely domestic economic prosperity. Perhaps this is most apparent

in the case of Canada's military exports, and even more apparent in the case of military exports to Third World governments, as was discussed in Chapter Two. This section will be divided into two sub-sections, one that discusses the military regime of Indonesia, and one that examines the history of Canadian military exports to Indonesia.

7.3.1.1 Indonesia's Military Regime

Indonesia has been regarded as a military regime since General Suharto took over from President Sukarno on March 11, 1966.

In this process, the military oversaw the creation of an authoritarian corporatist state, purging and then strictly controlling political parties and trade unions. In the months following the military takeover, at least 600,000 people were killed in sectarian violence. The formation of Indonesia's *Orde Baru* (New Order) state was characterized by an increasing militarization of all spheres of economic and social life, and by a highly centralized system of political rule based on a Javanese military elite.¹⁸⁷

As such, official terrorism does appear to be institutionalized in Indonesia. And perhaps not in those exact words, the Canadian government recognizes this as well:

Since the establishment of the New Order Government of President Suharto in 1965, Indonesia has relied upon a system of heavily-centralized government control. This policy was put into effect with a view to maintaining stability within the country. Though this heavily centralized control has been conducive to economic growth and political stability, it has led to some suppression of human rights and has drawn world criticism.

Indonesia's military wields much power and influence in the civilian affairs of the country. As guaranteed by the constitution, the military's two key functions are to act as a major unifying force and as the main author of the country's strategic vision. The military is expected to continue to play a significant role in the country's future political development. The

¹⁸⁷ Supra Note 121 at 22

evolution of the Indonesian political system from a controlled, centrally-governed political system to one more accountable to the general population will require sensitivity from the country's political leaders.¹⁸⁸

It also must be remembered that with the end of the Cold War, an arms race began in Asia. With the completed sale of 39 warships from Germany in March, 1993, Indonesia is the largest naval power in South Asia. Indonesia obtained the warships under the guise of needing to update its patrol boats; but a military government that has been engaged in an eighteen year war with East Timor, for which it is coming under increasing international attack, there can be no doubt about the true intentions of purchase of the warships.

7.3.1.2 Canadian Military Exports to Indonesia

The Canadian government prides itself on having controls on exports of military goods that are among the most restrictive of all Western countries. All applications for export permits are subject to intense review. "Exports of military goods to Indonesia are restricted to those items where there is no reasonable risk that the goods might be used against the civilian population. This restriction is scrupulously observed."¹⁸⁹

Military export permits for goods are issued for a 12 month period. A "one time only" 12 month extension may be granted. In many cases, export permits may be issued but no exports actually made. Ironically, Canada does not have any record of the actual

¹⁸⁸ The Department of External Affairs and International Trade. Survey of Bilateral Economic Relations Between Canada and Indonesia at 12

¹⁸⁹ Summary provided by the Indonesia desk at the Department of External Affairs concerning "Exports of Military Goods to Indonesia".

exports made against military export permits issued for Canadian companies to Indonesia prior to October, 1988; copies of earlier permits have been destroyed. The only statistics that are available from the Department of External Affairs are as follows:

October 1988 -

December 1990: Seven permits were issued between these dates

1990: Five export permits for non-offensive military equipment to Indonesia were issued. The permits cover proposed exports totalling approximately \$3.7 million and include parachutes, aircraft engines and airborne radar/ electronic equipment.

1991: Only three export permits, totalling \$73,827 in value and covering exports of temperature control equipment and goggles for testing and evaluating purposes, were issued to Canadian companies.

Actual Exports: Approximately \$28,000 worth of electronic equipment was exported to Indonesia in 1991.

1992: There were no military exports to Indonesia in 1992.

January 1993 -

February 1994: Two permits have been issued.

Table 7.1 on the following page refers to Canadian export of military goods to Indonesia.³⁹⁰

³⁹⁰ The data is from Project Ploughshares, which filed an Access to Information request with the Department of External Affairs. External reported no military exports to Indonesia for 1978, 1988 and 1990. In Appendix D is a reproduction of a printout from Project Ploughshares' Canadian Military Industry Database of reported Canadian arms sales to Indonesia since 1980.

These reports are from secondary sources such as newspapers or military journals, and cannot be viewed as comprehensive since far from all military contracts are publicly reported. For a variety of reasons, they also do not necessarily correspond to official figures. For example, the export of Pratt & Whitney helicopter engines to the Indonesian aerospace company, IPTN, was classified by Ottawa as civilian even though several of the Bell 412 helicopters built were sold to the Indonesian military. Project Ploughshares, based on the view that the end-use defines the nature of the export, has included the reported engine sales in the CMID.

Table 7.1 Canadian Military Goods Exported to Indonesia

YEAR	PRODUCT CATEGORY	AMOUNT (CDNS)
1979	Annual Total	\$ 52,648
1980	Annual Total	52,505
1981	Annual Total	246,770
1982	Annual Total	1,320,495
1983	Annual Total	1,264,462
1984	Annual Total	814,751
1985	Annual Total	545,401
1986	Annual Total	300,833
1987	Annual Total	1,100,000
1989	EOD Body Armour Type V	100,866
1991	Electronic Equip for Military Use, Computer & Software	27,963
TOTAL		\$5,826,694

Unlike the case of Burma, Sri Lanka, Yugoslavia, Croatia, South Africa, etc., where Canada has called for an international arms embargo and supported a domestic policy of no arms sales to these countries, the government remains strangely silent on Indonesia, refusing to call for a similar arms embargo. NDP MP Svend Robinson has formally proposed in the House of Commons that Canada implement a ban on arms transfers to Indonesia³⁹¹. This theme was reiterated at a press conference on May 6,

³⁹¹ Commons Debates, November 18, 1991 at 4912-4913 Commons Debates, December 5, 1991 at 5858

1993³⁹².

It is difficult to account in real dollars for the amount of Canadian military goods that actually go to Indonesia. One of the main factors in this context is Canada's special military production relationship with the United States.

Canadian military commodities sold to the United States become part of the total U.S. military production, at least 10 per cent of which goes to the Third World each year. If one-tenth or more of U.S. military production goes to the Third World, it is reasonable to assume that at least one-tenth of Canada's part in U.S. military production also goes to the Third World³⁹³

In 1992, the U.S., historically one of the largest suppliers of arms to Indonesia, exported approximately \$100 million dollars worth of military goods to Indonesia, one-tenth of this would be \$10 million, adding another \$10 million to the total for 1992 for Canadian military exports to Indonesia. It should be noted that the US figures for 1992 are down from previous years, making Canada's annual contribution to the arms trade to Indonesia even greater in previous years.

Other indirect sales occur through export of Canadian engines and components to aircraft industries in countries such as Brazil, Israel, Italy and Switzerland who then re-export them as part of their military exports³⁹⁴. Most of the engines leave Canada

³⁹² The press conference was cosponsored by PET (Parliamentarians for East Timor) which was represented by Svend Robinson, MP (NDP External Affairs Critic), Dan Heap, MP and David Kilgour, MP and ETAN/Canada (East Timor Alert Network/Canada). Also in attendance was Constancio Pinto, former underground secretary for the clandestine revolutionary movement in East Timor, who only escaped to Portugal in November, 1992. Mr. Pinto was the organizer of the peaceful demonstration that ended in open gunfire by the Indonesian army and referred to as the Santa Cruz Massacre on November 12, 1991.

³⁹³ Ernie Regehr, Arms Canada: The Deadly Business of Military Exports at 19.

³⁹⁴ Supra Note 73 at 211.

classified as "civilian", due to size and weight, but are used in military aircraft.³⁹⁵

Another important factor to be considered is the classification of the goods upon leaving Canada and the final use for the products upon arrival at their destination. An example of this is the export of Canadian aircraft engines to Indonesia which leave Canada classified as "civilian" but are subsequently used in the production of military aircraft, Indonesian built Bell helicopters.³⁹⁶ These sales are not included in the list as military exports when in fact they are exactly that, compounding the difficulty in ascertaining the real nature about Canadian military exports to Indonesia is the fact that External Affairs will not release any related information, citing protection of the privacy of the companies involved in such trade³⁹⁷.

It is unlikely that the full impact that Canadian military goods have had in the ongoing genocide in East Timor will ever be known.

7.3.2 Arms Bazaars

Despite an official pledge in 1981 to withdraw aid programs "from those countries whose scarce resources are devoted to war and conquest", the Canadian government not only stepped up its foreign aid to Indonesia but sponsored a military trade fair in Jakarta.

According to External Affairs,

³⁹⁵ Ibid at 211

³⁹⁶ Ibid at 19

³⁹⁷ Access to Information request filed by myself on August 13, 1992 to the Department of External Affairs. Response was dated September 18, 1992

Since the early 1980's, there has not been any Canadian government funding in support of participation by Canadian defense product exporters in trade fairs or trade missions in Indonesia.³⁹⁸

Accordingly, information was very difficult to obtain concerning arms bazaars or trade fairs in Indonesia.

However, contrary to the above statement, on February 17, 1986, External Affairs released a Communique where it was announced during the visit of James Kelleher, Minister for International Trade to Indonesia that Pratt & Whitney Canada had received "... a further order valued at approximately \$10 million for its PT6T-3B twinned turbo-shaft engines."

The "Twin Pac" unit is being used in the Bell 412 helicopter which is being assembled by PT Nurtanio -- the Indonesian aircraft manufacturer Pratt & Whitney won a similar contract last year for the sale to PT Nurtanio of 13 engines valued at approximately \$10 million. Financing for the 1985 contract was provided by the Canadian Government's Export Development Cooperation.

One hundred helicopters are planned in the co-production program. Subsequent repeat engine orders will be negotiated on an annual basis. Mr. Kelleher said the Pratt & Whitney contract is a good example of the inroads Canadian companies are making in sales of high tech goods to Indonesia and added that Canada will be participating in the forthcoming Indonesian Air Show which is to be held in Jakarta June 22 - July 1.³⁹⁹

³⁹⁸ Summary provided by the Indonesia desk at the Department of External Affairs concerning "Exports of Military Goods to Indonesia"

³⁹⁹ Indonesia's Air Show occurred on June 23, 1986 and was scheduled to occur every 10 years. The need to become self-supporting in the field of maritime and aviation industries, despite a downturn in the Indonesian economy, was the main theme of President Suharto's opening speech at the Air Show which opened at Kemayoran, Jakarta.

The President stressed that "our aircraft industry is a concrete necessity for our nation", and warned that "dependence on outside technology can push us into difficult corners." The emphasis of his speech was very much on developing an indigenous aviation capability "in order to ensure the safety and success of our long term development"

Further information on the Indonesian Arms Show was provided in a request put to Project Ploughshares, Ken Epps, Programme Assistant. The only information that Project Ploughshares had on the Air Show

In requests to External Affairs for further information about this Air Show, it was reiterated that Canada had not participated in any trade fairs with Indonesia since the early 1980s. Perhaps there is a distinction in the definition of "military equipment". External Affairs appears to view the contract for these engines not to be defence related, for as one official stated "these engines could be used for search and rescue operations". However, it is well known that these engines are modified to fit Indonesian fighter planes which are then used in Indonesia's arsenal for its ongoing war with East Timor.

Therefore, contrary to what External Affairs tells the public, the Canadian government has, as recently as 1986, been supporting participation⁴⁰⁰ by Canadian defense product exporters in trade fairs or trade missions in Indonesia.

7.4 Conclusion

This chapter has looked at a wide range of issues relating to trade and Indonesia. Even with the knowledge of human rights abuses provided by reliable sources, including the US State Department, Canada continues to blindly pursue its "business-as-usual" trade policy with Indonesia. Even the United States, in 1993 and early in 1994, could not overlook these abuses and thus implemented a review of its General System of Preferences with Indonesia, worth approximately \$600 million. Just the threat of losing this credit caused Indonesia to implement changes in its labour law, including a 27%

consisted of a one page summary from Jane's Defence Weekly, July 5, 1986 which is included in Appendix F.

⁴⁰⁰ If not financially, at least verbally, as demonstrated by the aforementioned External Affairs Communique.

increase in its minimum wage⁴⁰¹. It should be noted that the US has a much greater trade relationship with Indonesia than Canada does, yet the US was willing to put it on the line due to the concerns that the Clinton administration had with the human rights abuses in Indonesia.

But it is this profitable economic relationship that explains why, in the case of East Timor, Canada has little or no concern for the human rights violations and has done little concretely in terms of its foreign policy. What twinges of guilt the collective government conscience may express on the rare occasion over this policy, can be appeased by the aid projects that Canada has implemented in East Timor and suspended in Indonesia.

⁴⁰¹ Of course, this is only in theory and many Indonesian businesses are refusing to recognize this increase

CHAPTER EIGHT

CONCLUSION

8. CONCLUSION

The East Timor situation should not be seen only in terms of human rights violations within Indonesia. The ultimate political questions of aggression and self-determination remain at the forefront

The resistance in East Timor is well aware that it has little chance of driving out the invaders by military means alone; but neither can the aggressor ever hope to assert their will over the people of East Timor. For the third time in their history, the people of East Timor are fighting for independence from a foreign aggressor. "Their rejection of the latest attempt to subjugate them and the bitter war they have been compelled to wage is in the tradition of these past anti-colonial struggles"⁴⁰²

Indonesia's invasion and occupation contravenes the United Nations Charter and international law. Self-determination is recognized as a fundamental international norm in the Charter (Articles 1, 55 and 56) and international law has recognized that the principle of self-determination applies to all non-self-governing territories. The United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples⁴⁰³ states:

The subjection of peoples to alien subjugation, domination, exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation. All peoples have the right to self-determination, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development

The central issue of international campaigning over East Timor has at all times

⁴⁰² Supra Note 118 at 153-154

⁴⁰³ General Assembly Resolution 1514 (XV), 14 December 1980

been self-determination. The people of East Timor exercised their right to self-determination by their unilateral declaration of independence on November 28, 1975 when Fretilin proclaimed the establishment of the Democratic Republic of East Timor. "However great the support for independence was in those early days, it has become immeasurably greater and more deep-rooted after years of brutality and suffering at the hands of the Indonesian occupation forces"⁴⁰⁴. The struggle for East Timor's self-determination will not stop, inside and outside the country, until Indonesia has been forced to withdraw its troops and the people are able to give free expression to their desire for independence.

The central tenet of this thesis has been that in the case of East Timor, Canada has little or no concern for the human rights violations so long as there is an economically and politically profitable relationship to be had with Indonesia. This has been consistently demonstrated through Canadian votes at the United Nations, diplomatic activity, Canada's foreign aid program and Canadian bilateral trade with Indonesia.

To date, the linkage of human rights in Canadian foreign policy, in the specific case of Indonesia, has been negligible. However, the foreign policy review that the Liberal government has recently announced⁴⁰⁵ gives hope that the policy in the past, of

⁴⁰⁴ *Supra* Note 118 at 156.

⁴⁰⁵ March 15, 1994. Minister for Foreign Affairs, the Honourable Andre Ouellet formally announced in the House of Commons that the Canadian government would be undertake a massive review of its foreign policy. One issue that will be examined is linkages with human rights and Canadian foreign policy. For complete speech by the Minister, refer to House of Commons Debates - Official Report (Hansard), Volume 133, No. 037, 35th Parliament, March 15, 1994.

economics and politics over human rights, will be changed ^{40c}

Canada must recognize that one day, in the near future, that East Timor will be free from the illegal Indonesian occupation. The Timorese do not want foreign military intervention; rather, they are calling merely for respect for the rule of law. As Constancio Pinto said when he was in Ottawa in May, 1993, "our victory must be a political one based in international law and justice." International concern and action is mounting, countries are beginning to call for respect and enforcement of human rights in Indonesia and East Timor. If Canada continues its policy with Indonesia of "business as usual" instead of one based on respect for human rights, Canada will truly be seen by all as having blood on its hands for being so complicitous in the genocide of the East Timorese.

^{40c} Canada need only to look to the United States to see that this is what is happening in their foreign policy. For example, the Clinton government's review of Indonesia's GSP privilege, the stalemate that has been reached with China over trade and human rights, the recent bill entered into the House of Representatives for that would see a policy of much more aggressive pursuit of human rights requirements from aid recipient countries, etc.

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APPENDIX A

**GLOBE AND MAIL SEARCH
ON ARTICLES RELATED TO EAST TIMOR
FROM THE INVASION (DECEMBER, 1975)
TO THE PRESENT (MARCH 20, 1994)**

Guerrilla group declares independence for Timor

DILI (Reuters) — A guerrilla movement that claims to control part of Portuguese East Timor, yesterday declared unilateral independence from Lisbon and renamed the colony the People's Republic of Timor.

The surprise move by Fretilin (the Revolutionary Front for an Independent East Timor) came just before 6 p.m. when armed soldiers and remnants watched the Portuguese flag lowered in the capital, Dili, and replaced with a new Timorese ensign.

The declaration coincided with mounting fears in Dili of a full-scale Indonesian invasion. But officials in Jakarta last night denied this and reaffirmed that Indonesia would not interfere unless asked by Portugal.

In Lisbon, a spokesman at the special Timor office set up by President Francisco de Costa Gomes said Portugal had not yet been formally told of the Fretilin move.

But he added that the Government's declassification committee—which groups the President, military chiefs and

ministers concerned with the breakup of Portugal's colonial empire—would meet as soon as possible.

The Portuguese are awaiting a report from Col. Lemos Pires, the Portuguese Governor of East Timor who arrived in Lisbon recently.

Col. Pires and most of his administration moved late in August from Dili to the island of Ateneo after fighting flared between Fretilin and two rival movements—the Timorese Democratic Union (UDT) and the People's Democratic Association

of Timor, both of which are pro-Indonesian.

Portuguese Timor, an impoverished colony which has been under Lisbon's rule for nearly 500 years, is about 500 miles northwest of Australia and borders Indonesian-ruled West Timor. It has about 650,000 people.

Trouble began there on Aug. 10 when the UDT seized key installations and demanded independence. Fighting quickly spread from Dili through the territory.

Portugal has been in contact with Indonesia to try to find a peaceful settlement to the problem and had called for a round-table conference with all parties.

But Fretilin military commander Reginio Lobato in Dili yesterday that Fretilin's military activity, coupled with Indonesian military activity, had contributed to the independence decision.

Indonesian warships shell rebels in Timor

DILI (Reuters) — Two Indonesian warships shelled Fretilin positions 30 miles from Dili yesterday. Cmdr. Reginio Lobato, Defence Minister of the self-proclaimed East Timor Republic, said here.

However, he added there was no sign of the full-scale attack on the capital threatened by pro-Indonesian forces.

Mr. Lobato said Indonesian warships launched a three-hour attack on Fretilin positions on the Loez river.

Fretilin (the Revolutionary Front for an Independent East Timor) last week unilaterally declared Portuguese Timor independent.

In Jakarta, the Indonesian Government radio said that pro-Jakarta forces had advanced to within 12 miles of Dili.

Radio Republic Indonesia said several posts around Aileu, south of Dili, had been captured from Fretilin forces.

Fretilin said on Tuesday that an invasion of East Timor was imminent and Radio Loran, voice of the pro-Indonesian forces, appealed to Dili residents to leave the capital.

Cmdr. Lobato said yesterday: "Dili will be defended. Our soldiers are at their stations. We intend to defend our freely won freedom with the same vigor as the Indonesians fought for theirs 30 years ago."

Indonesia sees Timor fighting as a threat

JAKARTA (Reuters) — Foreign Minister Adam Malik said yesterday that Indonesia had informed eight key nations that it considered the factional fighting in Portuguese Timor as a threat and they should not be surprised by any move Jakarta might take.

Mr. Malik, speaking to reporters, refused to specify what steps Indonesia intended to take, but said it needed to protect its integrity.

He made the statement as the situation in the territory, which borders Indonesian Timor, seemed to be moving toward a climax. Rival factions both report that pro-Jakarta forces are moving within

striking distances of its small capital of Dili.

In Dili yesterday, the left-wing Fretilin movement, which has declared the territory as the independent republic of East Timor, reported clashes along the border.

"The present situation in Portuguese Timor is clearly endangering Indonesia," Mr. Malik said.

He had summoned the ambassadors of eight countries to inform them of Indonesia's stand, he said.

They included those of the Soviet Union, the United States and Indonesia's four partners in the Association of South East Asian Nations—Malaysia, Thailand, Singapore and the Philippines. The other two are believed to be Australia and New Zealand.

The pro-Indonesian forces fighting in the territory, primarily Apsdet and the Timorese Democratic Union, have declared the disputed territory to be part of Indonesia.

Indonesian troops invade East Timor

6:30 AM DEC 8 1975

and The New York Times
JAKARTA — Indonesian troops landed yesterday in the capital of Portuguese Timor, rendering Portuguese officials who captured the city from rival guerrillas, Indonesian officials said.

Foreign Minister Adam Malik said the pro-Indonesian United Party had declared the colony part of Indonesia and sent a cable asking that Indonesian troops be sent to the capital of Dili to prevent more bloodshed.

Mr. Malik said the rival Revolutionary Front for Independence of East Timor (Fretilin) offered no resistance and that about 300 Fretilin fighters had surrendered to Apudeti troops.

He denied Fretilin radio reports, monitored in Australia, that Indonesian warships had shelled the town and that Indonesian troops had landed by parachute, but he did not rule out the possibility that Apudeti troops had been dropped by Indonesian planes.

In a statement issued last night, the Indonesian Foreign

ment said Dili was captured by pro-Indonesian troops supported by "Indonesian volunteers."

"It has been difficult for the

Indonesian Government to stop these volunteers in their efforts to protect refugees returning to their homes and to aid their brethren to free themselves from oppression and terror of Fretilin."

The Fretilin broadcasts said many people were killed in indiscriminate shooting in Dili. Mr. Malik said he had no idea of casualties, nor of the number of Indonesian troops involved.

Fretilin said its troops, which had held the capital for three months, were withdrawing to the hills.

Portuguese Timor is on the eastern half of the island of Timor, about 200 miles northwest of Australia. The western half is part of Indonesia. Portugal plans to give up the colony, and Apudeti and the Timorese Democratic Union (UDT) want to integrate it with Indonesia while Fretilin favors independence.

Foreign last night broke off diplomatic relations with Indonesia, accusing Jakarta of military aggression in Timor, and called on the United Nations Security Council to end the invasion of its last colony. Portuguese troops on the island retreated to warships anchored off Dili.

In Sydney, Australian dockworkers banned the loading of all cargo for Indonesia to protest against the intervention in Portuguese Timor.

The Fretilin Government condemned the attack on Dili as a "flagrant" invasion.

Mr. Malik said Indonesian troops will remain in Dili only a short time, until the people of the colony can carry out "an act of free choice" to decide whether they want independence, union with Indonesia or continued association with Portugal. He said a meeting of all sides—including Fretilin and UDT—will be held to plan the method for choosing.

A three-man delegation from Fretilin which left Australia on Saturday for Lisbon, the UN and Washington vowed that Fretilin soldiers would fight a long guerrilla war.

Western military sources said that the four Indonesian warships sunk in the invasion were U.S.-supplied and were of the type that will continue to be supplied by U.S. appropriations being debated by Congress.

The invasion and the capture of the capital by Indonesian troops to mark at least the beginning of the end of the Portuguese colony that will be integrated with Indonesia.

Months of blockade by the Indonesian warships have severely drained the Fretilin forces. And while at the beginning Indonesian offered no material assistance to the anti-Fretilin forces, now even resources of food, ammunition and manpower are being sent against the anti-Fretilin forces of Indonesian troops.

Reports conflict on Timor

JAKARTA (AP) — The Indonesian Government yesterday reported that in Dili, the capital of East Timor, while opposing forces said at least 200 people, most of them women and children, had been killed.

In Jakarta, Indonesian Foreign Minister Adam Malik said "pro-Indonesian parties" had taken up a "revolutionary" cooperation after fighting in Dili, and the city has no order chaos.

In Lisbon, an official of Fretilin, the United Revolutionary Front for an Independent East Timor, admitted no movement had left Dili.

He said that according to radio reports from East Timor, heard by Fretilin colleagues in Australia, many of the city's people were trying to flee the city, but were caught in cross-fire. He said at least 200 people were killed, most of them women and children.

The official, Ricardo Bessa, also said about 50 Indonesian warships anchored off Dili on Sunday as a combined force of "UDT," Indonesian, Portuguese and various overseas cities.

Mr. Bessa said East Timor's population of 700,000 would fight a war of attrition, and against the Indonesian invasion. "It could fight a long guerrilla war without outside help," he said.

Fretilin could welcome UN help but opposed any military intervention by the international body. The Indonesian government sought another day for arms from abroad, but hoped for domestic help.

Last night Portugal officially notified the Indonesian government in Lisbon of its decision to grant autonomy to East Timor, and the Timor situation.

The Indonesian government was determined to the Foreign Ministry where it was limited a brief note regarding the withdrawal of its diplomatic relations.

Mr. Malik called for a plebiscite among the East Timorese to determine their own future.

Pressed about Indonesian involvement in the island, Mr. Malik said: "We cannot reject it if we are asked to help restore peace in East Timor. Moreover, we know well that the situation there is endangering our security."

Timor radio says more centres taken by pro-Indonesian forces

6:30 AM DEC 10 1975

and The New York Times
JAKARTA — Pro-Indonesian forces have captured several towns west of the East Timor capital of Dili in "mapping-up" operations, according to a Radio Dili broadcast yesterday.

The radio itself was captured on Sunday by pro-Indonesian forces of the Timorese Democratic Union (UDT) and the Apudeti, UDT and Trabalhista parties—which with the backing of Indonesian troops, took over the capital during the weekend and forced the left-wing Fretilin forces to flee to surrounding hills.

Yesterday's broadcast said many of the citizens of Dili who fled to the jungle during the fighting, had returned to the capital and hoisted the red and white national flag of neighboring Indonesia.

It added that life in Dili had returned to normal.

Among the towns said to have been captured was the coastal city of Maubara 22 miles west of the capital.

Radio Dili quoted a leader of the joint forces, Guilherme Conca, as appealing to supporters of Fretilin—which 10 days ago declared East Timor a republic independent of Portugal—to surrender.

Meanwhile, Indonesian Foreign Minister Adam Malik said more volunteers were needed for the mapping-up operations.

He told a youth delegation that peace and order in East Timor should be restored immediately.

Diplomatic sources in Jakarta said it was difficult to assess the size of the remaining Fretilin forces, although they were known to be well-armed with Portuguese weapons.

Other leaders of Fretilin—the Revolutionary Front for an Independent East Timor—were last reported in Australia on their way to New York to seek supporter their cause at the United Nations.

In Lisbon, Portuguese Foreign Minister Ernesto Melo Antunes said Lisbon was still responsible for the sovereignty of East Timor and condemned Indonesia for armed aggression.

The Portuguese have evacuated Atauro Island 24 miles off East Timor, where they had set up administrative headquarters after the outbreak of civil war on the main island last August. However, a Portuguese vessel with a contingent of troops remains anchored off Atauro as "a symbol of Portuguese sovereignty," the minister said.

Assessment sought

Remove Timor troops, UN asks Indonesians

6 PM DEC 23 1975

UNITED NATIONS (Reuter) — The UN Security Council voted unanimously yesterday to call on the Indonesian Government to withdraw "without delay" all its forces from Portuguese Timor.

The 15-nation council also requested Secretary-General Kurt Waldheim to send a special representative to the territory to make an on-the-spot assessment and establish contact with all the parties and states concerned to ensure implementation of the resolution.

Mr. Waldheim was asked to submit recommendations to the council as soon as possible, "taking into account the report of his special representative."

The council acted two weeks after Portugal submitted

led the question to the membership.

Portugal pulled out of East Timor during the bitter four-month-old civil war there.

A minister of the self-proclaimed Fretilin government of East Timor said in New York last week he had received reports that at least 2,000 Indonesian troops were in the territory.

In Jakarta, a spokesman for the Indonesian Foreign Office denied any direct military intervention.

"Like we have been saying all along, those people in Portuguese Timor are volunteers and we have no control over them," said Nana Sutrisna. "Who do they want to withdraw? We have repeatedly said we have no troops in the area."

Portuguese colony

East Timor becomes province of Indonesia

2 PM JUN 1 1976

© New York Times Service
JAKARTA — Indonesia completed its takeover yesterday of the Portuguese colony of East Timor, ending the 20-year Portuguese rule over the tiny island.

A 37-member People's Assembly, meeting in the island's capital, Dili, approved a resolution officially integrating the island as the 27th Indonesian province, while visiting dignitaries and a few journalists looked on.

The action came six months after Indonesian troops landed on the eastern half of the island Dec. 7, overcoming the forces of the leftist Revolutionary Front for an Independent East Timor, known as Fretilin.

There has been little doubt since then that Indonesia would eventually integrate the eastern half of the island at the end of the Indonesian archipelago into the Indonesian nation.

Yesterday in Jakarta, Gen. Ali Moerdjo, deputy chief of Indonesian intelligence, which

has played a leading role in the Timor affair, emerged from a conference with Indonesia's President Suharto and urged Portugal to accept the action of the People's Assembly.

Last December, the day after the Indonesian invasion, Portugal broke diplomatic relations with Indonesia.

Indonesia repeatedly refused to negotiate any solution to the complex question of this remote Portuguese colony where, since last summer, various revolutionary forces battled sporadically to gain control of the colony.

Indonesia repeatedly urging self-determination for the desperately poor colony, had no intention of allowing an independent government to be formed in a strategically integral part of its archipelago.

The western half of Timor has long been an Indonesian province but, until yesterday, Portugal had continued to hold legal dominance over the eastern half of the island with the capital in Dili.

Indonesian takeover

East Timor merger approved

6 PM JUN 1 1976

JAKARTA (Reuter) — The Indonesian Government formally approved yesterday the integration of the former Portuguese colony of East Timor into Indonesia.

A cabinet meeting accepted a petition from the hastily convened Popular Assembly in East Timor asking Indonesia to take control of the disputed island territory north of Australia.

Full incorporation into Indonesia now only requires Indonesian parliamentary ap-

proval, regarded here as a foregone conclusion.

The merger has gone ahead without the approval of the United Nations which has insisted on a genuine act of self-determination for the island's 600,000 inhabitants.

East Timor plunged into civil war last August when a conservative pro-independence political party staged an abortive coup. Although helped in the fighting by a local pro-Indonesian faction, control over most of the terri-

tory was won by the radical pro-independence Fretilin movement.

Last December Indonesian troops invaded the capital, Dili, forcing the Fretilin leadership into the hills.

Portugal's insistence over its former colony appears to be moving toward acceptance of the merger. A Portuguese delegation last week visited Jakarta and East Timor for talks, which are expected to be renewed in Kuala Lumpur next month.

Australians charge

100,000 killings

6 PM MAR 1 1977

CANBERRA — Six Labor Party members of the Australian Parliament charged yesterday that the Indonesian armed forces have killed up to 100,000 people in East Timor. Indonesia annexed the eastern half of Timor island, which is in the Indonesian archipelago, last July after a civil war.

APPENDIX A

**GLOBE AND MAIL SEARCH ON ARTICLES
RELATED TO EAST TIMOR
FROM THE INVASION (DECEMBER, 1975)
TO THE PRESENT (MARCH 20, 1994)**

The idea for such a search comes from reading several of Noam Chomsky's books, and in particular, his research concerning coverage in *The New York Times* of East Timor. I was curious to see if the Canadian "Free Press" was similarly silent. Most people have not heard of the tragedy in East Timor because it is not reported in the news. I chose the *Globe and Mail*, since, in my opinion, it is the newspaper in Canada that is on a scale similar to *The New York Times*.

GLOBE AND MAIL ARTICLES ON TIMOR

1. **DATE: AUGUST 11, 1975**
CLASS: News **SOURCE: Reuter**
DATELINE: Darwin AUSTRALIA
****Radio Reports Coup in Portuguese Timor****
2. **DATE: AUGUST 12, 1975**
CLASS: News **SOURCE: Reuter**
DATELINE: Lisbon PORTUGAL
****Lisbon Denies Coup in Portuguese Timor****
3. **DATE: AUGUST 13, 1975**
BYLINE: Henry Kanim
CLASS: News **SOURCE: Reuter**
DATELINE: Kupang, Indonesian Timor
****(Difference) in Portuguese and Indonesian Halves of Timor****
4. **DATE: August 13, 1975**
CLASS: News **SOURCE: Associated Press**
DATELINE: Lisbon PORTUGAL **and Reuters News Agency**
****Leftist Party Offices Burned as Portuguese Moderates Petition for Ouster of Premier: Political Group in Timor Demands Independence****
5. **DATE: August 18, 1975**
CLASS: News **SOURCE: Associated Press**
DATELINE: Sydney AUSTRALIA
****100 Reported Dead in Timor****
6. **DATE: August 21, 1975**
CLASS: News **SOURCE: Reuter**
DATELINE: Lisbon PORTUGAL
****Timor Evacuation****
7. **DATE: August 21, 1975**
CLASS: News **SOURCE: Reuter**
DATELINE: Lisbon PORTUGAL
****Portuguese Soldiers Said Killed****

Appendix A-3

8. **DATE:** August 22, 1975
 CLASS: News
 SOURCE: Reuters News
 Agency and the Associated
 Press

 DATELINE: Macao
 ****Officials (in Portuguese Timor) Urge International (Intervention) to Stop
 (Bloodshed)****
9. **DATE:** August 23, 1975
 CLASS: News
 Source: Associated Press
 DATELINE: Sydney AUSTRALIA
 ****Hundreds Dead in Timor****
10. **DATE:** August 25, 1975
 CLASS: News
 SOURCE: Reuter
 DATELINE: Darwin AUSTRALIA
 ****Ship Removes (More than 1,000 Refugees Fleeing Civil War in Portuguese
 Timor****
11. **DATE:** August 26, 1975
 CLASS: News
 SOURCE: The New York
 Times and Reuter News
 Service

 DATELINE: Darwin AUSTRALIA
 ****Timor Refugees (Accuse Fretilin of Atrocities)****
12. **DATE:** August 27, 1975
 CLASS: News
 SOURCE: Reuter
 DATELINE: Canberra AUSTRALIA
 ****Timor (Abandoned by Portugal)****
13. **DATE:** August 28, 1975
 CLASS: News
 SOURCE: Reuter News
 Agency and The Associated
 Press

 DATELINE: Darwin AUSTRALIA
 ****800 Jam (Ship) in Flight****
14. **DATE:** August 29, 1975
 CLASS: News
 SOURCE: Associated Press
 DATELINE: Darwin AUSTRALIA
 ****Timor Killings Described by Refugees****

15.	DATE: September 6, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
Fretilin Begins Advance on City in Timor	SOURCE: Reuter
16.	DATE: September 9, 1975
CLASS: News
DATELINE: Canberra AUSTRALIA
Leftist Timor Group Says Victory Achieved	SOURCE: Reuter
17.	DATE: September 10, 1975
CLASS: News
DATELINE: Canberra AUSTRALIA
Timor Talks Supported	SOURCE: Reuter
18.	DATE: September 13, 1975
BYLINE: Gerald Stone
CLASS: News
DATELINE: Dili EAST TIMOR
A Strange War of Inside Shelling and Outside Lies	SOURCE: Times of London
19.	DATE: September 16, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
New Timor Fighting	SOURCE: Reuter
20.	DATE: September 18, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
Ship Heads for Timor	SOURCE: Reuter
21.	DATE: September 23, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
Fretilin Loses 3 Towns in Timor, Indonesians Say	SOURCE: Reuter
22.	DATE: September 27, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
Timor's Fretilin Units Warned of Retaliation	SOURCE: Reuter

23.	DATE: October 4, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
New Fighting is Reported in East Timor	SOURCE: Reuter
24.	DATE: October 8, 1975
CLASS: News
DATELINE: Dili EAST TIMOR
Attack by Indonesia is Reported in Timor	SOURCE: Reuter
25.	DATE: November 11, 1975
BYLINE: John Gellner
CLASS: News

Civil Wars That Bleed the Third World | SOURCE: Globe and Mail
(picture) |
| 26. | DATE: November 26, 1975
CLASS: News
DATELINE: Dili EAST TIMOR
East Timor Official Seeks Help | SOURCE: (none given) |
| 27. | DATE: November 29, 1975
CLASS: News
DATELINE: Dili EAST TIMOR
Guerrilla Group Declares Independence for Timor | SOURCE: Reuter |
| 28. | DATE: December 4, 1975
CLASS: News
DATELINE: Dili EAST TIMOR
Indonesian Warships Shell Rebels in Timor | SOURCE: Reuter |
| 29. | DATE: December 6, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
Indonesia Sees Timor Fighting As A Threat | SOURCE: Reuter |
| 30. | DATE: December 8, 1975
CLASS: News

DATELINE: Jakarta INDONESIA
Indonesian Troops Invade East Timor | SOURCE: The Associated
Press and the New York
Times
(map) |

31.	DATE: December 9, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
Reports Conflict on Timor	SOURCE: Reuter
32.	DATE: December 10, 1975
CLASS: News

DATELINE: Jakarta INDONESIA
Timor Radio Says More Centres Taken By Pro-Indonesian Forces | SOURCE: Reuters News
Agency & The New York
Times |
| 33. | DATE: December 15, 1975
CLASS: News
DATELINE: Jakarta INDONESIA
Portuguese Enclave Will Join Indonesia | SOURCE: Reuter |
| 34. | DATE: December 23, 1975
CLASS: News
DATELINE: UNITED NATIONS
Remove Timor Troops, UN Asks Indonesians | SOURCE: Reuter |
| 35. | DATE: December 30, 1975
CLASS: News
DATELINE: UNITED NATIONS
Italian Picked for UN Mission in East Timor | SOURCE: Reuter |
| <hr/> | | |
| 36. | DATE: January 16, 1976
CLASS: Class
DATELINE: Jakarta INDONESIA
Envoy Begins Timor Study in Jakarta | SOURCE: Associated Press |
| 37. | DATE: May 13, 1976
CLASS: News
DATELINE: Melbourne AUSTRALIA
Journalists Seek Compensation | SOURCE: (none given) |
| 38. | DATE: June 1, 1976
CLASS: News

DATELINE: Jakarta INDONESIA
East Timor Becomes Province of Indonesia | SOURCE: New York Times
Service |

39.	DATE: June 30, 1976
CLASS: News
DATELINE: Jakarta INDONESIA
Indonesian Takeover -- East Timor Merger Approved	SOURCE: Reuter
40.	DATE: July 28, 1976
CLASS: News
DATELINE: Denpasar INDONESIA
Refugees Flown From Timor	SOURCE: Associated Press
41.	DATE: September 11, 1976
BYLINE: David Jenkins
CLASS: News
DATELINE: Jakarta INDONESIA
Wooing Timor	SOURCE: Globe and Mail
42.	DATE: March 1, 1977
CLASS: News
DATELINE: Canberra AUSTRALIA
Australians Charge 100,000 Killings	SOURCE: (not given)
43.	TUE SEP.04,1979
BYLINE: Jill Jolliffe, Special to The Globe and Mail
CLASS: News
DATELINE: Lisbon PORTUGAL
East Timor guerrillas defy starvation and Jakarta's bombs	PAGE:P12
SOURCE: SPCL
WORDS: 860
44.	TUE OCT.30,1979
CLASS: News
DATELINE: Dili EAST TIMOR
** Timorese face starvation as aftermath of war **	PAGE:P3
SOURCE: REUT
WORDS: 410
45.	SAT NOV.03,1979
CLASS: News
DATELINE: Jakarta INDONESIA
** Cash, transport needed to avert Timor starvation **	PAGE:TS8
SOURCE: REUT
WORDS: 340

46. WED JAN.30,1980 PAGE:P3
BYLINE: Henry Kamm, New York Times Service
CLASS: News SOURCE: NYT
DATELINE: Dili INDONESIA WORDS: 1020
** War, famine move away from ravaged East Timor**
47. MON MAY.05,1980 PAGE:P2
CLASS: News SOURCE: REUT
DATELINE: London ENGLAND WORDS: 230
** Amnesty group says Timor leaders may have been slain **
48. TUE SEP.23,1980 PAGE: P2
BYLINE: JILL JOLLIFFE, Special to The Globe and Mail
CLASS: News SOURCE: SPCL
DATELINE: LISBON PORTUGAL WORDS: 420
** Indonesia rejects terms for talks on East Timor***
-
49. THU JUN.25,1981 PAGE: P16
BYLINE: JILL JOLLIFFE, Special to The Globe and Mail
CLASS: News SOURCE: SPCL
DATELINE: Lisbon PORTUGAL WORDS: 247
** Indonesia accused of genocide in East Timor **
50. MON OCT.12,1981 PAGE: P11
BYLINE: JILL JOLLIFFE, Special to The Globe and Mail
CLASS: News SOURCE: SPCL
DATELINE: Lisbon PORTUGAL WORDS: 407
** Row hits Portugal over Timor **
-
51. SAT FEB.06,1982 PAGE: P15 (ILLUS)
BYLINE: JILL JOLLIFFE
CLASS: News SOURCE: SPCL
DATELINE: Lisbon PORTUGAL WORDS: 860
** Indonesian moves over Timor takeover spark row in Lisbon **
52. TUE MAY.25,1982 PAGE: P49
CLASS: News SOURCE: SPCL
DATELINE: Jakarta INDONESIA WORDS: 310
** Indonesian will urge Pope to help solve Timor problem **
Special to The Globe and Mail

53. FRI NOV.05,1982 PAGE: P13 (ILLUS)
 BYLINE: RICHARD COWPER, Special to The Globe and Mail
 CLASS: News SOURCE: SPCL
 DATELINE: Jakarta INDONESIA WORDS: 786
 ** Indonesia presses Timor claim **
-
54. MON JAN.10,1983 PAGE: P10
 BYLINE: BRUCE MCDOUGALL
 CLASS: News
 DATELINE: Ottawa WORDS: 826
 ** Timor conflict clouds PM's visit **
 "Prime Minister Pierre Trudeau has been briefed on the almost-forgotten secessionist conflict in East Timor in preparation for his visit to Indonesia tomorrow." ...
55. TUE JUN.28,1983 PAGE: P16
 BYLINE: JILL JOLLIFFE
 CLASS: News SOURCE: SPCL
 DATELINE: Lisbon PORTUGAL WORDS: 625
 **East Timor ceasefire reported **
56. SAT SEP.03,1983 PAGE: P16
 CLASS: News SOURCE: REUT
 DATELINE: UNITED NATIONS WORDS: 286
 ** UN told of torture, killing in Timor **
57. SAT SEP.10,1983 PAGE: P9
 BYLINE: MADELEINE PROWSE
 CLASS: Features SOURCE: OBS
 DATELINE: Lisbon PORTUGAL WORDS: 626
 ** Indonesia mounts 'no mercy' assault on guerrillas in Timor**
 London Observer, LISBON
58. SAT NOV.26,1983 PAGE: CL16
 BYLINE: MICHAEL McDOWELL CLASS: News
 DATELINE: WORDS: 491
 MEMO: Early Edition
 ** Cause of East Timor independence is brought to Canada by RC prelate **
-
59. FRI FEB.10,1984 PAGE: P1 (ILLUS)
 BYLINE: BRYAN JOHNSON CLASS: News
 DATELINE: Jakarta INDONESIA WORDS: 1422
 ** Shadow battle hobbles army in Indonesia **

60. SAT JUL.28,1984 PAGE: P13
CLASS: News SOURCE: OBS
DATELINE: Lisbon PORTUGAL WORDS: 435
MEMO: Early Edition
** Indonesian repression called worse in East Timor **
Observer News Service
-
61. WED JUN.26,1985 PAGE: P11
CLASS: News SOURCE: REUT
DATELINE: London ENGLAND WORDS: 317
** Amnesty accuses Indonesian forces of rights abuses **
62. SAT DEC.07,1985 PAGE: A9 (ILLUS)
BYLINE: DEREK RASMUSSEN
CLASS: Features SOURCE: SPCL
DATELINE: WORDS: 1231
**EAST TIMOR: A tragedy ignored **
-
63. MON NOV.10,1986 PAGE: A13
BYLINE: JILL JOLLIFFE
CLASS: News SOURCE: SPCL
DATELINE: Lisbon PORTUGAL WORDS: 520
** 11-year East Timor war escalating, reports from resistance sources say**
-
64. FRI JAN.09,1987 PAGE: A6
CLASS: Editorial
DATELINE: WORDS: 556
**East Timor's tragedy **
65. THU APR.23,1987 PAGE: A8
BYLINE: THOMAS WALKOM
CLASS: Features Column
DATELINE: PELIATAN WORDS: 659
** S.E. ASIA: In INDONESIA, Killings and bans are taboo topics **
-
66. WED MAR.09,1988 PAGE: A13 (ILLUS)
BYLINE: JILL JOLLIFFE
CLASS: News SOURCE: SPCL
DATELINE: Lisbon PORTUGAL WORDS: 893
** Witnesses tell of East Timor torture **

67. TUE DEC.06,1988 PAGE: A7 (ILLUS)
 BYLINE: ELAINE BRIERE
 CLASS: Features
 DATELINE: LADYSMITH, B.C. WORDS: 878
 ** Tribulations of a tiny nation: Why does Canada condone the subjugation of East Timor? **
-
68. MON SEP.25,1989 PAGE: A10 (ILLUS)
 BYLINE: EDITH TERRY
 CLASS: News
 DATELINE: LOSPALOS, Indonesia WORDS: 77
 East Timor problems haunt Indonesia, blight international image
69. TUE SEP.26,1989 PAGE: A12 (ILLUS)
 BYLINE: EDITH TERRY
 CLASS: News
 DATELINE: DILI, Indonesia WORDS: 592
 **East Timor tense on eve of visit by Pope **
70. THU SEP.28,1989 PAGE: A13
 BYLINE: EDITH TERRY
 CLASS: News
 DATELINE: BAUCAU, Indonesia WORDS: 553
 ** Military in East Timor seeks human face for harsh presence **
71. SAT SEP.30,1989 PAGE: A9
 BYLINE: EDITH TERRY
 CLASS: News
 DATELINE: DILI, Indonesia WORDS: 683
 **Military in East Timor pays little attention to top-ranking civilian **
72. MON OCT.02,1989 PAGE: A10 (ILLUS)
 BYLINE: EDITH TERRY
 CLASS: News
 DATELINE: VENILALE, Indonesia WORDS: 687
 **Mission in East Timor embroiled in dispute over resistance group*
73. FRI OCT.13,1989 PAGE: A10
 CLASS: News
 DATELINE: DILI, Indonesia WORDS: 76
 ** AROUND THE WORLD **
 **East Timor protesters unfurl banner before Pope **

74. WED OCT.25,1989 PAGE: A4
BYLINE: CHARLOTTE MONTGOMERY
CLASS: News
DATELINE: WORDS: 389
** Canada ignoring occupation of East Timor, author says **

75. TUE FEB.20,1990 PAGE: A7 (ILLUS)
BYLINE: JOHN McMURTRY
CLASS: Features
DATELINE: GUELPH, Ont. WORDS: 818
** Why does Canada aid the oppressors? **
76. MON APR.09,1990 PAGE: A12
CLASS: News
DATELINE: WORDS: 114
** FOR THE RECORD -- RISKS ORGAN FAILURE **
A Kingston, Ont., man on a month-long hunger strike is risking organ failure, his doctor says. Bill Ripley, a 27-year-old computer programmer, has survived on liquids and vitamins since March 8 in an attempt to force the federal government to condemn Indonesia's involvement in the small territory of*East*Timor.
77. WED DEC.19,1990 PAGE: A15
CLASS: Features
DATELINE: WORDS: 354
** JUST WHAT WAS SAID **
From The New York Times

78. TUE NOV.12,1991 PAGE: A15
CLASS: News
SOURCE: REUT
DATELINE: Jakarta INDONESIA WORDS: 86
** WORLD IN BRIEF **
** Army fires on mourners **
79. WED NOV.13,1991 PAGE: A17
CLASS: News SOURCE: AP
DATELINE: Jakarta INDONESIA WORDS: 381
**East Timor troops fire on demonstrators **
** Dozens reported killed in protest against Indonesia's 15-year rule **

80. THUR NOV.14,1991 PAGE: A18
CLASS: News SOURCE: AP
DATELINE: Jakarta INDONESIA WORDS: 28
** WORLD IN BRIEF **
** Toll acknowledged **
81. FRI NOV.15,1991 PAGE: A13
BYLINE: LINDA HOSSIE
CLASS: News
DATELINE: WORDS: 331
** Independence bid drenched in blood **
** BACKGROUND /East Timor**
82. FRI NOV.15,1991 PAGE: A13
CLASS: News SOURCE: AP REUT
DATELINE: Jakarta INDONESIA WORDS: 458
** Jakarta pledges probe of killings **
** Army attack on demonstrators was not provoked, reporter says**
83. SAT NOV.16,1991 PAGE: A13
BYLINE: LINDA HOSSIE
CLASS: News
DATELINE: Toronto ONT WORDS: 437
** Condemn Indonesian attack, Canada urged **
84. TUE NOV.19,1991 PAGE: A11
CLASS: News SOURCE: AP
DATELINE: Jakarta INDONESIA WORDS: 406
** Envoy to check report of new Timor killings **
** Jakarta denies executions, mass graves **
85. THU NOV.21,1991 PAGE: N5
BYLINE: GRAHAM FRASER
CLASS: News
DATELINE: Ottawa ONT WORDS: 326
** Ottawa reviews aid to Kenya, Indonesia **
** Attacks on protesters condemned **
86. SAT NOV.23,1991 PAGE: A12
CLASS: News
SOURCE: AP
DATELINE: Jakarta INDONESIA WORDS: 31
** WORLD IN BRIEF **
** 70 students arrested **

87. TUE DEC.10,1991 PAGE: A7
CLASS: News SOURCE: CP
DATELINE: Ottawa ONT WORDS: 55
** CANADA IN BRIEF **
** Aid to Indonesia on hold **
 88. WED DEC.11,1991 PAGE: A13
CLASS: News SOURCE: REUT
DATELINE: DILI, East Timor WORDS: 108
** Troops re-enact killing of East Timor civilians **
 89. FRI DEC.27,1991 PAGE: A10
CLASS: News SOURCE: REUT
DATELINE: Jakarta INDONESIA WORDS: 85
** WORLD IN BRIEF **
** Soldiers blamed **
-
90. FRI JAN.24,1992 PAGE: A11
BYLINE: DEBORAH WILSON
CLASS: News
DATELINE: Vancouver BC WORDS: 291
** Condemn Timor trials, Ottawa told **
** Survivors of attack by soldiers facing legal action **
 91. MON FEB.10,1992 PAGE: A15
BYLINE: LI-LIEN GIBBONS
CLASS: Features
DATELINE: Vancouver BC WORDS: 757
** Faraway bloodshed leaves a stain on Canada **
**EAST TIMOR/The killing of dozens of Timorese funeral marchers by Indonesian troops led to a \$30-million cut in aid by Ottawa, but more pressure is needed against the regime, argues a Vancouver student whose brother was among the victims **
 92. TUE FEB.11,1992 PAGE: A16
CLASS: News SOURCE: AP
DATELINE: Jakarta INDONESIA WORDS: 71
** WORLD IN BRIEF **
** UN envoy given access **

93. TUE FEB.25,1992 PAGE: A6
CLASS: News SOURCE: CP
DATELINE: Ottawa ONT WORDS: 46
** CANADA IN BRIEF **
** Aid for Indonesia **
94. FRI FEB.28,1992 PAGE: A13
CLASS: Column
DATELINE: Ottawa ONT WORDS: 687
** WORLD VIEW **
** Time to tighten the strings on aid **
95. FRI FEB.28,1992 PAGE: A10
CLASS: News SOURCE: AP
DATELINE: Jakarta INDONESIA WORDS: 53
** WORLD IN BRIEF **
** Army officers fired **
96. WED MAR.11,1992 PAGE: A10
CLASS: News SOURCE: REUT
DATELINE: Lisbon PORTUGAL WORDS: 238
** Warned by Indonesians, peace boat abandons trip**
97. SAT APR.04,1992 PAGE: D1 (ILLUS)
BYLINE: LINDA HOSSIE
CLASS: FOCUS
DATELINE: Toronto ONT WORDS: 2141
EAST TIMOR
** Will Ottawa put its money where its mouth is? **
** Brian Mulroney says his government will link foreign aid to human rights. He has a perfect opportunity to make a point in the case of tiny East Timor, the object of such ferocious aggression by Indonesia that is has been likened to Cambodia and Afghanistan. To date, Canada has been surprisingly - shockingly - muted in its outrage **
98. THU MAY 28,1992 PAGE: A16
CLASS: Editorial
DATELINE: WORDS: 557
** Giant in the shadows **

99. MON SEP.28,1992 PAGE: A15
CLASS: Features SOURCE: ECON
DATELINE: Jakarta INDONESIA WORDS: 590
** THE ECONOMIST **
** The poll that Indonesia dares not hold **
** REFERENDUM/Indonesia, which marched into East Timor in 1975, won't
let the islanders vote on their future. Sentiments are heating up**
From a report in The Economist magazine
 100. FRI NOV.13,1992 PAGE: A23
BYLINE: LINDA HOSSIE
CLASS: Column
DATELINE: WORDS: 692
** WORLD VIEW **
** Massacre merits more than a slap on the wrist **
 101. SAT NOV.21,1992 PAGE: A14
CLASS: News SOURCE: REUT
DATELINE: WORDS: 54
** WORLD IN BRIEF **
** Rebel chief captured **
-
102. SAT MAY.22,1993 PAGE: A10
CLASS: News SOURCE: AP
DATELINE: WORDS: 43
** WORLD IN BRIEF **
** Rebel gets life term **
 103. SAT AUG.14,1993 PAGE: A9
CLASS: News SOURCE: NYT
DATELINE: Bangkok THAILAND WORDS: 62
** WORLD IN BRIEF **
** Suharto reduces sentence **
 104. THU OCT.28,1993 PAGE: N4
CLASS: News SOURCE: REUT
DATELINE: Sydney AUSTRALIA WORDS: 275
** Australian PM's pursuit of trade irks Timor rebels **

APPENDIX B

CANADIAN TRADE

**(A) EXCERPTS FROM REPORT BY
EXTERNAL AFFAIRS**

**(B) CANADA-INDONESIA IMPORTS
AND EXPORTS
1970 - 1993**

**(C) LIST OF TOP CANADIAN
EXPORTERS TO INDONESIA**

**(D) CANADIAN DIRECT
INVESTMENT IN INDONESIA
1975-1992**

**(A) EXCERPTS FROM REPORT
BY EXTERNAL AFFAIRS
ON
CANADIAN TRADE
WITH INDONESIA**

3

Canada-Indonesia Commercial Relations

3.1 Indonesia's Global Trade

Indonesia's global merchandise trade reached \$47.6 billion US in 1990, a 45 percent increase over trade levels of a decade earlier. While import and export levels have grown at a relatively equal pace, Indonesia's trade surplus, in 1990, amounted to approximately U.S. \$3.8 billion.

Two thirds of Indonesia's exports in 1990 were directed to Japan, the U.S. and Singapore. These three countries also accounted for more than 40 percent of Indonesia's imports. With export markets expanding in Asia, the prospects for increased benefits to Indonesia from trade and investment within the region are excellent.

Graph M
INDONESIA WORLD EXPORTS 1980

(NOTE: TOTAL INDONESIAN EXPORTS 1980 = US \$21,900 MILLION)

Graph N
INDONESIA WORLD EXPORTS 1990

(NOTE: TOTAL INDONESIAN EXPORTS 1990 = US \$26,700 MILLION)

Graph O
INDONESIAN WORLD IMPORTS 1980

(NOTE: TOTAL INDONESIAN IMPORTS 1980 = US \$10,800 MILLION)

Graph P
INDONESIAN WORLD IMPORTS 1990

(NOTE: TOTAL INDONESIAN IMPORTS 1990 = US \$21,900 MILLION)

Indonesia's global exports, amounting to U.S. \$25.7 billion in 1990, were largely composed of primary commodities. Oil and gas constituted over 40 percent of the total; wood and wood related products accounted for approximately 13 percent, and textiles and garments represented 11 percent. The broadening of Indonesia's exports since 1985, when oil and gas accounted for almost 70 percent of the total, has made Indonesia less vulnerable to fluctuating world oil prices.

Indonesian imports in 1990 reached US \$21.9 billion. Sixty-eight percent of that total was made up of intermediate goods, including industrial raw materials, spare parts and fuels, while a further 27.8 percent was accounted for by capital goods such as machinery.

Principal exports 1990		Principal imports 1990	
Crude oil and products	28.8%	Industrial raw materials	41.2%
Natural Gas	14.3 %	Spare parts & accessories	15.4%
Wood and products	12.9%	Fuels and lubricants	8.4%
Textiles & garments	11.4%	Capital goods	27.8%
Rubber & products	3.5%	Consumer goods	4%
Shrimp	2.6%		

Source: The Economist Intelligence Unit

Foreign investment in Indonesia, which comes mainly from Japan, Hong Kong and Taiwan, has grown significantly in recent years. Actual 1990 foreign investment inflows amounted to approximately U.S. \$9 billion, a substantial increase from the mid-1980's when inflows amounted to about \$0.4 billion.

3.2 Canada-Indonesia Trade

Trade between Canada and Indonesia is carried out under the General Agreement on Tariffs and Trade (GATT); Indonesia is a beneficiary of Canada's General Preferential Tariff (GPT). In 1990, almost half of the dutiable shipments from Indonesia were eligible for preferential access to the Canadian market under the GPT.

Traditionally, Canada has enjoyed a large trade surplus with Indonesia, although the margin has narrowed in recent years. In 1991, bilateral trade totalled CDN \$562.8 million, with a trade balance in Canada's favour of \$118.8 million. Although two-way trade has more than doubled since the early 1980's, neither country is a major player in the other's market. Canada's exports account for slightly more than 1 percent of Indonesia's annual import requirements, while less than 1 percent of Indonesia's exports are destined for Canada. Canadian development assistance supports only 3 percent of bilateral trade with Indonesia. (It should be noted that Canada-Indonesia trade figures do not

TABLE V

INDONESIA-CANADA TRADE (\$ CDN millions)

	1988	% of total Indonesia exports/imports	1989	% of total Indonesia exports/imports	1990	% of total Indonesia exports/imports	1991	% of total Indonesia exports/imports
Exports to Canada	28.9	(0.11%)	81.8	(0.32%)	202.2	(0.67%)	222.0	(N/A)
Imports from Canada	212.9	(1.6%)	257.6	(1.8%)	307.8	(1.2%)	340.8	(N/A)
Total Trade (Indo-Canada)	241.8		339.4		510.0		562.8	
Balance	-184.0		-175.8		-105.6		-118.8	

NOTE: "Balance" of trade refers to ASEAN country's trade surplus (if positive number) or trade deficit (if negative number) with Canada.
Source: STATISTICS CANADA

reflect the significant volume of trans-shipment through Singapore, nor do they capture the service sectors. It is estimated that these factors would add over CDN \$100 million to the total trade figure.)

In contrast with Indonesia's exports of the early 1980's, which were exclusively primary products (ie. rubber, coffee, tea and spices), the main exports to Canada in the early 1990's were textiles and apparel. With shipments covered by the bilateral textile restraint arrangement signed with Canada in 1986 and extended to 1993, Indonesia is a major supplier of clothing and textiles to Canada. Other significant Indonesian exports to Canada include natural rubber, wood, mineral fuels and footwear.

In 1991, Canada's exports to Indonesia were officially recorded at CDN \$340.7 million, making

Indonesia Canada's third largest export market in ASEAN. Almost 70 percent of the exports to Indonesia consisted of cereals, plastics, pulp and paper and sulphur. The change in the composition of Canada's exports to Indonesia over the decade can be seen in Table VII on the following page.

Priority Sectors:

Priority areas for export promotion activities for 1992 were identified as follows:

1. Forestry Sector Equipment
2. Environmental Equipment and Services
3. Information Technology and Electronic Products
4. Power Equipment Products and Services
5. Oil & Gas Equipment and Services
6. Transport Systems and Services

TABLE VI MAJOR CANADIAN IMPORTS FROM INDONESIA
(\$ CDN millions)

PRODUCT CATEGORY	1980	%	1985	%	1990	%	1991	%
Articles of apparel & clothing access	0.5	(1.7)	26.2	(32.0)	46.9	(23.2)	40.0	(18.0)
Rubber & articles thereof	19.3	(66.8)	24.8	(30.3)	26.2	(13.0)	30.0	(13.5)
Wood & articles of wood; wood charcoal	0.4	(1.4)	17.4	(21.2)	36.6	(18.1)	29.9	(13.5)
Footwear	—	—	—	—	7.6	(3.8)	20.6	(9.3)
Mineral fuels, oils & product of their distillation	—	—	—	—	—	—	10.8	(4.9)
Man-made filaments	—	—	—	—	5.8	(2.9)	9.3	(4.2)
Animal/veg fats & oils	3.1	(10.7)	—	—	6.3	(3.1)	8.9	(4.0)
Man-made staple fibres	—	—	—	—	7.8	(3.9)	8.4	(3.8)
Fish & crustacean, mollusc & other aquatic invertebrate	—	—	—	—	6.8	(3.4)	8.2	(3.7)
Glass and glassware	—	—	—	—	4.4	(2.1)	7.5	(3.4)
Coffee, tea, & spices	4.5	(15.5)	10.8	(13.2)	11.1	(5.5)	6.6	(2.9)
Cocoa & cocoa preparations	—	—	—	—	2.7	(1.3)	4.1	(1.9)
Toys, games & sports requisites; parts & access thereof	△	—	△	—	0.45	(0.2)	4.1	(1.9)
Furniture; bedding, mattress	0.1△△	(0.3)	0.2△△	(0.2)	2.0	(1.0)	2.9	(1.3)
Preparations of meat, fish or crustaceans, molluscs	—	—	—	—	2.4	(1.2)	2.8	(1.3)
Meat & edible meat offal.	—	—	—	—	2.8	(1.4)	2.7	(1.2)
SUBTOTAL of Above	27.9		79.4		176.1		196.8	

Total 28.9 81.8 202.2 222.1

△ Included with furniture totals

△△ Includes all miscellaneous manufactured articles

Source: STATISTICS CANADA

Canada is a significant investor in Indonesia with total direct investment in the order of CDN \$1.5 - \$2.0 billion. The International Nickel Company's (INCO) operation, along with Gulf Canada / Asamera Oil's presence and other interests in the oil and gas sector account for the bulk of Canadian investment. Also having a significant presence in Indonesia are Bata Shoes Ltd., which has been established in Indonesia for a number of years, and a number of Canadian consulting and engineering firms whose annual revenues have been

estimated between \$50 and \$60 million. A sample listing of Canadian companies and joint ventures with Indonesia are included in Appendix "A".

3.3 Export Marketing Efforts

Canadian government marketing priorities in Indonesia have traditionally focused on government projects and agencies. Due in part to the competitive circumstances of the Indonesian market related to concessional export financing, the government is

TABLE VII MAJOR CANADIAN EXPORTS TO INDONESIA
(\$ CDN millions)

PRODUCT CATEGORY	1980	%	1985	%	1990	%	1991	%
Cereals	—		63.1	(24.5)	43.5	(14.2)	68.1	(20.0)
Plastics & articles thereof	9.1	(4.2)	20.3	(7.9)	61.7	(20.0)	64.5	(18.9)
Pulp of wood	21.9*	(10.2)	33.1*	(12.8)	23.3	(7.5)	46.6	(13.7)
Salt; sulphur; plastering material; lime & cement	—		46.8	(18.2)	38.4	(12.5)	36.6	(10.7)
Nuclear reactors, boilers, machinery & mech. appliance; parts	^^		^^		12.3	(4.0)	24.7	(7.3)
Organic chemicals	0.1	(—)	2.4	(0.9)	10.1	(3.3)	16.4	(4.8)
Zinc & articles thereof	2.0	(0.9)	6.2	(2.4)	12.5	(4.1)	13.6	(4.0)
Paper & paperboard	^^		^^		10.2	(3.3)	13.5	(3.9)
Fertilizers	—		23.0	(8.9)	23.3	(7.6)	10.5	(3.1)
Electrical mchy equip parts thereof; sound recorder etc.	4.8^	(2.2)	23.7^	(9.2)	5.5	(1.8)	7.3	(2.2)
Man-made filaments	—		—		6.9	(2.2)	5.5	(1.6)
Articles of iron or steel	*		*		6.1	(2.0)	5.4	(1.6)
Iron and steel	5.8*	(2.7)	1.2*	(0.4)	4.9	(1.6)	3.9	(1.2)
Residues & waste from food industry; animal fodder	—		—		5.9	(1.9)	3.7	(1.1)
Railway/tramway locomotives, rolling-stock & parts; etc.	—		—		25.5	(8.3)	3.6	(1.1)
Rubber & articles thereof	—		—		4.4	(1.4)	2.7	(0.8)
Man-made staple fibres	9.2	(4.3)	2.2	(0.8)	2.7	(0.9)	2.7	(0.8)
Subtotal of Above	52.9		222.0		297.2		329.3	
Total	215.1		257.6		307.8		340.8	

* Includes paper & paper products

^^ Included in pulp figures

^ Includes all machinery, electrical, audio, visual, boilers, mechanical appliances ...

^^ Included in electrical mchy equip figures

* Includes articles of iron and steel

* Included in iron and steel totals

Source: Statistics Canada

urging Canadian exporters to also look at opportunities opening up in Indonesia's private sector. Economic liberalization has spurred real growth in this sector. The resulting industrial expansion and diversification will provide new opportunities for foreign suppliers.

Indonesia remains one of the largest recipients of funds from the multilateral development banks. Thus, Canadian trade priorities in this market continue to include the vigorous pursuit of procurement funded by these institutions.

Market studies of various sectors of the Indonesian economy are available from External Affairs and International Trade Canada:

Animal Feed	1988
Aquaculture	1990
Canadian Food Products	1988
Industrial Chemicals	1989
Oil and Gas	1988
Pulp and Paper	1989
Mining Projects	1989

Brief market profiles (1991) are also available on Agri-food, Iron and Steel, Chemicals and Plastics, Education and Training, Electrical Equipment, Health Care Products, Telecom and Consulting Services.

Recent visits and trade promotion activities with Indonesia have included the following: 12 Indonesian companies in the pulp and paper sector on a cross-Canada trade mission in October, 1991; the visit of the Indonesian Forestry Minister in September 1991; and in May 1992 a mission of 33 companies from Canada participated in a Pulp and Paper Technology Showcase. Canada also participated in the Asia Pacific Mining Conference in Jakarta in March 1990. Other recent trade missions have been in the rural telecom, remote sensing, aquaculture and air transportation sectors.

Canada's Program for Export Market Development (PEMD), provides repayable loans to individual companies to cover costs in developing export business and aids companies in efforts to reach markets in new geographic and product markets. Between April 1980 and March 1992, PEMD approved 478 applications for assistance in Indonesia, with total funding of \$3.4 million. Since its inception in 1971, PEMD programs have resulted in reported sales of over \$105 million in Indonesia.

The Export Development Corporation (EDC) is Canada's official export credit agency, providing export credit insurance, loans, loan guarantees, and

other financial services that promote Canadian trade and support Canada's exporting community. Within the ASEAN region, the EDC considers Indonesia a target market and is interested in expanding its business activity in connection with the rapidly increasing opportunities in Indonesia for Canadian exports.

Since 1979, the EDC has entered into 19 financial agreements totalling over CDN \$480 million, without experiencing any material payment difficulties. These agreements include 18 loans for capital goods ranging from aircraft to a nuclear electronics laboratory, and one multiple disbursement loan co-financed with the Canadian International Development Agency (CIDA) in support of a coal rail transportation project (Bukit Asam). The Bukit Asam project, established in 1981 and recently disbursed in full, has included 11 allocations totalling U.S. \$130.2 million, and includes transportation and telecommunications goods and services from various Canadian exporters.

The Indonesian public sector historically has enjoyed substantial benefits from a financing perspective. In certain cases where international bidding is to be pre-empted, Presidential Decree 8, introduced in 1984, requires foreign financing terms for long-term projects to reflect an interest rate of 3.5 percent, with a 7-year grace and an 18-year repayment schedule. A scarcity of concessional funds has limited EDC's ability to support export transactions where such Decree 8 financing is a prerequisite. However, in 1990 EDC successfully supported Canadian supply on OECD consensus terms for the Paiton Power Project and a trend towards more non-concessional consensus-based lending to the public sector is expected to continue. Significant opportunity exists to support exports to the private sector where EDC has targeted key borrowers.

The Canada-Indonesia Business Council is yet another vehicle for export marketing efforts in Indonesia. Its Indonesian counterpart, the Indonesia-Canada Business Council, is a subsection of the Indonesian Chamber of Commerce and Industry, and focuses on promoting Indonesian exports and investment inflows. These organizations of companies and individuals aim at fostering links between the private sectors with a view to increasing activities in the markets of both countries.

**(B) CANADA-INDONESIA
IMPORTS AND EXPORTS
1970 - PRESENT**

Appendix B-8

CANADA-INDONESIA IMPORTS AND EXPORTS: 1970 - PRESENT (\$000)

YEAR	CANADA IMPORTS FROM INDONESIA	CANADA EXPORTS TO INDONESIA	TOTAL TRADE (Canada-Indo)
Jan - Dec., 1970	\$ 589	\$ 16,489	\$ 17,078
Jan. - Dec., 1971	\$ 1,061	\$ 9,466	\$ 10,527
Jan. - Dec., 1972	\$ 2,291	\$ 14,360	\$ 16,651
Jan. - Dec., 1973	\$ 3,128	\$ 17,735	\$ 20,863
Jan. - Dec., 1974	\$ 4,610	\$ 53,611	\$ 58,221
Jan - Dec., 1975	\$ 14,266	\$ 64,795	\$ 79,241
Jan - Dec., 1976	\$ 18,153	\$ 76,925	\$ 95,078
Jan - Dec., 1977	\$ 24,553	\$ 65,967	\$ 90,520
Jan. - Dec., 1978	\$ 31,006	\$ 76,562	\$107,568
Jan - Dec., 1979	\$ 42,108	\$ 62,643	\$104,751
Jan - Dec., 1980	\$ 28,913	\$215,029	\$243,942
Jan - Dec., 1981	\$ 36,961	\$ 94,088	\$131,049
Jan., - Dec., 1982	\$ 30,269	\$206,165	\$236,434
Jan - Dec., 1983	\$ 40,043	\$209,628	\$249,671
Jan - Dec., 1984	\$ 71,921	\$290,487	\$362,408
Jan - Dec., 1985	\$ 81,837	\$257,608	\$339,445
Jan - Dec., 1986	\$114,189	\$251,953	\$366,142
Jan - Dec., 1987	\$168,010	\$305,079	\$473,189
Jan - Dec., 1988	\$179,015	\$317,173	\$496,188
Jan. - Dec., 1989	\$192,098	\$310,775	\$502,873
Jan - Dec., 1990	\$202,172	\$307,825	\$509,997
Jan - Dec., 1991	\$222,093	\$340,762	\$562,855
Jan - Dec., 1992	\$394,450	\$431,567	\$826,017
Jan - Dec., 1993	\$439,963	\$442,813	\$882,776
TOTAL			\$6,783,204

Note: All these statistics are from Statistics Canada official publications on exports and imports. For full bibliographic citation, please refer to Bibliography.

**(C) LIST OF TOP CANADIAN
EXPORTERS TO INDONESIA**

LIST OF TOP CANADIAN EXPORTERS TO INDONESIA

All of the following companies have exports to Indonesia in (\$000) excess of \$50,000.

They are listed in alphabetical order

An "*" indicates military weapons (Bearing in mind that others export parts that could be used for military purposes but are not stated as such Those companies are indicated by a [?].)

1. Alcoma Steel Inc. [?]
2. Alliedsignal Aerospace Canada*
3. AT Plastics Inc. [?]
4. Atlas Specizity Steels Div. Sammi Atlas [?]
5. Babcock & Wilcox International Division
6. Blount Canada
7. Bombardier Inc., Groupe Canadair *
8. Bristol Aerospace Limited [?]
9. Canadian Forest Products Ltd.
10. Canadian Marconi Company [?]
11. Canamera Foods
12. Cargill Limited
13. Cascades Inc.
14. Chemetics International Company Ltd.
15. Corner Brook Pulp and Paper Limited
16. De Havilland Inc. *
17. Dreco Energy Services Ltd
18. Electrohome Ltd.
19. FMG Timberjack Inc.
20. GE Locomotives Canada [?]
21. General Electric Canada Inc [?]
22. General Electric Canada Inc. Ind. Motors [?]
23. General Motors of Canada Limited *
24. General Motors of Cda. Ltd Diesel Div *
25. Honeywell Limited
26. Imperial Oil Limited Chemicals Division
27. Ingersoll-Rand Canada Inc
28. Interforest Ltd
29. JM Asbestos Inc.
30. Lab Chrysotile Inc.
31. Litton Systems Canada Limited [?]
32. MacMillan Bloedel Limited
33. Matol Botanical International Ltd
34. McCain Foods Ltd

Appendix B-11

- 35. Menasco Aerospace Ltd. [?]
- 36. Mitsubishi Electronics Ind. Canada Inc.
- 37. Novacor Chemicals Ltd. Methanol Div.
- 38. Petromont Inc.
- 39. Petrosul Intl Div. of Conagra Ltd.
- 40. Polysar Rubber Corporation
- 41. Pratt & Whitney Canada Inc. [?]
- 42. Quesnel River Pulp Co.
- 43. Sherritt Inc.
- 44. Sidbec-Dosco Inc. [?]
- 45. SR Telecom Inc. [?]
- 46. Sydney Steel Corporation
- 47. Timberwest Forest Limited
- 48. Trench Electric
- 49. W.G. Thompson & Sons Limited
- 50. Western Pulp Limited Partnership
- 51. Western Star Trucks Inc. [?]
- 52. Westinghouse Canada Inc. [?]
- 53. Westinghouse Canada Inc., Info Svcs Div. [?]
- 54. 3M Canada Inc.

Details on the above companies provided by Business Opportunities Sourcing System (BOSS) (Printout March 11, 1994).

**(D) CANADIAN DIRECT
INVESTMENT IN
INDONESIA
1975-1991**

**(D) CANADIAN DIRECT INVESTMENT IN INDONESIA
1975-1991**

YEAR	AMOUNT INVESTED
1975	\$98,000,000
1976	\$186,000,000
1977	\$276,000,000
1978	\$324,000,000
1979	\$439,000,000
1980	\$590,000,000
1981	\$753,000,000
1982	\$815,000,000
1983	\$960,000,000
1984	\$1,052,000,000
1985	\$1,092,000,000
1986	\$1,160,000,000
1987	\$1,029,000,000
1988	\$1,035,000,000
1989	\$1,033,000,000
1990	\$846,000,000
1991	\$819,000,000

(Data for 1992 will be available in April, 1994.)

Statistics from: Statistics Canada, Canada's International Investment Position.
Reports from 1976-1993.

APPENDIX C

CANADIAN AID

(A) COMPREHENSIVE BREAKDOWN OF CANADIAN AID TO INDONESIA 1970 TO 1992

AND

(B) SUMMARY OF CANADA FUND DISBURSEMENTS AND PROJECTS IN EAST TIMOR 1979/80 - 1992/93

**(A) COMPREHENSIVE BREAKDOWN OF
CANADIAN AID TO INDONESIA
1970 TO 1992**

**DETAILS OF CANADA'S
BILATERAL DISBURSEMENTS
INDONESIA**

1970-71 TO 1975-76

(\$ million)

Per Capita Income Figures Based on 1973 U.S. Dollars

YEAR	BILATERAL DISBURSEMENT
1970-71	\$3.57
1971-72	\$3.95
1972-73	\$14.75
1973-74	\$21.64
1974-75	\$19.52
1975-76	\$36.70

This chart was compiled with statistics from CIDA's Canada and Development Cooperation, Annual Review 1975-1976.

This chart is included to show the jump in aid donations in 1975-76 from previous years, 1975-76, being:

- (a) the year President Suharto visited Canada, and
- (b) the year that Indonesia invaded East Timor

**CANADA'S DEVELOPMENT ASSISTANCE PROGRAMS
DISBURSEMENT PROFILE
INDONESIA (\$ MILLIONS)
1975-1984**

CHANNELS	1975-76*	1976-77*	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84
Bilateral	36.70	22.43	13.19	12.72	11.75	17.95	27.38	28.84	22.94
Canada Fund									
Inst. Co-Op and Dev't Service								0.24	0.47
NGO Programs								0.06	
Int'l NGO Programs								1.32	1.72
Industrial Co-Op Program									
Int'l Humanitarian Assistance Program								0.50	0.32
Food Aid	--	9.92	0.04	--	--	--	--	--	--
IDRC								0.79	0.61
Prov. Gov't Contribution									
TOTAL	36.70							31.85	26.06

* From 1971-72 to 1976-77 (\$ million) Per Capita Income Figures Based on 1973 U.S. Dollars.

** In 1983-84, Canada gave \$0.38 million in food aid through multilateral aid channels.

Appendix C-4

Not Included in Above Chart, but Notable

- a) In 1976-77, Canada gave Indonesia \$35,000 for Earthquake Relief via its International Emergency Relief program.
- b) In 1979-80, Canada gave East Timor \$200,000 for Protection of Civilians during Conflict through its International Emergency Relief Fund.
- c) In 1980-81, Canada gave East Timor \$25,000 for Food and Medicine through its International Emergency Relief Fund.
- d) In 1982-83, Canada gave Indonesia \$100,000 for Volcanic Eruptions through Humanitarian Assistance.
- e) In 1983-84, Timor ranked as a separate country in Canada's "Country-to-Country Disbursements", receiving \$0.15 million in Humanitarian Assistance

**CANADA'S DEVELOPMENT ASSISTANCE PROGRAMS
DISBURSEMENT PROFILE
INDONESIA (\$ MILLIONS)
1984/85 - 1991/92**

CHANNELS	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92
Government-to-Government (Bilateral Program)	33.83	74.94	41.65	43.89	51.02	51.90	41.31	39.97
Export Development Credit ¹							--	12.03
Canada Fund	--	--	0.35	0.50	0.49	0.47	0.50	0.50
Institutional Co-Operation and Development Services Program	0.18	0.09	0.92	1.39	1.12	1.13	1.58	1.28
Non-Governmental Organizations Programs	1.07	0.68	1.04	0.92	2.17	4.55	0.67	1.30
International Non-Governmental Organizations Programs	0.01	0.02	--	--	--	--	--	--
Industrial Co-Operation Program	1.03	0.71	0.84	0.80	0.64	1.36	2.54	2.63
International Humanitarian Assistance Program	--	--	--	--	0.03	--	0.18	---
Food Aid	--	--	0.03	--	0.03	--	--	---
International Development Research Centre	0.14	0.89	1.24	1.05	1.32	1.38	1.52	1.20
Provincial Government Contributions	--	0.16	0.36	0.11	--	--	--	
TOTAL	77.49	46.44	48.66	56.80	56.82	60.80	48.3	58.90

¹ From CIDA Annual Report for 1989-90 at 65, it is noted that:
"The government reports as ODA the concessional credits that it grants through the Export Development Corporation, section 31, when they meet approved development criteria. These concessional credits are not, however, considered as part of the regular aid program budget in calculating the ODA/GNP ratio."

Statistics Compiled From

- 1) External Affairs and International Trade Canada, Survey of Bilateral Economic Relations Between Canada and Indonesia (1990)
- 2) Canadian International Development Agency, CIDA Programs in Asia -- Indonesia (June, 1992).
- 3) Canadian International Development Agency, Annual Reports (from 1976 to 1993).

No PROJET	TITRE DU PROJET	GENRE	CODE	DATE	DATE	ETAPE	BUDG. APPROV.	BUDGET REVISE	DEBOURSE A DATE
			SECTEUR	D'APPRO.	TERM.		(\$)	(\$)	(\$)

BRANCH : ASIA / ASIE

COUNTRY / PAYS : INDONESIA / INDONESIE

0010635	YOGYA DISEASE INVEST CTR IMPLEME	B	010201	1982-07	1990-09	0	12,000,000	12,000,000	11,710,444
0011967	GENERAL TRAINING PROGRAM	B	020107	1985-07	1991-07	0	9,000,000	13,330,400	10,188,090
0012033	NTT WATER RESOURCES DEVELOPMENT	B	1102	1986-01	1992-03	0	30,000,000	26,053,499	16,377,429
0012615	EASTERN UNIVERSITY DEVELOPMENT	C	020309	1987-08	1992-03	0	21,025,720	22,077,010	18,374,925
0013888	IAIN DEVELOPMENT	C	020107	1988-11		0	9,060,000	9,059,000	5,454,452
0014178	WOMENS SUPPORT PROJECT	B	0211	1990-02		0	5,000,000	4,999,895	1,961,436
0014620	DFU PROFESSIONAL DEVELOPMENT PROJ	C	110103	1988-02	1993-03	0	4,989,000	4,989,000	4,543,123
0014843	SULAMESI REG DEV 2	C	070205	1988-09		0	36,950,000	36,948,343	13,764,738
0014951	WATER SECTOR TECH ASSIST FUND	B	110103	1988-03		0	14,900,000	14,900,000	5,517,630
0014953	NTT/KUPANG IUIDP	B	1101	1991-11		0	14,900,000	14,900,000	
0014954	P.S.S.U. (N.SULAMESI WATER)	B	110103	1989-02		0	15,000,000	15,000,000	4,479,975
0015163	IADO/CANADA NGO LINKAGE PROGRAM	C	0711	1990-06		0	4,600,000	4,600,000	1,511,763
0015207	OPEN UNIV. 3	C	020104	1989-03		0	4,795,000	4,795,000	3,427,068
0015225	ENDI PHASE III	C	0211	1989-03		0	37,790,700	37,790,700	28,825,848
0015237	CARE SULAMESI SRCD III	C	1109	1991-01		0	9,900,000	9,900,000	3,340,053
0015416	BALANCED NUTRITION OF FOODCROPS	C	010603	1989-02		0	500,000	500,000	499,703
0015842	ENVIRON PROGRAMMING SUPRT SERVCS	B	0211	1990-05		0	4,975,000	4,975,000	1,977,214
0016260	PPNR - WATER	B	1101	1990-11		0	5,000,000	5,000,000	1,265,189
0016675	MUSC FELLOWS 5	C	021504	1990-03		0	5,204,000	5,204,000	3,694,293
0017165	INCOBAP - PHASE II	C	1512	1992-08		0	14,150,000	14,150,000	
0017735	ELUDP PH II	C	020104	1993-04		0	28,730,000	28,730,000	
0017903	SPPE-92/95 PRGRM SUPPORT SERVICE	S	170220	1992-03		0	500,000	499,651	277,667
0018267	CANADA FUND 1993/94	N	170218	1993-04		0	1,000,000	1,000,000	19,675
0018404	SPPE-PROGRAM ADMIN SUPPORT UNIT	S	170220	1993-04		0	495,000	495,000	36

No PROJET	TITRE DU PROJET	GENRE	CODE	DATE	DATE	ETAPE	BUDG. APPROV. (S)	BUDGET REVISE (S)	DEBOURSE A DATE (S)
					SECTEUR D'APPRO. FERM.				

COUNTRY / PAYS : INDONESIA / INDONESIE ...cont'd/suite

0018419	BPPE - PUBLIC SECTOR MANAGEMENT	S	15	1993-04		0	300,000	300,000	
TOTAL - INDONESIA / INDONESIE							290,764,420	292,187,498	137,210,751
BRANCH TOTAL (ASIA / ASIE)							290,764,420	292,187,498	137,210,751
GRAND TOTAL							290,764,420	292,187,498	137,210,751

**(B) SUMMARY OF CANADA FUND
DISBURSEMENTS AND PROJECTS
IN EAST TIMOR
1979/80 - 1992/93**

**SUMMARY OF CANADA FUND
DISBURSEMENTS AND PROJECTS IN EAST TIMOR
1979/80 TO 1992/93**

FISCAL YEAR	NUMBER OF PROJECTS	TOTAL DISBURSEMENTS (Canadian Dollars)
1992/93	32	\$498,121
1991/92	26	\$143,008
1990/91	10	\$ 57,494
1989/90	15	\$ 57,500
1988/89	4	\$ 58,693
1987/88	0	\$ 0
1986/87	1	\$ 33,300
1985/86	1	\$ 474
1984/85	0	\$ 0
1983/84	0	\$ 0
1982/83	2	\$ 17,449
1981/82	0	\$ 0
1980/81	1	\$ 3,714
1979/80	1	\$ 7,474
TOTAL	93	\$877,227

Chart from CIDA in East Timor, Prepared by the Canadian International Development Agency, April 30, 1993

Note that this chart commences at 1979, which is when Canada began projects in East Timor that were separate from its aid package to Indonesia

APPENDIX A

Section I: Detailed Information on Canada Fund Projects in East Timor 1992/93 - 1990/91

NOTE: No information available where cell is blank.

PROJECT OBJECTIVE	RECIPIENT ORGANIZATION	RECIPIENT INFORMATION	CANADIAN \$ CONTRIBUTION
FISCAL YEAR 1992/93			
1) Drinking water supply			\$ 4,103
2) Animal husbandry			\$ 9,345
3) Material and related costs for well construction	Fo Liman Ba Malu group	benefit 200 people; 50 % are women	\$ 772
4) Drinking water supply			\$ 6,230
5) Tailoring training course	Group of Santa Teresinha do Menino Jesus	benefit 57 women	\$ 1,550
6) Deep well work			\$ 9,345
7) Tailoring training	Kanosian Sisters Congregation	benefit 30 women	\$ 2,492
8) Tailoring training	Sisters CIJ Rainha da Paz Congregation	benefit 20 women	\$ 2,476
9) Drinking water supply			\$ 9,345
10) Integrated community development			\$ 1,240
11) Well construction	The Sub-Hamlet Group	benefit 200 people; 50% are women	\$ 845
12) Renovation of drinking water facility			\$ 6,230

PROJECT OBJECTIVE	RECIPIENT ORGANIZATION	RECIPIENT INFORMATION	CANADIAN \$ CONTRIBUTION
13) Chicken farming			\$ 3,115
14) Health care training course			\$ 3,115
15) Artificial insemination training course	The Fuiloro Salesian Don Bosco Organization	benefit 2 people	\$ 2,275
16) Security fence for garden	Salesian Don Bosco Congregation	benefit 200 families; 70 % are women	\$ 4,182
17) Sewing course			\$ 1,012
18) Medical equipment	The Health Centre of St. Maria Reinha Rosari	benefit average of 450 patients per month	\$ 17,694
19) Management training for community administration	Yayasan Indonesia Sejahtera	benefit 15 people	\$ 17,312
20) Purchase project vehicle	ETADEP		\$ 15,300
21) East Timor community development project	CARE International		\$ 49,675
22) Maternal and neo-natal health care	UNICEF		\$ 42,477
23) Yaws eradication project	UNICEF		\$ 41,833
24) Child immunization project	UNICEF		\$ 49,556
25) Community service training	Satya Wacana University	benefit 50 people	\$ 20,706

PROJECT OBJECTIVE	RECIPIENT ORGANIZATION	RECIPIENT INFORMATION	CANADIAN \$ CONTRIBUTION
FISCAL YEAR 1991/92			
1) Drinking water project	Kelompok Mahasiswa KKN	benefit 327 families; 70% are women	\$ 5,890
2) Computer training	Senior Catholic High School	benefit 100 students; 50% are women	\$ 8,452
3) Computer training	Senior Catholic High School	benefit 2 men	\$ 2,334
4) Construction of seed storage building	Village farmers CO-OP	benefit 3,500 people; 50 % are women	\$ 8,835
5) Irrigation canal repair	Village farming group	benefit 200 people; 50 % are women	\$ 8,835
6) Provision of fishing equipment	San Pedro Lautem Fishermen's Group	benefit 800 people; 50% are women	\$ 4,712
7) Provision of cattle and related equipment	Sare Cattle Fattening Group	benefit 60 people; 50% are women	\$ 3,965
8) Project management training	ETADEP	benefit 1 person	\$ 5,120
9) Upgrading veterinary clinic	The Catholic Maubisse Mission		\$ 3,534
10) Project management training	ETADEP	benefit 3 people	\$ 3,534
11) Provision of machinery to process coffee beans	Catholic Church Diocese of Maubisse	benefit the community of Maubisse; 50% are women	\$ 2,356
12) Income generating activities	Catholic Church Diocese of Manatuto	benefit 12 farmers; 50% are women	\$ 7,068
13) Income generating activities	Bobonaro Mission	benefit 50 people; 50% are women	\$ 2,245
14) Training in dry land farming	Yayasan Halare	benefit 2100 people; 50% are women	\$ 5,890

PROJECT OBJECTIVE	RECIPIENT ORGANIZATION	RECIPIENT INFORMATION	CANADIAN \$ CONTRIBUTION
15) Drinking water supply project	Village of Leima Kraik	benefit 700 people; 43% are women	\$ 4,103
16) Animal husbandry project	Village of Salesian	benefit 100 people; 50% are women	\$ 9,345
17) Horticulture training	Catholic Church Diocese of Manatuto		\$ 1,268
18) Well construction	ETADEP	benefit 52 people; 30% are women	\$ 383
19) Animal husbandry and irrigation projects	PUSLAWITA	benefit 10 women	\$ 1,246
20) Income generating project	Simpatisan Institute of Se Kuler	benefit 12 women	\$ 4,180
21) Well construction		benefit 200 people; 50% are women	\$ 884
22) Water facility repair	The community of Maubisse	benefit 2100 people; 33% are women	\$ 1,767
23) NGO staff training	Yayaysan Halare	3 male staff members	\$ 1,955
24) Project management training	ETADEP	1 male staff member	\$ 1,473
25) Provision of cattle and related equipment	Farmers' group in Aisirimou	benefit 33 farmers; 50% are women	\$ 884
26) Rain water storage tank construction	Yayasan Dian Desa	benefit 750 people; 50% are women	\$ 28,008

PROJECT OBJECTIVE	RECIPIENT ORGANIZATION	RECIPIENT INFORMATION	CANADIAN \$ CONTRIBUTION
FISCAL YEAR 1990/91			
1) Provision of equipment to agricultural school	Salesians of Don Bosco	benefit 250 people; 50% are women	\$ 9,780
2) Provision of materials and seed	Sotero farming Group	benefit 4 males	\$ 2,678
3) Training for unemployed women	Yayasan Canossa	benefit 20 women	\$ 8,451
4) Training in sewing		benefit 50 women	\$ 3,979
5) Training for unemployed women	Salesians of Don Bosco	benefit 25 women	\$ 618
6) Women in development training	Simpatizan Institut Sekuler Dili	benefit 20 women	\$ 2,549
7) Training in sewing	Salesians of Don Bosco	benefit 15 women	\$ 309
8) Construction of water supply facility	The farmers' group of Assulau	benefit 1,250 people; 50% are women	\$ 10,312
9) Construction of water supply facility	The farmers' group of Poerma	benefit 858 people; 50% are women	\$ 10,300
10) Construction of water supply facility		benefit 850 people; 50% are women	\$ 1,018

APPENDIX D

PROJECT PLOUGHSHARES CANADIAN MILITARY INDUSTRY DATABASE OF CANADIAN ARMS SALES TO INDONESIA (SINCE 1980)

to INO

Year	Product Category	Amount Cdn\$
1979	Annual total	52,648
	*SUM	52,648
1980	Annual total	52,505
	*SUM	52,505
1981	Annual total	246,770
	*SUM	246,770
1982	Annual total	1,320,495
	*SUM	1,320,495
1983	Annual total	1,264,462
	*SUM	1,264,462
1984	Annual total	814,751
	*SUM	814,751
1985	Annual total	545,401
	*SUM	545,401
1986	Annual total	300,833
	*SUM	300,833
1987	Annual total	1,100,000
	*SUM	1,100,000
1989	EOD Body Armour Type V	100,866
	*SUM	100,866
1991	Electronic equip for military use, comp & software	27,963
	*SUM	27,963
	**SUM	5,626,694

Nov. 10, 1992

CMID Report on Indonesia

Page 1

Name of Company	City	P-C	Date	Grant	Amount Cdn\$	C REC	Description of Contract or Grant
Vulcartier Industries	COURCELETTE		1981			5 INO	Ammunition*
Irvin Industries Canada Ltd	PORT ERLE	L2A 5M3	1982.05			1 INO	Parachutes*
Levy Auto Parts Company	TORONTO	M6M 4S7	1982.05			4 INO	Military vehicles*
Valcom Ltd	GUELPH	N1H 6L3	1985			2 INO	10-kilowatt HF coupler systems*
Pratt & Whitney Canada Inc	LONGUEUIL	J4G 1A1	1985		10,000,000	1 INO	13 PT6T-3B twinned turbo-shaft engines for Bell 412 hel (subc)
	LONGUEUIL	J4G 1A1	1986.07		10,000,000	1 INO	PT6T-3B turbo-shaft engines for Bell 412 helicopter
Leigh Instruments Ltd	KANATA	K2L 3H1	1989.06			1 INO	Navigation sys for Air Force*
Litton Systems Canada Limited	REXDALE	M3W 5A7	1991.11			1 INO	APS-504(V)3 radar for CH-235 MPA flying testbed (subc)

Booming Business

Arms Sales

by Ken Epps

Permission granted

The Canadian government continues to provide export permits for the shipment of military and strategic goods to repressive regimes around the world, figures recently released by the Department of External Affairs show. In response to a question in the House of Commons from MP Nelson Riss, External Affairs minister Joe Clark revealed the annual totals of military export permits for 32 countries from 1984 to 1987 and for the first five months of 1988. The countries for which information was requested are those regularly cited in Ruth Sivard's annual *World Military and Social Expenditures* as practicing frequent official violence against their own citizens. Of the 32 countries listed, the majority of which are military-controlled, the Canadian government approved military exports related to 21 during the 4 1/2 year period.

Although the approval of an export permit does not necessarily mean there has been a sale, the permits demonstrate Canada's willingness to export military goods to human rights violators on a regular basis. Chile, Colombia, India, Indonesia, South Korea, Morocco, Pakistan, Peru, Philippines and Turkey all were approved to receive Canadian military goods in each year between 1984 and 1987.

The figures also provide evidence of government approval of arms exports to "countries involved in or under imminent threat of hostilities," in contradiction to its own export controls policy. For example, export permits were approved for Chad during only one year of the period, 1986. In October of 1986 Libya and Chad guerrillas renewed fighting in northern Chad, and in December American military equipment was shipped to the Chadian government for its offensive against Libya. In addition, the Canadian government approved substantial arms exports to Indonesia, Ethiopia, Morocco and the Philippines, despite the ongoing internal

Digital ballistic computers for South Korea's new Type 88 tank are supplied by Computing Devices of Canada.

Annual Values of Military Export Permits to Human Rights Violators (\$ thousands)

Country	1984	1985	1986	1987	(To May 1) 1988
Chad	—	—	219	—	—
Chile	10,185	7,420	6,182	1,175	—
Colombia	5,026	—	4,057	310	—
El Salvador	—	4	—	—	—
Ethiopia	3,000	—	—	—	—
Guatemala	—	15	—	—	—
India	16,820	33,551	35,655	30,007	82,950
Indonesia	17,795	14,176	3,238	8,598	—
Korea, S	56,094	29,641	25,475	102,009	161,972
Mauritania	—	3,000	3,000	3,000	—
Morocco	8,000	5,047	1,036	11	—
Pakistan	45,564	23,345	2,063	73,129	1,125
Paraguay	25,000	1	—	—	—
Peru	46,000	150,521	2,000	7,376	3,048
Philippines	10,604	58	3,256	38	—
Syria	1,000	—	441	—	—
Togo	—	—	3,000	3,000	—
Turkey	2,220	17,804	11,363	112,225	17,057
Uruguay	—	3	1	—	—
Zaire	—	—	3,000	3,000	7,527

Sources: *Hansard*, June 29, 1988, p. 16941; Ruth Sivard, *World Military and Social Expenditures 1987-88*, and earlier editions.

(and in the case of Morocco, external) conflicts of these countries.

Under the guidelines announced in September 1986, approval of export permits for arms shipments to human rights violators may be granted if "it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population." Yet the huge value of goods approved for sale, more than \$1.25 bil-

lion in 4 1/2 years, casts considerable doubt on the effectiveness of the process whereby such goods are scrutinized and all "reasonable risk" is removed. In fact, the overall value combined with the upward trend in annual permit totals, suggests a loosening of Canadian export controls on military exports to human rights violators.

APPENDIX E
INDONESIA'S AIR SHOW

Indigenous production is Indonesia's aim

THE NEED to become self-supporting in the field of maritime and aviation industries, despite a downturn in the Indonesian economy, was the main theme of President Soeharto's opening speech at the Indonesia Air Show.

Celebrating the 10th anniversary of IPTN, the first Indonesian air show opened on 23 June at Kemayoran, Jakarta, and it is scheduled to be held every 10 years.

The president stressed that "our aircraft industry is a concrete necessity for our nation" and warned that "dependence on outside technology can push us into difficult corners".

The emphasis of his speech was very much on developing an indigenous aviation capability "in order to ensure the safety and success of our long term development".

BN-109 helicopter

DISCUSSIONS were held at the IAS over the future of the projected BN-109 helicopter.

The programme is being conducted by Neue Transport Technology, a joint MBB-IPTN company.

A mock-up of the BN-109 was displayed at the IAS, although it is still in development and no plans have been made to go into production.

The four-seater helicopter can be used for military training, patrol and SAR, said an IPTN spokesman.

It will have a three-blade main rotor, 8.40 m in diameter, and a two-blade tail rotor (1.40 m diameter).

With a total length of 7.41 m (excluding rotors), the helicopter will have a maximum take off weight of 1200 kg.

An engine specification is not yet decided, but options considered are a Porsche piston engine, derated to 230 kW, or an Allison turbine.

Kormoran 2 production

MBB promoted its Kormoran 2 air-to-ship guided missile system at the IAS.

An advanced version of the Kormoran 1, the missile will have improved ECM, range and warhead penetration.

Re-engined Skyhawk has September target

THE FIRST flight of a Singapore Air Force A-4 Skyhawk fitted with the GE 404 engine will be in September, and Indonesia is also showing interest in the re-engining of its Skyhawks.

The contract to re-engine the Singapore aircraft with the GE 404 (also fitted on the F/A-18 and F-20) was signed a year ago.

A GE spokesman said that flight testing will continue until December and the complete re-engining programme is expected to take three years.

Reports indicate that 50 of Singapore's A-4s will receive the new engine, but a spokesman said that the final figure "will depend on the success of the flight test".

Singapore Aircraft Industries will undertake the complete re-engining, and will also manufacture a number of parts for the

programme.

Indonesia has 27 A-4Es and is showing interest, although much will depend on the size of its defence budgets, given its current economic climate.

Referring to a potential Indonesian decision on the GE 404, a spokesman said: "Some levels of the air force want it, others are not so sure," but added that if Indonesia goes ahead with the GE 404 it is possible that the country may want to undertake the re-engining programme itself.

Other potential customers for the new engine could be New Zealand and Malaysia, and GE said that both countries were "talking unofficially" about the programme. The company would also be "very happy" to supply its engine to Argentina for its Skyhawks, said a spokesman.

Flycatcher on display

▲ Three divisions of Philips had their latest products on show at Jakarta - including Flycatcher made by Hollandse Signaalapparaten BV (Signaal).

Flycatcher is designed for all weather low-level short range air defence. It is self contained, rapidly deployable and the fire-control radar system is capable of controlling three guns, missile systems or a mix. So far, over 100 units have been delivered to various unnamed countries.

BAe Rapier air defence missile well featured at show

THE RAPIER low-level air defence missile system was a feature of the BAe stand at the show.

The system is already on order for the Indonesian Army — a £100 million order was placed in December 1984, followed by a £75 million contract in December 1985.

Last year, a technology transfer agreement was signed to enable Indonesia to provide logistical support for the system. A company spokesman said that future Indonesian manufacture of system components was possible, and talks were going on.

In the meantime, most of the money available to build other

high technology items of the system, providing premium costs were not too high.

The first Rapiers for initial training and maintenance should be delivered to Indonesia at the end of the year.

●Interest in the BAe new single sea Hawk 200 has been shown by the Middle East, Far East, the UK, and USA. The Indonesian Air Force already has 16 two-seater Hawks. BAe is talking to Indonesia about supplying further Hawks, and a spokesman said: "We consider it to be one of our most important places" for cooperation.

APPENDIX F

CANADIAN AMBASSADORS

TO INDONESIA

APPENDIX F

CANADIAN AMBASSADORS TO INDONESIA¹

NAME	TITLE	APPOINTMENT	TERMINATION OF MISSION
George R.C. Heasman	AE&P	Dec. 2, 1952	Nov. 3, 1957
James R. McKinney	Charge d'Affairs	Nov. 3, 1957	Oct. 12, 1958
Theodore F.M. Newton	AE&P	June 26, 1958	Sept. 2, 1960
Clifford J. Webster	Charge d'Affairs	Sept. 2, 1960	Aug. 21, 1961
John P. Sigvaldason	AE&P	Sept. 2, 1960	Feb. 22, 1964
James R. Francis	Charge d'Affairs	Feb. 22, 1964	Oct. 28, 1964
Ronald M. Macdonnell	AE&P	Apr. 9, 1964	Sept. 15, 1966
William G.M. Olivier	AE&P	Jun. 21, 1966	Aug. 23, 1968
Alfred P. Bissonnet	AE&P	Oct. 8, 1968	Sept., 1970
William T. Delworth	AE&P	May 29, 1970	Aug. 8, 1974
Peter A.E. Johnston	AE&P	Jun. 10, 1974	Jul. 7, 1977
Glen S. Shordiffe	AE&P	Jul. 14, 1977	Jul. 3, 1979
William H. Montgomery	AE&P	Apr. 4, 1979	Oct. 26, 1980
Earl G. Drake	AE&P	Sept. 22, 1982	
John M.T. Thomas	AE&P	Oct. 13, 1983	
Jack A. Whittleton	AE&P	Aug. 13, 1986	Aug. 30, 1989

¹ Canadian diplomatic recognition of Indonesia was given on December 27, 1949. In 1952, a Canadian Ambassador was appointed; the Embassy was formally established in Jakarta on July 16, 1953.

Ingrid M. Hall	AE&P	Sept. 28, 1989	1992
Lawrence Dickenson	AE&P	1992	Present

APPENDIX G

**RELEVANT (AND REFERRED TO) SECTIONS OF
THE ACCESS TO INFORMATION ACT**

paid as a deposit before the search or production of the record is undertaken or the part of the record is prepared for disclosure.

la recherche ou la préparation du document ou que la partie communicable n'en soit prélevée

Notice

(5) Where the head of a government institution requires a person to pay an amount under this section, the head of the institution shall

(5) Dans les cas où sont exigés les versements prévus au présent article, le responsable de l'institution fédérale :

(a) give written notice to the person of the amount required; and

a) avise par écrit la personne qui a fait la demande du versement exigible;

(b) state in the notice that the person has a right to make a complaint to the Information Commissioner about the amount required.

b) l'informe, par le même avis, qu'elle a le droit de déposer une plainte à ce propos auprès du Commissaire à l'information

Waiver

(6) The head of a government institution to which a request for access to a record is made under this Act may waive the requirement to pay a fee or other amount or a part thereof under this section or may refund a fee or other amount or a part thereof paid under this section. 1980-81-82-83, c. 111, Sch. 1 "11".

(6) Le responsable de l'institution fédérale peut dispenser en tout ou en partie la personne qui fait la demande du versement des droits ou lui rembourser tout ou partie du montant déjà versé. 1980-81-82-83, ch. 111, ann. 1 «11», 1984, ch. 40, art. 79.

Dispense

Access

Exercice de l'accès

Access to record

12. (1) A person who is given access to a record or a part thereof under this Act shall, subject to the regulations, be given an opportunity to examine the record or part thereof or be given a copy thereof.

12. (1) L'accès aux documents s'exerce, sous réserve des règlements, par consultation totale ou partielle du document ou par délivrance de copies totales ou partielles.

Communication

Language of Access

(2) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given requests that access be given in a particular one of the official languages of Canada, a copy of the record or part thereof shall be given to the person in that language

(2) La personne à qui sera donnée communication totale ou partielle d'un document et qui a précisé la langue officielle dans laquelle elle le désire se verra communiquer le document ou la partie en cause dans la version de son choix :

Version de la communication

(a) forthwith, if the record or part thereof already exists under the control of a government institution in that language; or

a) immédiatement, si le document ou la partie en cause existent dans cette langue et relèvent d'une institution fédérale;

(b) within a reasonable period of time, if the head of the government institution that has control of the record considers it to be in the public interest to cause a translation to be prepared. 1980-81-82-83, c. 111, Sch. 1 "12".

b) dans un délai convenable, si le responsable de l'institution fédérale dont relève le document juge dans l'intérêt public de faire traduire ce document ou cette partie. 1980-81-82-83, ch. 111, ann. 1 «12».

EXEMPTIONS

EXCEPTIONS

Responsibilities of Government

Responsabilités de l'État

Information obtained in confidence

13. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained in confidence from

13. (1) Sous réserve du paragraphe (2), le responsable d'une institution fédérale est tenu de refuser la communication de documents contenant des renseignements obtenus à titre confidentiel :

Renseignements obtenus à titre confidentiel

(a) the government of a foreign state or an institution thereof;

a) des gouvernements des États étrangers ou de leurs organismes;

- (b) an international organization of states or an institution thereof;
- (c) the government of a province or an institution thereof; or
- (d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government.

- b) des organisations internationales d'États ou de leurs organismes;
- c) des gouvernements des provinces ou de leurs organismes;
- d) des administrations municipales ou régionales constituées en vertu de lois provinciales ou de leurs organismes.

Where
disclosure
authorized

(2) The head of a government institution may disclose any record requested under this Act that contains information described in subsection (1) if the government, organization or institution from which the information was obtained

- (a) consents to the disclosure; or
- (b) makes the information public. 1980-81-82-83, c. 111, Sch. I "13".

(2) Le responsable d'une institution fédérale peut donner communication de documents contenant des renseignements visés au paragraphe (1) si le gouvernement, l'organisation, l'administration ou l'organisme qui les a fournis :

- a) consent à la communication;
- b) rend les renseignements publics. 1980-81-82-83, ch. 111, ann. I «13».

Cas où la
divulguation est
autorisée

Federal-provin-
cial affairs

14. The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct by the Government of Canada of federal-provincial affairs, including, without restricting the generality of the foregoing, any such information

- (a) on federal-provincial consultations or deliberations; or
- (b) on strategy or tactics adopted or to be adopted by the Government of Canada relating to the conduct of federal-provincial affairs. 1980-81-82-83, c. 111, Sch. I "14".

14. Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements dont la divulgation risquerait vraisemblablement de porter préjudice à la conduite par le gouvernement du Canada des affaires fédéro-provinciales, notamment des renseignements sur :

- a) des consultations ou délibérations fédéro-provinciales;
- b) les orientations ou mesures adoptées ou à adopter par le gouvernement du Canada touchant la conduite des affaires fédéro-provinciales. 1980-81-82-83, ch. 111, ann. I «14».

Affaires
fédéro-provin-
ciales

International
affairs and
defence

15. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities, including, without restricting the generality of the foregoing, any such information

- (a) relating to military tactics or strategy, or relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention or suppression of subversive or hostile activities;
- (b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or con-

15. (1) Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements dont la divulgation risquerait vraisemblablement de porter préjudice à la conduite des affaires internationales, à la défense du Canada ou d'États alliés ou associés avec le Canada ou à la détection, à la prévention ou à la répression d'activités hostiles ou subversives, notamment :

- a) des renseignements d'ordre tactique ou stratégique ou des renseignements relatifs aux manœuvres et opérations destinées à la préparation d'hostilités ou entreprises dans le cadre de la détection, de la prévention ou de la répression d'activités hostiles ou subversives;
- b) des renseignements concernant la quantité, les caractéristiques, les capacités ou le déploiement des armes ou des matériels de

Affaires
internationales
et défense

sidered for use as weapons or other defence equipment;

(e) relating to the characteristics, capabilities, performance, potential, deployment, functions or role of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities;

(d) obtained or prepared for the purpose of intelligence relating to

(i) the defence of Canada or any state allied or associated with Canada, or

(ii) the detection, prevention or suppression of subversive or hostile activities;

(e) obtained or prepared for the purpose of intelligence respecting foreign states, international organizations of states or citizens of foreign states used by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs;

(f) on methods of, and scientific or technical equipment for, collecting, assessing or handling information referred to in paragraph (d) or (e) or on sources of such information;

(g) on the positions adopted or to be adopted by the Government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;

(h) that constitutes diplomatic correspondence exchanged with foreign states or international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or

(i) relating to the communications or cryptographic systems of Canada or foreign states used

(i) for the conduct of international affairs,

(ii) for the defence of Canada or any state allied or associated with Canada, or

(iii) in relation to the detection, prevention or suppression of subversive or hostile activities.

défense, ou de tout ce qui est conçu, mis au point, produit ou prévu à ces fins;

c) des renseignements concernant les caractéristiques, les capacités, le rendement, le potentiel, le déploiement, les fonctions ou le rôle des établissements de défense, des forces, unités ou personnels militaires ou des personnes ou organisations chargées de la détection, de la prévention ou de la répression d'activités hostiles ou subversives;

d) des éléments d'information recueillis ou préparés aux fins du renseignement relatif à :

(i) la défense du Canada ou d'États alliés ou associés avec le Canada,

(ii) la détection, la prévention ou la répression d'activités hostiles ou subversives;

e) des éléments d'information recueillis ou préparés aux fins du renseignement relatif aux États étrangers, aux organisations internationales d'États ou aux citoyens étrangers et utilisés par le gouvernement du Canada dans le cadre de délibérations ou consultations ou dans la conduite des affaires internationales;

f) des renseignements concernant les méthodes et le matériel technique ou scientifique de collecte, d'analyse ou de traitement des éléments d'information visés aux alinéas d) et e), ainsi que des renseignements concernant leurs sources;

g) des renseignements concernant les positions adoptées ou envisagées, dans le cadre de négociations internationales présentes ou futures, par le gouvernement du Canada, les gouvernements d'États étrangers ou les organisations internationales d'États;

h) des renseignements contenus dans la correspondance diplomatique échangée avec des États étrangers ou des organisations internationales d'États, ou dans la correspondance officielle échangée avec des missions diplomatiques ou des postes consulaires canadiens;

i) des renseignements relatifs à ceux des réseaux de communications et des procédés de cryptographie du Canada ou d'États étrangers qui sont utilisés dans les buts suivants :

(i) la conduite des affaires internationales,

(ii) la défense du Canada ou d'États alliés ou associés avec le Canada,

Definitions

"defence of Canada or any state allied or associated with Canada" *défense...*

"subversive or hostile activities" *activités...*

(2) In this section,

"defence of Canada or any state allied or associated with Canada" includes the efforts of Canada and of foreign states toward the detection, prevention or suppression of activities of any foreign state directed toward actual or potential attack or other acts of aggression against Canada or any state allied or associated with Canada;

"subversive or hostile activities" means

(a) espionage against Canada or any state allied or associated with Canada,

(b) sabotage,

(c) activities directed toward the commission of terrorist acts, including hijacking, in or against Canada or foreign states,

(d) activities directed toward accomplishing government change within Canada or foreign states by the use of or the encouragement of the use of force, violence or any criminal means,

(e) activities directed toward gathering information used for intelligence purposes that relates to Canada or any state allied or associated with Canada, and

(f) activities directed toward threatening the safety of Canadians, employees of the Government of Canada or property of the Government of Canada outside Canada. 1980-81-82-83, c. 111, Sch. I "15".

Law enforcement and investigations

16. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

(a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to

(i) the detection, prevention or suppression of crime,

(iii) la détection, la prévention ou la répression d'activités hostiles ou subversives.

(2) Les définitions qui suivent s'appliquent au présent article.

activités hostiles ou subversives

a) L'espionnage dirigé contre le Canada ou des États alliés ou associés avec le Canada;

b) le sabotage;

c) les activités visant la perpétration d'actes de terrorisme, y compris les détournements de moyens de transport, contre le Canada ou un État étranger ou sur leur territoire;

d) les activités visant un changement de gouvernement au Canada ou sur le territoire d'États étrangers par l'emploi de moyens criminels, dont la force ou la violence, ou par l'incitation à l'emploi de ces moyens;

e) les activités visant à recueillir des éléments d'information aux fins du renseignement relatif au Canada ou aux États qui sont alliés ou associés avec lui;

f) les activités destinées à menacer, à l'étranger, la sécurité des citoyens ou des fonctionnaires fédéraux canadiens ou à mettre en danger des biens fédéraux situés à l'étranger.

défense du Canada ou d'États alliés ou associés avec le Canada. Sont assimilés à la défense du Canada ou d'États alliés ou associés avec le Canada les efforts déployés par le Canada et des États étrangers pour détecter, prévenir ou réprimer les activités entreprises par des États étrangers en vue d'une attaque réelle ou éventuelle ou de la perpétration d'autres actes d'agression contre le Canada ou des États alliés ou associés avec le Canada. 1980-81-82-83, ch. 111, ann. I «15».

Definitions

activités hostiles ou subversives
"subversive..."

défense du Canada ou d'États alliés ou associés avec le Canada
"défense..."

Enquêtes

16. (1) Le responsable d'une institution fédérale peut refuser la communication de documents :

a) datés de moins de vingt ans lors de la demande et contenant des renseignements obtenus ou préparés par une institution fédérale, ou par une subdivision d'une institution, qui constitue un organisme d'enquête déterminé par règlement, au cours d'enquêtes licites ayant trait :

(ii) the enforcement of any law of Canada or a province; or

(iii) activities suspected of constituting threats to the security of Canada within the meaning of the *Canadian Security Intelligence Service Act*.

if the record came into existence less than twenty years prior to the request.

(b) information relating to investigative techniques or plans for specific lawful investigations;

(c) information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information

(i) relating to the existence or nature of a particular investigation;

(ii) that would reveal the identity of a confidential source of information; or

(iii) that was obtained or prepared in the course of an investigation; or

(d) information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

(i) à la détection, la prévention et la répression du crime.

(ii) aux activités destinées à faire respecter les lois fédérales ou provinciales.

(iii) aux activités soupçonnées de constituer des menaces envers la sécurité du Canada au sens de la *Loi sur le Service canadien du renseignement de sécurité*.

b) contenant des renseignements relatifs à des techniques d'enquêtes ou à des projets d'enquêtes licites déterminées.

c) contenant des renseignements dont la divulgation risquerait vraisemblablement de nuire aux activités destinées à faire respecter les lois fédérales ou provinciales ou au déroulement d'enquêtes licites, notamment :

(i) des renseignements relatifs à l'existence ou à la nature d'une enquête déterminée.

(ii) des renseignements qui permettraient de remonter à une source de renseignements confidentielle.

(iii) des renseignements obtenus ou préparés au cours d'une enquête;

d) contenant des renseignements dont la divulgation risquerait vraisemblablement de nuire à la sécurité des établissements pénitentiaires.

Security

(2) The head of a government institution may refuse to disclose any record requested under this Act that contains information that could reasonably be expected to facilitate the commission of an offence, including, without restricting the generality of the foregoing, any such information

(a) on criminal methods or techniques;

(b) that is technical information relating to weapons or potential weapons; or

(c) on the vulnerability of particular buildings or other structures or systems, including computer or communication systems, or methods employed to protect such buildings or other structures or systems.

(2) Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements dont la communication risquerait vraisemblablement de faciliter la perpétration d'infractions, notamment :

a) des renseignements sur les méthodes ou techniques utilisées par les criminels.

b) des renseignements techniques concernant des armes actuelles ou futures;

c) des renseignements portant sur la vulnérabilité de certains bâtiments ou ouvrages ou de réseaux ou systèmes divers, y compris des réseaux ou systèmes informatisés ou de communications, ou portant sur les méthodes employées pour leur protection.

Méthodes de protection, etc.

Policing services for provinces or municipalities

(3) The head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained or prepared by the Royal Canadian Mounted Police while performing policing services for a province or municipality pursuant to an arrangement made under section 20 of the *Royal Canadian Mounted Police Act*.

(3) Le responsable d'une institution fédérale est tenu de refuser la communication des documents contenant des renseignements obtenus ou préparés par la Gendarmerie royale du Canada, dans l'exercice de fonctions de police provinciale ou municipale qui lui sont conférées par une entente conclue sous le régime de l'article 20 de la *Loi sur la Gendarmerie royale du*

Fonctions de police provinciale ou municipale

where the Government of Canada has, on the request of the province or municipality agreed not to disclose such information.

Definition of "investigation"

(4) For the purposes of paragraphs (1)(b) and (c), "investigation" means an investigation that:

- (a) pertains to the administration or enforcement of an Act of Parliament;
- (b) is authorized by or pursuant to an Act of Parliament; or
- (c) is within a class of investigations specified in the regulations. 1980-81-82-83, c. 111, Sch. I "16"; 1984, c. 21, s. 70.

Safety of individuals

17. The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to threaten the safety of individuals. 1980-81-82-83, c. 111, Sch. I "17".

Economic interests of Canada

18. The head of a government institution may refuse to disclose any record requested under this Act that contains

- (a) trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada or a government institution and has substantial value or is reasonably likely to have substantial value;
- (b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a government institution;
- (c) scientific or technical information obtained through research by an officer or employee of a government institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication; or
- (d) information the disclosure of which could reasonably be expected to be materially injurious to the financial interests of the Government of Canada or the ability of the Government of Canada to manage the economy of Canada or could reasonably be expected to result in an undue benefit to any person, including, without restricting the generality of the foregoing, any such information relating to
 - (i) the currency, coinage or legal tender of Canada,

Canada, si, à la demande de la province ou de la municipalité, le gouvernement du Canada a consenti à ne pas divulguer ces renseignements.

(4) Pour l'application des alinéas (1)b) et c), «enquête» s'entend de celle qui :

- a) se rapporte à l'application d'une loi fédérale;
- b) est autorisée sous le régime d'une loi fédérale;
- c) fait partie d'une catégorie d'enquêtes précisée dans les règlements. 1980-81-82-83, ch. 111, ann. I «16»; 1984, ch. 21, art. 70.

Définition de «enquête»

17. Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements dont la divulgation risquerait vraisemblablement de nuire à la sécurité des individus. 1980-81-82-83, ch. 111, ann. I «17».

Sécurité des individus

18. Le responsable d'une institution fédérale peut refuser la communication de documents contenant :

- a) des secrets industriels ou des renseignements financiers, commerciaux, scientifiques ou techniques appartenant au gouvernement du Canada ou à une institution fédérale et ayant une valeur importante ou pouvant vraisemblablement en avoir une;
- b) des renseignements dont la divulgation risquerait vraisemblablement de nuire à la compétitivité d'une institution fédérale;
- c) des renseignements techniques ou scientifiques obtenus grâce à des recherches par un cadre ou employé d'une institution fédérale et dont la divulgation risquerait vraisemblablement de priver cette personne de sa priorité de publication;
- d) des renseignements dont la divulgation risquerait vraisemblablement de porter un préjudice appréciable aux intérêts financiers du gouvernement du Canada ou à sa capacité de gérer l'économie du pays, ainsi que ceux dont la divulgation risquerait vraisemblablement de causer des avantages injustifiés à une personne. Ces renseignements peuvent notamment porter sur :
 - (i) la monnaie canadienne, son monnayage ou son pouvoir libératoire,
 - (ii) les projets de changement du taux d'intérêt bancaire ou du taux d'emprunt du gouvernement,

Intérêts économiques du Canada

- (ii) a contemplated change in the rate of bank interest or in government borrowing,
- (iii) a contemplated change in tariff rates, taxes, duties or any other revenue source,
- (iv) a contemplated change in the conditions of operation of financial institutions,
- (v) a contemplated sale or purchase of securities or of foreign or Canadian currency, or
- (vi) a contemplated sale or acquisition of land or property. 1980-81-82-83, c. 111, Sch. 1 "18".

- (iii) les projets de changement des taux tarifaires, des taxes, impôts ou droits ou des autres sources de revenu,
- (iv) les projets de changement dans le mode de fonctionnement des institutions financières,
- (v) les projets de vente ou d'achat de valeurs mobilières ou de devises canadiennes ou étrangères,
- (vi) les projets de vente ou d'acquisition de terrains ou autres biens. 1980-81-82-83, ch. 111, ann. 1 «18».

Personal Information

Personal
information

19. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains personal information as defined in section 3 of the *Privacy Act*.

Where
disclosure
authorized

(2) The head of a government institution may disclose any record requested under this Act that contains personal information if

- (a) the individual to whom it relates consents to the disclosure;
- (b) the information is publicly available; or
- (c) the disclosure is in accordance with section 8 of the *Privacy Act*. 1980-81-82-83, c. 111, Sch. 1 "19".

Renseignements personnels

Renseignements
personnels

19. (1) Sous réserve du paragraphe (2), le responsable d'une institution fédérale est tenu de refuser la communication de documents contenant les renseignements personnels visés à l'article 3 de la *Loi sur la protection des renseignements personnels*.

(2) Le responsable d'une institution fédérale peut donner communication de documents contenant des renseignements personnels dans les cas où :

Cas où la
divulgence est
autorisée

- a) l'individu qu'ils concernent y consent;
- b) le public y a accès;
- c) la communication est conforme à l'article 8 de la *Loi sur la protection des renseignements personnels*. 1980-81-82-83, ch. 111, ann. 1 «19».

Third Party Information

Third party
information

20. (1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
- (c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or
- (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

Renseignements de tiers

Renseignements
de tiers

20. (1) Le responsable d'une institution fédérale est tenu, sous réserve des autres dispositions du présent article, de refuser la communication de documents contenant :

- a) des secrets industriels de tiers;
- b) des renseignements financiers, commerciaux, scientifiques ou techniques fournis à une institution fédérale par un tiers, qui sont de nature confidentielle et qui sont traités comme tels de façon constante par ce tiers;
- c) des renseignements dont la divulgation risquerait vraisemblablement de causer des pertes ou profits financiers appréciables à un tiers ou de nuire à sa compétitivité;
- d) des renseignements dont la divulgation risquerait vraisemblablement d'entraver des négociations menées par un tiers en vue de contrats ou à d'autres fins.

Product or environmental testing

(2) The head of a government institution shall not, pursuant to subsection (1), refuse to disclose a part of a record if that part contains the results of product or environmental testing carried out by or on behalf of a government institution unless the testing was done as a service to a person, a group of persons or an organization other than a government institution and for a fee.

(2) Le paragraphe (1) n'autorise pas le responsable d'une institution fédérale à refuser la communication de la partie d'un document qui donne les résultats d'essais de produits ou d'essais d'environnement effectués par une institution fédérale ou pour son compte, sauf si les essais constituent une prestation de services fournis à titre onéreux mais non destinés à une institution fédérale.

Essais de produits ou d'essais d'environnement

Methods used in testing

(3) Where the head of a government institution discloses a record requested under this Act, or a part thereof, that contains the results of product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide the person who requested the record with a written explanation of the methods used in conducting the tests.

(3) Dans les cas où, à la suite d'une demande, il communique, en tout ou en partie, un document qui donne les résultats d'essais de produits ou d'essais d'environnement, le responsable d'une institution fédérale est tenu d'y joindre une note explicative des méthodes utilisées pour effectuer les essais.

Méthodes utilisées pour les essais

Preliminary testing

(4) For the purposes of this section, the results of product or environmental testing do not include the results of preliminary testing conducted for the purpose of developing methods of testing.

(4) Pour l'application du présent article, les résultats d'essais de produits ou d'essais d'environnement ne comprennent pas les résultats d'essais préliminaires qui ont pour objet la mise au point de méthodes d'essais.

Essais préliminaires

Disclosure of a supplier's consent

(5) The head of a government institution may disclose any record that contains information described in subsection (1) with the consent of the third party to whom the information relates.

(5) Le responsable d'une institution fédérale peut communiquer tout document contenant les renseignements visés au paragraphe (1) si le tiers que les renseignements concernent y consent.

Communication autorisée

Disclosure authorized if in public interest

(6) The head of a government institution may disclose any record requested under this Act, or any part thereof, that contains information described in paragraph (1)(b), (c) or (d) if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the public interest in disclosure clearly outweighs in importance any financial loss or gain to, prejudice to the competitive position of or interference with contractual or other negotiations of a third party. 1980-81-82-83, c. 111, Sch. 1 "20".

(6) Le responsable d'une institution fédérale peut communiquer, en tout ou en partie, tout document contenant les renseignements visés aux alinéas (1)b), c) et d) pour des raisons d'intérêt public concernant la santé et la sécurité publiques ainsi que la protection de l'environnement; les raisons d'intérêt public doivent de plus justifier nettement les conséquences éventuelles de la communication pour un tiers : pertes ou profits financiers, atteintes à sa compétitivité ou entraves aux négociations qu'il mène en vue de contrats ou à d'autres fins. 1980-81-82-83, ch. 111, annexe 1 «20».

Communication dans l'intérêt public

Operations of Government

Activités du gouvernement

Advice, etc.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

21. (1) Le responsable d'une institution fédérale peut refuser la communication de documents datés de moins de vingt ans lors de la demande et contenant :

Advice, etc.

(a) advice or recommendations developed by or for a government institution or a minister of the Crown,

a) des avis ou recommandations élaborés par ou pour une institution fédérale ou un ministre;

(b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the

b) des comptes rendus de consultations ou délibérations où sont concernés des cadres ou

Crown or the staff of a minister of the Crown.

(c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or

(d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation.

if the record came into existence less than twenty years prior to the request.

Exercise of a discretionary power or an adjudicative function

(2) Subsection (1) does not apply in respect of a record that contains

(a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or

(b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown. 1980-81-82-83, c. 111, Sch. I "21".

Testing procedures, tests and audits

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits. 1980-81-82-83, c. 111, Sch. I "22".

Solicitor-client privilege

23. The head of a government institution may refuse to disclose any record requested under this Act that contains information that is subject to solicitor-client privilege. 1980-81-82-83, c. 111, Sch. I "23".

Statutory Prohibitions

Statutory prohibitions against disclosure

24. (1) The head of a government institution shall refuse to disclose any record requested under this Act that contains information the disclosure of which is restricted by or pursuant to any provision set out in Schedule II.

Review of statutory prohibitions by Parliamentary committee

(2) Such committee as may be designated or established under section 75 shall review every provision set out in Schedule II and shall, not later than July 1, 1986 or, if Parliament is not

employés d'une institution fédérale, un ministre ou son personnel.

c) des projets préparés ou des renseignements portant sur des positions envisagées dans le cadre de négociations menées ou à mener par le gouvernement du Canada ou en son nom, ainsi que des renseignements portant sur les considérations qui y sont liées.

d) des projets relatifs à la gestion du personnel ou à l'administration d'une institution fédérale et qui n'ont pas encore été mis en œuvre.

(2) Le paragraphe (1) ne s'applique pas aux documents contenant :

a) le compte rendu ou l'exposé des motifs d'une décision qui est prise dans l'exercice d'un pouvoir discrétionnaire ou rendue dans l'exercice d'une fonction judiciaire ou quasi-judiciaire et qui touche les droits d'une personne;

b) le rapport établi par un consultant ou conseiller à une époque où il n'appartenait pas au personnel d'une institution fédérale ou d'un ministre. 1980-81-82-83, ch. 111, ann. I «21».

Documents

22. Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements relatifs à certaines opérations — essais, épreuves, examens, vérifications —, ou aux méthodes et techniques employées pour les effectuer, et dont la divulgation nuirait à l'exploitation de ces opérations ou fausserait leurs résultats. 1980-81-82-83, ch. 111, ann. I «22».

Examens et vérifications

23. Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements protégés par le secret professionnel qui lie un avocat à son client. 1980-81-82-83, ch. 111, ann. I «23».

Secret professionnel des avocats

Interdictions fondées sur d'autres lois

24. (1) Le responsable d'une institution fédérale est tenu de refuser la communication de documents contenant des renseignements dont la communication est restreinte en vertu d'une disposition figurant à l'annexe II.

Interdictions fondées sur d'autres lois

(2) Le comité prévu à l'article 75 examine toutes les dispositions figurant à l'annexe II et dépose devant le Parlement un rapport portant sur la nécessité de ces dispositions, ou sur la

Examen des dispositions interdisant la communication

then sitting, on any of the first fifteen days next thereafter that Parliament is sitting, cause a report to be laid before Parliament on whether and to what extent the provisions are necessary. 1980-81-82-83, c. 111, Sch. I "24".

mesure dans laquelle elles doivent être conservées, au plus tard le 1^{er} juillet 1986, ou, si le Parlement ne siège pas, dans les quinze premiers jours de séance ultérieurs. 1980-81-82-83, ch. 111, ann. I «24».

Severability

25. Notwithstanding any other provision of this Act, where a request is made to a government institution for access to a record that the head of the institution is authorized to refuse to disclose under this Act by reason of information or other material contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can reasonably be severed from any part that contains, any such information or material. 1980-81-82-83, c. 111, Sch. I "25".

25. Le responsable d'une institution fédérale, dans les cas où il pourrait, vu la nature des renseignements contenus dans le document demandé, s'autoriser de la présente loi pour refuser la communication du document, est cependant tenu, nonobstant les autres dispositions de la présente loi, d'en communiquer les parties dépourvues des renseignements en cause, à condition que le prélèvement de ces parties ne pose pas de problèmes sérieux. 1980-81-82-83, ch. 111, ann. I «25».

Prélèvements

Refusal of Access

Refusal of access where information is to be published

26. The head of a government institution may refuse to disclose any record requested under this Act or any part thereof if the head of the institution believes on reasonable grounds that the material in the record or part thereof will be published by a government institution, agent of the Government of Canada or minister of the Crown within ninety days after the request is made or within such further period of time as may be necessary for printing or translating the material for the purpose of printing it. 1980-81-82-83, c. 111, Sch. I "26".

26. Le responsable d'une institution fédérale peut refuser la communication totale ou partielle d'un document s'il a des motifs raisonnables de croire que le contenu du document sera publié en tout ou en partie par une institution fédérale, un mandataire du gouvernement du Canada ou un ministre dans les quatre-vingt-dix jours suivant la demande ou dans tel délai supérieur entraîné par les contraintes de l'impression ou de la traduction en vue de l'impression. 1980-81-82-83, ch. 111, ann. I «26».

Refus de communication en cas de publication

THIRD PARTY INTERVENTION

Notice to third parties

27. (1) Where the head of a government institution intends to disclose any record requested under this Act, or any part thereof, that contains or that the head of the institution has reason to believe might contain

- (a) trade secrets of a third party,
- (b) information described in paragraph 20(1)(b) that was supplied by a third party, or
- (c) information the disclosure of which the head of the institution could reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party,

the head of the institution shall, subject to subsection (2), if the third party can reasonably be located, within thirty days after the request is received, give written notice to the third party of the request and of the fact that the

INTERVENTION DE TIERS

27. (1) Sous réserve du paragraphe (2), le responsable d'une institution fédérale qui a l'intention de donner communication totale ou partielle d'un document est tenu de donner au tiers intéressé, dans les trente jours suivant la réception de la demande, avis écrit de celle-ci ainsi que de son intention, si le document contient ou s'il est, selon lui, susceptible de contenir :

- a) soit des secrets industriels d'un tiers;
- b) soit des renseignements visés à l'alinéa 20(1)b) qui ont été fournis par le tiers;
- c) soit des renseignements dont la communication risquerait, selon lui, d'entraîner pour le tiers les conséquences visées aux alinéas 20(1)c) ou d).

La présente disposition ne vaut que s'il est possible de rejoindre le tiers sans problèmes sérieux.

Avis aux tiers

GENERAL

Act does not
apply to certain
materials

68. This Act does not apply to
(a) published material or material available for purchase by the public;
(b) library or museum material made or acquired and preserved solely for public reference or exhibition purposes; or
(c) material placed in the Public Archives, the National Library or the National Museums of Canada by or on behalf of persons or organizations other than government institutions.

Confidentiality of
the Queen's
Privy Council
of Canada

69. (1) This Act does not apply to confidences of the Queen's Privy Council for Canada, including, without restricting the generality of the foregoing,

- (a) memoranda the purpose of which is to present proposals or recommendations to Council;
- (b) discussion papers the purpose of which is to present background explanations, analyses of problems or policy options to Council for consideration by Council in making decisions;
- (c) agenda of Council or records recording deliberations or decisions of Council;
- (d) records used for or reflecting communications or discussions between Ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;
- (e) records the purpose of which is to brief Ministers of the Crown in relation to matters that are before, or are proposed to be brought before, Council or that are the subject of communications or discussions referred to in paragraph (d);
- (f) draft legislation; and
- (g) records that contain information about the contents of any record within a class of records referred to in paragraphs (a) to (f).

DISPOSITIONS GÉNÉRALES

Non applica-
tion de la loi

68. La présente loi ne s'applique pas aux documents suivants

- a) les documents publiés ou mis en vente dans le public;
- b) les documents de bibliothèque ou de musée conservés uniquement à des fins de référence ou d'exposition pour le public;
- c) les documents déposés aux Archives publiques, à la Bibliothèque nationale ou aux Musées nationaux du Canada par ou pour des personnes ou organisations extérieures aux institutions fédérales.

69. (1) La présente loi ne s'applique pas aux documents confidentiels du Conseil privé de la Reine pour le Canada, notamment aux

Documents
confidentiels du
Conseil privé de
la Reine pour le
Canada

- a) notes destinées à soumettre des propositions ou recommandations au Conseil;
- b) documents de travail destinés à présenter des problèmes, des analyses ou des options politiques à l'examen du Conseil;
- c) ordres du jour du Conseil ou procès-verbaux de ses délibérations ou décisions;
- d) documents employés en vue ou faisant état de communications ou de discussions entre ministres de la Couronne sur des questions liées à la prise des décisions du gouvernement ou à la formulation de sa politique;
- e) documents d'information à l'usage des ministres de la Couronne sur des questions portées ou qu'il est prévu de porter devant le Conseil, ou sur des questions qui font l'objet des communications ou discussions visées à l'alinéa (d);
- f) avant-projets de loi;
- g) documents contenant des renseignements relatifs à la teneur des documents visés aux alinéas a) à f).

APPENDIX H

UNITED NATIONS COMMISSION ON HUMAN RIGHTS

TEXTS ON EAST TIMOR

(A) 1992 CONSENSUS STATEMENT

(B) 1993 RESOLUTION

(C) 1994 CONSENSUS STATEMENT

**(A) UNITED NATIONS COMMISSION
ON HUMAN RIGHTS
1992 CONSENSUS STATEMENT**

**Text of Consensus Statement
Agreed Upon by Portugal and Indonesia
March 4, 1992**

I have been asked to make the following statement announcing what has been agreed by consensus by the Commission on the situation of human rights in East Timor

1 The Commission on Human Rights notes with serious concern the human rights situation in East Timor, and strongly deplores the violent incident in Dili, on 12 November 1991 which resulted in the loss of lives and injuries of a large number of civilians and in many unaccounted for.

2 The Commission welcomes the early action of the Indonesian Government in setting up a national commission of inquiry and the prompt response which its advance report elicited from the highest Indonesian authorities, expresses its hope that, as announced by the Indonesian Government further investigation into the action of the security personnel on November 12, 1991, And into the fate of those unaccounted for will clarify the remaining discrepancies, namely on the number of people killed and those missing

3 The Commission is encouraged by the recent announcement by the Indonesian authorities of disciplinary measures and military court proceedings regarding some members of its Armed Forces and urges the Indonesian Government to bring to trial and punish all those found responsible Furthermore, the Commission calls upon the Indonesian authorities to ensure that all civilians arrested on the occasion are treated humanely, that those brought to trial are assured of proper legal representation and fair trial and those not involved in violent activities are released without delay.

4 The Commission welcomes the appointment of Mr Amos Wako, as Personal Envoy of the Secretary General of the United Nations, to obtain clarifications on the tragic events of November 12, 1991 and the willingness of the Indonesian authorities to cooperate fully with him The Commission encourages the Secretary General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor

5 The Commission urges the Government of Indonesia to improve the human rights situation in East Timor, commends the report entitled "Visit by the Special Rapporteur to Indonesia and East Timor" of its Special Rapporteur on Torture following his visit at the invitation of the Indonesian Government, urges the Indonesian authorities to take the necessary steps to implement its recommendations and looks forwards to a report thereon, calls on the Indonesian Government to facilitate access to East Timor for additional humanitarian organisations

and for human rights organisations, and requests the Secretary General to continue to follow closely the human rights situation in East Timor and to keep the Commission informed at its 49th session

6. This statement will be included verbatim in the report of the 48 session of the Commission.

(B) UNITED NATIONS COMMISSION

ON HUMAN RIGHTS

TEXT OF RESOLUTION ADOPTED

ON MARCH 11, 1993

**Text of Resolution Adopted by the United Nations Commission on
Human Rights on March 11, 1993**

Situation in East Timor

The Commission on Human Rights

Guided by the Universal Declaration of Human Rights, the International Covenant on Human Rights and the universally accepted rule of international law,

Bearing in mind the statement on the Situation in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session (Doc E/CN.4/1992/84, para 457) following the violent incident of the 12 November 1991 in Dili,

Recalling resolution 1992/20 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 27 August 1992;

Gravely concerned at continuing allegation on serious human rights violations and noting with concern in this context the reports of the Special Rapporteur on Torture (Doc.E/CN.4/1993/26); of the Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions (Doc.E/CN.4/1993/46), of the Working Group on Enforced or Involuntary Disappearances (Doc.E/CN.4/1993/25);

Bearing in mind the Body of Principles on the Protection of all Persons subject to any form of detention or imprisonment endorsed by the General Assembly in its resolution 43/173 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162;

Concerned at the fact that the Indonesian authorities did not respond to the provisions of the statement on the situation of East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session,

Disappointed by the frequent denial of access to the territory of East Timor to human rights organizations as well as to some other relevant international observers,

Having examined the report of the Secretary-General on the situation in East Timor (Doc.E/CN.4/1993/49),

Recalling the relevant United Nations resolutions concerning East Timor

1 Expresses its deep concern at the reports of continuing human rights violations in the territory of East Timor,

2 Recalls that the Commission has commenced the decision of the Indonesian government to set up an enquiry Commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to clearly identify all those responsible for those actions,

3 Expresses its concern over the lack of clear information about the number of people killed on 12 November 1991 and over the persons still unaccounted for;

4 Regrets the disparity in the severity of sentences handed to those civilians not indicted for violent activities - who should have been released without delay - on the one hand, and to the military involved in the violent incident, on the other;

5 Calls upon the government of Indonesia to honor its commitments undertaken in the consensus Statement adopted on 4 March 1992 by the Commission on Human Rights at its 48th session;

6 Calls upon the Indonesian Government to ensure that all the East Timorese in custody, including main opposition figures, be treated humanely and with their rights fully respected, that all trials be fair, just, public and recognise the right to proper legal representation, in accordance with international humanitarian law, and that those not involved in violent activities will be released without delay;

7 Renews its call on the Indonesian authorities to allow access to East Timor for human rights organisations and additional humanitarian organisations,

8 Encourages once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on torture in its report (Doc. E/C. 4/1992/17/Add 1) following his visit to Indonesia and East Timor and to keep the Special Rapporteur informed of the progress made towards their implementation,

9 Urges the Government of Indonesia to invite the Special Rapporteur on Torture, the Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions, the Working Group on Arbitrary Detention and the Working Group on Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates,

10 Invites the Secretary-General to transmit the full report of his Personal Envoy, Mr. Amos Wako, to the Commission on Human Rights;

11 Welcomes the resumption of talks about the question of East Timor and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor.

12. Decides to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special rapporteurs and Working Groups and that of the Secretary General, which would include an analytical compilation of all information received from, among others, Governments, intergovernmental and non-governmental organisations

Country Breakdown in Voting for 1993 Resolution

Country voting breakdown on 11 March Human Rights Commission resolution on East Timor

In favour Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Finland, France, Germany, Guinea-Bissau, Mauritius, Netherlands, Poland, Portugal, Russian Federation, United Kingdom, USA, Zambia

Against Bangladesh, China, Cuba, Gambia, India, Indonesia, Iran, Malaysia, Nigeria, Sri Lanka, Sudan, Syria

Abstentions Argentina, Burundi, Colombia, Cyprus, Gabon, Japan, Kenya, Lesotho, Mauritania, Mexico, Pakistan, Peru, Republic of Korea, Tunisia, Venezuela.

**(C) UNITED NATIONS COMMISSION
ON HUMAN RIGHTS**

1994 CONSENSUS STATEMENT

**Text of Consensus Statement Agreed Upon
By Portugal and Indonesia
March 8, 1994**

**CHAIRMAN'S STATEMENT ON THE SITUATION
OF HUMAN RIGHTS IN EAST TIMOR**

Following consultations, I would like to make a statement announcing what has been agreed by consensus by the Commission on the situation of human rights in East Timor.

"The Commission on Human Rights discussed the human rights situation in East Timor. The Commission notes with concern continuing allegations of human rights violations in East Timor, while recognising the positive measures taken by the Government of Indonesia to improve the situation.

"The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in the consensus Chairman's Statement at its 48th session on the matter, and stresses the need to take further steps towards its implementation.

"A matter of preoccupation of the Commission is the incomplete information concerning the number of people killed and the persons unaccounted for as a result of the Dili violent incident of 12 November 1991. While acknowledging the efforts made to account for those persons, the Commission calls upon the Government of Indonesia to continue its investigations on those still missing and the circumstances surrounding the matter.

"The commission expressed the hope that the cooperation between the ICRC and the Government of Indonesia will continue. It calls upon the Indonesian authorities to ensure that those East Timorese in custody are treated humanely, and that their rights are fully respected, and to take further appropriate measures aimed at the early release of those convicted.

"The Commission is encouraged by greater access recently granted by the Indonesian authorities to human rights and humanitarian organisations as well as international media and calls upon them to continue this policy of expanding access.

"The Commission welcomes the undertaking by the Government of Indonesia to invite the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit East Timor and to submit his report to its fifty-first session. In the same spirit, the Commission takes note of the intention of the Government of Indonesia to continue to cooperate with other relevant thematic special rapporteurs and/or working groups and to invite them to visit East Timor when necessary for the

fulfilment of their duties.

"The Commission welcomes the current dialogue between Indonesia and Portugal under the auspices of the UN Secretary-General and encourages him to continue his good offices in order to achieve a just, comprehensive and internationally acceptable settlement to the question of East Timor. In this context, the Commission stresses the importance of the understanding reached on confidence building measures between the two governments and welcomes the recent mission undertaken by Mr Francesc Vendrell as representative of the Secretary-General in order to promote further progress in that dialogue.

"The Commission requests the Secretary-General to keep it informed on the situation of human rights in East Timor and will consider it at its fifty-first session.

Appendix I

United Nations Resolutions

on East Timor

1975 - 1982

Appendix I

United Nations Resolutions on East Timor 1975 - 1982¹

FOREWARD

The United Nations and the "Question of East Timor"

The Gulf War has focused attention on the role of the United Nations in resisting aggression. Within four months of the Iraqi invasion of Kuwait, the Security Council adopted no fewer than a dozen resolutions. Pressure on the Security Council to adopt these resolutions took place as the US move more than a quarter of a million troops into the Middle East, making the launching of a devastating war "in the name of the UN" an inevitability.

But many other acts of aggression have failed to stir the world into action, not least Indonesia's invasion of East Timor on 7 December 1975. Yet it is important to remember that the UN has adopted no fewer than ten resolutions on the "Question of East Timor".

Before the end of December 1975, the Security Council adopted a unanimous resolution and the General Assembly adopted a resolution by a huge majority, calling for the immediate withdrawal of Indonesian troops and for the people of East Timor to exercise their right to self-determination. After a second Security Council resolution in April 1976, the General Assembly adopted resolutions annually from 1976 to 1982, repeating these basic demands. Since then the "Question of East Timor" has been entrusted to the Secretary-General. The UN has not recognized Indonesia's illegal annexation; it still regards Portugal as the Administering Power.

Believing that it is important to highlight the decisions adopted over the years at the United Nations and to develop a campaign to press for their implementation, TAPOL has decided to publish the texts of all these resolutions for the record.

February 1991

¹ Credit for this compilation must be given to Tapol's Occasional Report No. 14, February, 1991.

of/de

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Text of General Assembly resolution 3485 (XXX) Question of Timor, adopted at its 2135th meeting of 12 December 1975

THE GENERAL ASSEMBLY,

recognizing the inalienable right of all people to self-determination and independence in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the question of Timor,

Having heard the statements of the representatives of Portugal, as the administering Power, concerning developments in Portuguese Timor and the implementation with regard to that Territory of the relevant provisions of the Charter and the Declaration, as well as those of General Assembly resolution 1514 (XV) of 15 December 1960,

Bearing in mind the responsibility of the administering Power to undertake all efforts to create conditions enabling the people of Portuguese Timor to exercise freely their right to self-determination, freedom and independence and to determine their future political status in accordance with the principles of the Charter and the Declaration, is an atmosphere of peace and order,

mindful that all States should, in conformity with Article 2, paragraph 4, of the Charter, refrain in their international relations from the threat or use of force against the territorial integrity or national independence of any State, or from taking any action inconsistent with the purposes and principles of the Charter,

Deeply concerned at the critical situation resulting from the military intervention of the armed forces of Indonesia in Portuguese Timor,

1. Calls upon all States to respect the inalienable right of the people of Portuguese Timor to self-determination, freedom and independence and to do

to determine their future political status in accordance with the principles of the Charter of the United Nations and the Declaration of the Granting of Independence to Colonial Countries and Peoples,

2. Calls upon the administering Power to continue to make every effort to find a solution by peaceful means through talks between the Government of Portugal and the political parties representing the people of Portuguese Timor,

3. Appeals to all the parties in Portuguese Timor to respond positively to efforts to find a peaceful solution through talks between them and the Government of Portugal in the hope that such talks will bring an end to the strife in that Territory and lead towards the orderly exercise of the right of self-determination by the people of Portuguese Timor,

4. Strongly deplores the military intervention of the armed forces of Indonesia in Portuguese Timor,

5. Calls upon the Government of Indonesia to desist from further violation of the territorial integrity of Portuguese Timor and to withdraw without delay its armed forces from the Territory in order to enable the people of the Territory freely to exercise their right to self-determination and independence,

6. Draws the attention of the Security Council, in conformity with Article 11, paragraph 3, of the Charter, to the critical situation in the Territory of Timor and recommends that it take urgent action to protect the territorial integrity of Portuguese Timor and the inalienable right of its people to self-determination,

7. Calls upon all States to respect the unity and territorial integrity of Portuguese Timor,

8. Requests the Government of Portugal to continue its co-operation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and requests the Committee to send a fact-finding mission to the Territory as soon as possible, in consultation with the political parties in Portuguese Timor and the Government of Portugal.

(The resolution was adopted by 72 votes to 10, with 43 abstentions)

Text of Security Council resolution 384 (1975) of 22 December 1975

THE SECURITY COUNCIL.

Having noted the contents of the letter of the Permanent Representative of Portugal (S/11899),

Having heard the statements of the representatives of Portugal and Indonesia,

Having heard representatives of the people of East Timor,

Recognizing the inalienable right of the people of East Timor to self-determination and independence in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Noting that General Assembly resolution 3485 (XX) of 12 December 1975, inter alia, requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to send a fact-finding mission to East Timor,

Deeply concerned at the deterioration of the situation in East Timor,

Deeply concerned also at the loss of life and consciousness of the urgent need to avoid further bloodshed in East Timor,

Deplored the intervention of the armed forces of Indonesia in East Timor, stating that the Government of Portugal did not discharge fully its responsibilities as administering power in the Territory under Chapter XI of the Charter,

Calls upon all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV),

Calls upon the Government of Indonesia to withdraw without delay all its troops from the Territory,

Calls upon the Government of Portugal as administering power to co-operate fully with the United Nations so as to enable the people of East Timor

not to exercise freely their right to self-determination,

4. Urges all States and other parties concerned to co-operate fully with the efforts of the United Nations to achieve a peaceful solution to the existing situation and to facilitate the decolonization of the Territory,

5. Requests the Secretary-General to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of the present resolution,

6. Further requests the Secretary-General to follow the implementation of the present resolution and, taking into account the report of his special representative, to submit recommendations to the Secretary Council as soon as possible,

7. Decides to remain seized of the situation

(The resolution was adopted unanimously)

Text of Security Council resolution 389 (1976) of 22 April 1976

THE SECURITY COUNCIL.

Recalling its resolution 384 (1975) of 22 December 1975,

Having considered the report of the Secretary-General of 12 March 1976 (S/12011),

Having heard the statements of the representatives of Portugal and Indonesia,

Having heard the statements of representatives of the people of East Timor, Reaffirming the inalienable right of the people of East Timor to self-determination and independence in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Believing that all efforts should be made to create conditions that will enable the people of East Timor to exercise freely their right to self-determination,

Being that the question of East Timor is before the General Assembly,

Conscious of the urgent need to bring to an end the continued situation of tension in East Timor,

Noting note of the statement by the representative of Indonesia,

Calls upon all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV),

Calls upon the Government of Indonesia to withdraw without further delay all its forces from the Territory,

Requests the Secretary-General to have his special representative continue the assignment entrusted to him under paragraph 5 of Security-Council resolution 384 (1975) and pursue consultation with the parties concerned,

Further requests the Secretary-General to follow the implementation of the present resolution and submit a report to the Security Council as soon as possible,

Calls upon all States and other parties concerned to co-operate fully with the United Nations to achieve a peaceful solution to the existing situation and to facilitate the decolonization of the Territory,

Decides to remain seized of the situation

(The resolution was adopted by 12 votes to none, with two abstentions)
Benin did not participate in the voting.

QUESTION OF TIMOR

Date = 1 December 1976

Meeting = 85

Vote = 68 - 20 - 49 (recorded)

Report = A/31/362

THE GENERAL ASSEMBLY,

Recognizing the inalienable right of all people to self-determination and independence in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960,

Recalling its resolution 3485 (XXX) of 12 December 1975 and Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory,

Bearing in mind the part regarding the question of East Timor of the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976,

Having heard the statement of the representative of the Frente Revolu-

Having also heard the statement of the representative of the Frente Revolu-

Mindful that all States should, in conformity with Article 2, paragraph 4, of the Charter of the United Nations, refrain in their international relations from the threat or use of force against the territorial integrity or national independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Deeply concerned at the critical situation resulting from the military intervention of the armed forces of Indonesia in East Timor,

1. Reaffirms the inalienable right of the people of East Timor to self-de-

QUESTION OF EAST TIMOR

Date = 28 November 1977

Meeting = 83

Vote = 67 - 26 - 47 (recorded)

Report = A/32/357

THE GENERAL ASSEMBLY

Recognizing the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory,

Having heard the statement of the representatives of Portugal and Indonesia, Having also heard the statement of the representatives of the Frente Revolucionária de Timor Leste Independente,

Mindful that all States should, in conformity with Article 2, paragraph 4, of the Charter, refrain in their international relations from the threat of use of force against the territorial integrity or national independence of any State, or in any other manner inconsistent with the purpose of the United Nations,

Deeply concerned at the continuing critical situation in the Territory, resulting from the persistent refusal on the part of the Government of Indonesia to comply with the provisions of the resolutions of the General Assembly and the Security Council,

Recalling its resolutions 3484 (XXX) of 12 December 1975 and 31/53 of 1 December 1976 and Security Council resolutions 304 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

1. Reaffirms the inalienable right of the People of East Timor to self-determination and independence and the legitimacy of their struggle to achieve that right.

2. Reaffirms its resolution 3485 (XXX) and Security Council resolutions 384 (1975) and 389 (1976),

3. Affirms the principles stated in the part regarding the question of East Timor of the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries,

4. Strongly deplores the persistent refusal of the Government of Indonesia to comply with the provisions of General Assembly resolution 3485 (XXX) and Security Council resolutions 384 (1975) and 389 (1976),

5. Rejects the claim that East Timor has been integrated into Indonesia, inasmuch as the people of the Territory have not been able to exercise freely their right to self-determination and independence,

6. Calls upon the Government of Indonesia to withdraw all its forces from the Territory,

7. Draws the attention of the Security Council, in conformity with Article 11, paragraph 3, of the Charter of the United Nations, to the critical situation in the Territory of East Timor and recommends that it should take all effective steps for the immediate implementation of its resolutions 384 (1975) and 389 (1976) with a view to securing the full exercise by the people of East Timor of their right to self-determination and independence,

8. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under active consideration, to follow the implementation of the present resolution, to dispatch to the Territory as soon as possible a visiting mission with a view to the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to report to the General Assembly at its thirty-second session,

9. Decides to include in the provisional agenda of its thirty-second session an item entitled "Question of East Timor".

ve that right.

2. Reaffirms its resolution 3485 (XX) and 31/53 and Security Council resolutions 384 (1975) and 389 (1976) ,

3. Rejects the claim that East Timor has been integrated into Indonesia inasmuch as the people of the Territory have not been able to exercise freely their right to self-determination and independence.

4. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the Situation in the Territory under active consideration, to follow the implementation of the present resolution, to dispatch to the Territory as soon as possible a visiting mission with a view to the full and speedy implementation of the Declaration and to report thereon to the General Assembly at its thirty-third session.

5. Requests the Secretary General in consultation with the Chairman of the Special Committee, in the meantime to send urgently a special representative to East Timor for the purpose of making a thorough, on-the-spot assessment of the existing situation in the Territory and of establishing contact with the representatives of the Frente Revolucionaria de Timor Leste Independente and the Government of Indonesia, as well as the Government of other States concerned, in order to prepare the ground for a visiting mission of the Special Committee, and to report thereon to the Special Committee.

6. Draws the attention of the Security Council, in conformity with Article 11, paragraph 3, of the Charter of the United Nations, to the critical situation in the Territory of East Timor and recommends that it should take all effective steps for the implementation of its resolutions 384 (1975) and 389 (1976) with a view to securing the full exercise by the people of East Timor of their right to self-determination and independence.

7. Calls upon the Government of Indonesia and the leadership of the Frente Revolucionaria de Timor Leste Independente to facilitate the entry into East Timor of the International Committee of the Red Cross and other relief organizations in order to assist the people of the Territory.

8. Decides to include in the provisional agenda of its thirty-third session the item entitled "Question of East Timor"

QUESTION OF EAST TIMOR

Date = 13 December 1978

Meeting = 81

Vote = 59 - 31 - 44 (recorded)

Report = A/33/455

THE GENERAL ASSEMBLY,

Recognizing the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960,

Recalling its resolutions 3485 (XX) of 12 December 1975, 31/53 of 1 December 1976 and 32/34 of 28 November 1977 and Security Council resolutions, 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

Having examined the chapter of the report of the Special Committee in the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory, Having heard the statement made on the subject of East Timor, including statement by the representative of the Frente Revolucionaria de Timor Leste Independente,

Deeply concerned at the continuing critical situation in the Territory, resulting from the persistent refusal on the part of the Government of Indonesia to comply with the provisions of the relevant resolutions of the General Assembly and the Security Council,

Reaffirming in mind the part of the Declaration of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Belgrade from 25 to 30 July 1978, relating to East Timor,

Mindful that all States should, in conformity with Article 2, paragraph 4, of the Charter, refrain in their international relations from the threat or use of force against the territorial integrity or national independence of any State, or in any other manner inconsistent with the purpose of the United Nations.

1. Reaffirms the inalienable right of the people of East Timor to self-determination.

termination and independence, and the legitimacy of their struggle to achieve that right.

2. Reaffirms its resolutions 3485 (XXIX), 31/53 and 32/34 and Security Council resolutions 384 (1975) and 389 (1976),

3. Requests the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under active consideration, to follow the implementation of the present resolution and dispatch to the Territory as soon as possible a visiting mission with a view to the full and speedy implementation of the Declaration and to report thereon to the General Assembly at its thirty-fourth session.

4. Draws the attention of the Security Council, in conformity with Article 11, paragraph 3, of the Charter of the United Nations, to the critical situation in the Territory of East Timor and recommends that it take all effective steps for the implementation of its resolutions 384 (1975) and 389 (1976) with a view to securing the full exercise by the people of East Timor of their right to self-determination and independence.

5. Decides to include in the agenda of its thirty-fourth session the item entitled "Question of East Timor".

QUESTION OF EAST TIMOR

Date = 21 November 1979

Meeting = 75

Vote = 62 - 31 - 45 (recorded)

Report = A/34/668

THE GENERAL ASSEMBLY

Recognizing the inalienable right of all people to self-determination and independence in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960,

Declaring in mind the part of the Political Declaration adopted by the Sixth

Conference of Heads of State or Government of Non-Aligned Countries held in Havana from 3 to 9 September 1979, relating to East Timor,

Having examined the chapter of the report of the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory,

Having heard the statement by the representatives of Portugal, as the administering Power, and of Indonesia,

Having also heard the statements by the petitioners including the representative of the Frente Revolucionaria de Timor Leste Independente,

1. Reaffirms the inalienable right of the people of East Timor to self-determination and independence, in accordance with General Assembly resolution 1514 (XV),

2. Declares that the people of East Timor must be enabled freely to determine their own future, under the auspices of the United Nations,

3. Expresses its deepest concern at the suffering of the people of East Timor as a result of the situation now prevailing in the Territory,

4. Calls upon all parties concerned to facilitate the entry into the Territory of international relief aid in order to alleviate the suffering of the people of East Timor,

5. Requests the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees to render, within their respective fields of competence, all possible assistance to the people of East Timor, particularly the children and those seeking to leave for another country for purposes of family reunion,

6. Requests the Secretary-General to follow the implementation of the present resolution and to report thereon to the General Assembly at its thirty-fifth session,

7. Decides to include in the provisional agenda of its thirty-fifth session the item entitled "Question of East Timor".

QUESTION OF EAST TIMOR 1980

THE GENERAL ASSEMBLY,

Recommending the inalienable right of all people to self-determination and independence, in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1514 (XV) of 14 December 1960.

Considering that the international community is celebrating this year the twentieth anniversary of General Assembly resolution 1514 (XV),

Having in mind that the Fifth and Sixth Summits of Heads of State or Government of Non-Aligned Countries, held in Sri Lanka and Cuba, in 1976 and 1979, respectively, reaffirmed the right of the people of East Timor to self-determination and independence.

Having examined the chapter and other relevant documents of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the territory,

Taking into consideration the recent communiqué of the Council of Ministers of Portugal, of 12 September 1980, in which the Administering Power reaffirms the right of the people of East Timor to self-determination,

Taking also into consideration the diplomatic initiative by the Portuguese Government with a view to find a global solution to the problem to East Timor.

Deeply concerned at the continuing suffering of the people of East Timor as a result of the situation of hostilities still prevailing in the territory.

Having heard the statements by various East Timorese petitioners and international experts, Non-Governmental Organizations, as well as the Representatives of the Frente Revolucionaria de Timor Leste Independente - FRETLIN,

1. Reaffirms the inalienable right of the people of East Timor to self-determination and independence, in accordance with the General Assembly resolution 1514 (XV) of 14 December 1960.

2. Declares that the people of East Timor must be enabled to freely determine their own future within the framework of the United Nations.

3. Welcomes the diplomatic initiative by the Portuguese Government as a first step towards the free exercise by the people of East Timor of their right to self-determination and independence, and urges all parties directly concerned to cooperate fully of the General Assembly resolution 1514 (XV),

4. Expresses its deepest concern at the continuing suffering of the people of East Timor as a result of the situation still prevailing in the territory,

5. Requests the World Food Program, the United Nations Children's Fund - UNICEF - and the United Nations High Commissioner for Refugees - UNHCR - to render, within their respective fields of competence, all possible assistance to the people of East Timor, particularly the children,

6. Requests the Secretary General to follow the implementation of the present resolution and to report thereon to the General Assembly at its thirty-sixth session, on all aspects of the situation in East Timor, particularly, the political developments as related to in paragraphs 1, 2, 3 and 4,

7. Decides to include in the provisional agenda of its thirty-sixth session an item entitled "Question of East Timor".

Question of East Timor 1981

Date: 24 November 1981
Vote: 54 - 42 - 46 (Recorded)
Report: A/36/679

The General Assembly,

Recognising the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Bearing in mind that the Fifth and Sixth Conferences of Needs of State or Government of Non-Aligned Countries, held at Colombo and Havana, in 1976 and 1979 respectively, reaffirmed the right of the people of East Timor to self-determination and independence,

Having examined the chapter of the report of the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to East Timor and other relevant documents,

Deeply concerned at the suffering of the people of East Timor and at reports of the critical situation resulting from the new outbreak of famine in the Territory,

Taking note of the report of the Secretary-General on the question of East Timor,

Recalling the communique of the Council of Ministers of Portugal, issued on 12 September 1980, in which the administering power pledged to undertake broad initiatives with a view to ensuring the full and speedy decolonisation of East Timor,

Having heard the statement of the representative of Portugal, the administering power,

Having heard the statements of the representative of the Frente Revolucionaria de Timor-Leste Independente, the liberation movement of East Timor, and various East Timor petitioners, as well as those representatives of non-governmental organisations,

Reaffirms the inalienable right of the people of East Timor to self-determination and independence, in accordance with General Assembly resolution 1514 (XV);

Declares that the people of East Timor must be enabled freely to determine their own future on the basis of the relevant General Assembly resolutions and internationally accepted procedures;

3. Calls upon all interested parties, namely Portugal, as the administering power, and the representatives of the East Timorese people, as well as Indonesia, to co-operate fully with the United Nations with a view to guaranteeing the full exercise of the right to self-determination by the people of East Timor;

4. Notes the initiative undertaken by the Government of Portugal, as stated in the communique of the Council of Ministers of Portugal, issued on 12 September 1980, and invites the administering power to continue its efforts with a view to ensuring the proper exercise of the right to self-determination and independence by the people of East Timor, in accordance with General Assembly resolution 1514 (XV), and to report to the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the progress of its initiative;

5. Expresses its deepest concern at the reports of the critical situation resulting from the new outbreak of famine in East Timor and calls upon all specialised agencies and other organisations of the United Nations system, in particular the World Food Programme, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees, immediately to assist, within their respective fields of competence, the people of the Territory;

6. Notes with satisfaction the humanitarian aid given by some Member States and relief organisations to the people of East Timor and calls upon all Governments concerned to continue this aid with a view to alleviating the suffering of the people of the Territory;

7. Requests the Special Committee to keep the situation in the Territory under active consideration and to follow the implementation of the present resolution;

8. Requests the Secretary-General to follow the implementation of the present resolution and to report thereon to the General Assembly at its thirty-seventh session;

9. Decides to include in the provisional agenda of its thirty-seventh session an item entitled "The Question of East Timor".

Question of East Timor 1982

Date: 23 November 1982
Vote: 50 - 46 - 50

Resolution 37/30

The General Assembly.

Recognising the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960 and other relevant United Nations resolutions.

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to East Timor and other relevant documents,

Taking note of the report of the Secretary-General on the question of East Timor,

Taking note of resolution 1982/20 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 8 September 1982,

Having heard the statement of the representative of Portugal, as the administering power,

Having heard the statement of the representative of Indonesia,

Having heard the statements of the representative of the Frente Revolucionaria de Timor-Leste Independente and of various East Timor petitioners, as well as of the representatives of non-governmental organisations,

Bearing in mind that Portugal, the administering power, has stated its full and solemn commitment to uphold the right of the people of East Timor to self-determination and independence,

Bearing in mind also its resolutions 3485 (XXX) of 12 December 1975, 31/53 of 1 December 1976, 32/34 of 28 November 1977, 33/39 of 13 December 1978, 34/40 of 21 November 1979, 35/27 of 11 November 1980 and 36/50 of 24 November 1981,

Concerned with the humanitarian situation prevailing in the Territory and believing that all efforts should be made by the international community to improve the living conditions of the people of East Timor and to guarantee to these people the effective enjoyment of their fundamental human rights,

1. Requests the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to

report thereon to the General Assembly at its thirty-eighth session;

2. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General with a view to facilitating the implementation of the present resolution;

3. Calls upon all specialized agencies and other organisations of the United Nations system, in particular the World Food Programme, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees, immediately to assist, within their respective fields of competence, the people of East Timor, in close consultation with Portugal, as the administering power.

4. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Question of East Timor".

Appendix I-11

The following is a record of countries' votings in resolutions on East Timor at the UN General Assembly from 1975 to 1982, as compiled by Paul Barbara. No resolutions were tabled after 1982.

Given the long time elapsed since the last vote and the major political changes that occurred in the period, this can only give limited clue on how countries would vote now, in the event a resolution would be tabled.

Country	Year 1975	1976	1977	1978	1979	1980	1981	82
Afghanistan	A	A	A	Y	Y	Y	Y	Y
Albania	Y	Y	Y	Y	Y	Y	Y	Y
Algeria	Y	Y	Y	Y	Y	Y	Y	Y
Angola	NM	NM	Y	Y	Y	Y	Y	Y
Antigua&Barbuda	NM	NM	NM	NM	NM	NM	NM	N
Argentina	A	A	A	A	A	N	N	N
Austria	A	A	A	A	A	A	A	A
Australia	Y	A	A	N	N	N	N	N
Bahamas	A	A	A	A	A	A	A	A
Bahrain	Y	A	A	A	A	A	N	N
Bangladesh	Y	N	N	N	N	N	N	N
Barbados	Y	Y	Y	Y	Y	Y	Y	Y
Belgium	A	A	A	A	A	A	A	A
Belize	NM	NM	NM	NM	NM	NM	NM	Y
Benin	N	Y	Y	Y	Y	Y	Y	Y
Bhutan	A	A	A	A	A	A	A	A
Bolivia	Y	A	A	A	A	N	N	A
Botswana	Y	Y	Y	Y	Y	Y	Y	A
Brasil	Y	Y	Y	Y	Y	Y	Y	Y
Bulgaria	Y	Y	Y	Y	-	-	-	-
Burma	-	-	A	A	A	A	A	A
Burundi	Y	Y	Y	Y	Y	Y	Y	Y
Byelorussia(SSR)	Y	Y	Y	Y	Y	Y	Y	Y
Cambodia	-	Y	-	-	-	N	N	N
Cameroon	Y	Y	Y	Y	A	A	A	A
Canada	A	A	A	A	A	N	N	N
Cape Verde	NM	Y	Y	Y	Y	Y	Y	Y
Centr. Afr. Rep.	-	Y	Y	Y	Y	Y	Y	A
Chad	Y	Y	Y	Y	Y	Y	Y	N
Chile	A	N	N	N	N	N	N	N
China	Y	Y	Y	Y	Y	Y	Y	Y
Columbia	A	A	A	A	N	N	N	A
Comores	-	-	Y	-	-	-	N	-
Congo	-	Y	Y	Y	Y	Y	Y	Y
Costa Rica	A	A	A	-	Y	A	-	A
Cuba	Y	Y	Y	Y	Y	Y	Y	Y
Cyprus	Y	Y	Y	Y	Y	Y	Y	Y
Czechoslovakia	Y	Y	Y	Y	A	A	A	A
Denmark	A	A	A	A	A	A	A	A
Djibouti	NM	NM	A	-	-	-	-	-
Dominica	-	-	-	-	-	-	-	A
Dominican Rep.	-	A	A	A	A	A	N	A
Ecuador	Y	Y	Y	-	-	A	A	A
Egypt	A	A	N	N	N	N	N	N
El Salvador	Y	A	A	A	A	N	N	N
Equ. Guinea	Y	Y	Y	-	Y	Y	A	-
Ethiopia	Y	Y	Y	Y	Y	Y	Y	Y
Fidji	Y	A	A	A	A	A	A	N
Finland	A	A	A	A	A	A	A	A
France	A	A	A	A	A	A	A	A

Appendix I-12

Gabon	Y	Y	Y	A	A	A	A	A
Germany (D. R.)	Y	Y	Y	Y	-	-	-	-
Germany (F. R.)	A	A	A	A	A	A	A	A
Ghana	Y	Y	Y	Y	Y	Y	Y	Y
Granada	Y	A	Y	Y	Y	Y	Y	Y
Greece	Y	Y	Y	Y	Y	Y	Y	Y
Guatemala	A	A	A	A	Y	N	N	N
Guinea	Y	Y	Y	Y	Y	Y	Y	Y
Guinea Bissau	Y	Y	Y	Y	Y	Y	Y	Y
Guyana	Y	Y	Y	Y	Y	Y	Y	Y
Haiti	Y	A	Y	Y	Y	Y	Y	A
Honduras	-	A	A	A	N	N	N	N
Hungary	Y	Y	Y	Y	A	A	A	A
Iceland	Y	Y	Y	-	Y	Y	Y	Y
India	N	N	N	N	N	N	N	N
Indonesia	N	N	N	N	N	N	N	N
Iraq	A	A	N	N	N	N	N	N
Iran	N	N	N	N	Y	Y	Y	-
Ireland	A	A	A	A	A	A	A	Y
Israel	A	A	A	A	A	A	A	A
Italy	A	A	A	A	A	A	A	A
Ivory Coast	Y	Y	A	A	A	A	A	A
Jamaica	Y	Y	Y	Y	Y	Y	A	A
Japan	N	N	N	N	N	N	N	N
Jordan	A	N	N	N	N	N	N	N
Kenya	Y	Y	Y	Y	Y	Y	Y	Y
Kuwait	Y	A	A	A	A	-	N	Y
Laos	Y	Y	Y	A	Y	Y	-	Y
Lebanon	-	A	A	A	Y	-	-	Y
Lesotho	Y	Y	Y	Y	Y	A	Y	Y
Liberia	Y	Y	Y	Y	Y	Y	A	N
Libya	-	-	-	-	-	-	-	-
Luxembourg	A	A	A	A	A	A	A	A
Madagascar	Y	Y	Y	Y	Y	Y	Y	Y
Malawi	Y	Y	A	Y	Y	Y	Y	Y
Malaysia	N	N	N	N	N	N	N	N
Maldives	-	A	N	N	N	N	N	N
Mali	Y	Y	Y	Y	Y	Y	Y	Y
Malta	-	-	-	-	-	-	-	-
Mauritania	A	N	N	N	A	A	A	A
Mauritius	A	Y	-	Y	-	A	-	Y
Mexico	Y	Y	Y	Y	Y	-	Y	Y
Mongolia	Y	Y	Y	Y	Y	Y	-	-
Morocco	A	N	N	N	Y	A	A	N
Mozambique	Y	Y	Y	Y	A	Y	Y	Y
Nepal	Y	A	A	A	A	A	A	A
Netherlands	A	A	A	A	A	A	A	A
New Zealand	A	A	A	A	N	N	N	N
Nicaragua	A	N	N	N	Y	Y	Y	Y
Niger	Y	-	Y	Y	Y	Y	Y	A
Nigeria	Y	Y	Y	A	A	A	A	A
Norway	A	A	A	A	A	A	A	A
Oman	A	N	N	N	N	N	N	N
Pakistan	Y	A	A	A	A	A	A	N
Panama	A	Y	Y	A	A	A	A	A
Papua N. Guinea	-	A	A	N	N	N	N	N
Paraguay	A	A	A	N	N	-	A	N
Peru	Y	A	A	N	N	A	N	N
Philippines	N	N	N	N	N	N	N	N
Poland	Y	Y	Y	-	-	A	A	Y
Portugal	Y	Y	Y	Y	Y	Y	Y	Y
Qatar	A	A	A	N	N	N	N	N

Appendix I-13

Rumania	Y	Y	Y	-	A	A	A	A
Rwanda	Y	Y	Y	Y	Y	Y	Y	Y
St Vincent-Gren.-	-	-	-	-	-	-	N	-
Samoa	-	-	A	A	A	A	A	A
Santa Lucia	-	-	-	-	Y	Y	Y	N
Sao Tome/Princ. NM	Y	Y	Y	Y	Y	Y	Y	Y
Saudi Arabia	N	N	N	N	N	N	N	N
Senegal	Y	Y	Y	Y	Y	Y	A	A
Seychelles	-	-	N	A	Y	Y	Y	Y
Sierra Leone	Y	Y	Y	Y	Y	Y	Y	Y
Singapore	A	-	N	N	N	N	N	N
Solomon Islands	-	-	-	-	-	-	A	N
Somalia	-	A	-	A	-	A	A	A
South Africa	-	-	-	-	-	-	-	A
Spain	A	A	A	A	A	A	A	A
Sri Lanka	A	A	A	A	A	A	A	A
Sudan	A	A	A	A	N	N	N	N
Suriname	-	N	N	N	N	N	N	N
Swaziland	Y	Y	Y	Y	Y	Y	Y	Y
Sweden	Y	Y	Y	Y	Y	A	A	A
Syria	A	A	N	N	N	N	N	N
Tanzania	Y	Y	Y	Y	Y	Y	Y	Y
Thailand	N	N	N	N	N	N	N	N
Togo	Y	Y	Y	Y	Y	Y	Y	Y
Trinidad&Tobago	Y	Y	Y	Y	Y	Y	Y	Y
Tunisia	-	N	N	N	N	N	N	N
Turkey	A	N	N	N	N	N	N	N
Uganda	Y	Y	Y	Y	Y	Y	Y	Y
Ukraine (SSR)	Y	Y	Y	Y	Y	Y	Y	Y
Unit. Arab Emir.Y	Y	A	A	A	A	A	N	N
United Kingdom	A	A	A	A	A	A	A	A
Upper Volta	Y	Y	Y	Y	Y	Y	Y	A
Uruguay	A	N	N	N	N	N	N	N
USA	A	N	N	N	N	N	N	N
USSR	Y	Y	Y	Y	Y	Y	Y	Y
Vanuatu	NM	NM	NM	NM	NM	NM	NM	Y
Venezuela	Y	A	A	A	A	A	A	A
Vietnam	-	-	Y	-	Y	Y	Y	Y
Yemen	-	A	-	-	N	N	-	N
Yemen (Dem. R.)	Y	Y	Y	Y	Y	Y	Y	Y
Yugoslavia	A	A	A	A	A	A	A	A
Zaire	A	A	N	N	N	A	A	A
Zambia	Y	Y	Y	Y	Y	Y	Y	Y
Zimbabwe	-	-	-	-	-	Y	Y	Y

Y yes, N no, A abstained, NM not a member that year, - did not take part to the vote.

Total votes per year:

	Y	A	N
1975	72	44	9
1976	65	52	20
1977	67	48	27
1978	59	46	30
1979	62	45	31
1980	58	46	35
1981	53	46	42
1982	50	51	46

Appendix I-14

Countries that always voted yes (32): Albania, Algeria, Angola, Barbados, Belize, Byelorussia (SSR), Brazil, Burundi, Cape Verde, China, Cuba, Cyprus, Ethiopia, Greece, Guinea Bissau, Guyana, Kenya, Madagascar, Mali, Mozambique, Uganda, Portugal, Rwanda, Sierra Leone, Swaziland, Tanzania, Togo, Ukraine (SSR), USSR, Vanuatu, Yemen (Dem. Rep.), Zambia.

Countries that always abstained (25): Austria, Bahamas, Belgium, Bhutan, Burma, Denmark, Djibouti, Dominica, Finland, France, Germany (Fed. Rep.), Israel, Italy, Lebanon, Libya, Luxembourg, Malta, Norway, Netherlands, Somalia, South Africa, Spain, Sri Lanka, United Kingdom, Yugoslavia.

Countries that always voted no (8): Antigua&Barbuda, India, Indonesia, Japan, Malaysia, Philippines, Thailand, Saudi Arabia,

APPENDIX J

CANADA'S EXPLANATION(S) TO THE UNITED NATIONS GENERAL ASSEMBLY REGARDING ITS VOTE ON THE QUESTION OF EAST TIMOR

APPENDIX J

**CANADA'S EXPLANATION(S) TO THE UNITED NATIONS
GENERAL ASSEMBLY
REGARDING ITS VOTE ON THE QUESTION OF EAST TIMOR**

1978

I wish to explain the abstention of the Canadian Delegation on this vote. As a matter of principle, we, of course, continue to support the concept of self-determination. Canada recognizes the *de facto* incorporation of Timor into Indonesia, and believes there are no longer any realistic or credible alternatives. In saying this we acknowledge that there are differences of opinion as to the manner in which the integration took place; and, for its part, Canada certainly has doubts about procedures and process that do less than justice to the principle of self-determination. We believe, however, that it serves no useful purpose to continue examining the origins of the problem of the situation before us rather than looking to the future. But in looking to the future, we are doing a disservice to the People of Timor if we engage in prolonged discussions which can distort the assessment of the situation and which could impede the process of reconstruction which, we understand, the Government of Indonesia is undertaking. Our best information indicates the Timorese people are in need of assistance and it is our hope that the attention of the international community could focus more on the resolution of these very pressing humanitarian problems, rather than rehearsing, year after year, a series of judgements and arguments which seem removed from the immediate interests of the people concerned.

Thank you, Mr. Chairman.

1979

My Delegation wishes to re-affirm Canada's support for de-colonization within the context of Resolution 1514 (XV) and expresses regret that in some former colonial territories the process envisaged within that resolution has not been realized.

In abstaining on this year's resolution, the Canadian delegation wished to express its strong doubts about the value of the futile and repetitious debate which has taken place on this matter in recent years. Canada has concluded that the integration of Timor is an accomplished and irreversible fact, and believes that an annual succession of resolutions before this committee will not change the situation. Canada has abstained because we cannot in principle disagree with the right to self-determination, and as we noted last year, we recognize that the evolution of events in East Timor did not allow for an expression of self-determination that would perfectly satisfy all standards. But by the same token, it must now be clear to all that the complexities of events in Timor are in no way reflected by the simplistic statements in the resolution before us; we do not agree with the resolution when it describes Portugal as the administering power.

While recognizing that there are different views on this issue; such exaggerations and distortions only add an unhelpful dimension of unreality to our deliberations.

The resolution this year has been so drafted as to focus attention on a general principle -- with which no one could disagree in the abstract -- at the expense of practical relevance and realities; the prospects for effective action implicit in this text are nil. What the resolution does is to postpone the full-scale search for a much-needed solution to the humanitarian plight of the people concerned by linking their economic needs to unrealistic and unattainable political goals. We do not agree, therefore, with paragraph seven of the resolution which calls for another discussion of this item at the 35th session. Canada would prefer to see this item removed from the agenda. If it is not, however, we will reserve the right to deal with this item in future in terms of the realities of the situation with which it purports to deal, and not the precise terms used in drafting the resolution.

In our view, the needs of the Timorese would be better served by concentrating on the humanitarian and developmental problems of Timor. We strongly welcomed the Indonesian invitation of the ICRC to visit Timor and the subsequent appeal to which Canada last month made an interim contribution of \$200,000. The Canadian delegation believes that our time would be more productively spent in encouraging humanitarian activities, such as those of the ICRC, rather than engaging in sterile and futile debate which fails to address the real problems.

APPENDIX K

**UNITED NATIONS RESOLUTION
1982**

NOTES FROM INDONESIA TO CANADA

**SOME COMMENTS AND OBSERVATIONS ON
THE DRAFT RESOLUTION ON
THE QUESTION OF EAST TIMOR**

The present draft resolution is being presented by its co-sponsors as one that is purportedly "milder" and "more realistic" as compared to Resolution 36/50 of last year.

It is not, and as detailed below, it contains the same prejudicial premises and propositions as in previous years. They are as unacceptable to Indonesia today as they were then. In fact, in some aspects, the present draft is even more rigid in its general thrust as compared to last year's, because certain contentions put forward earlier by the drafters are now being insidiously presented as if they were established facts.

The present draft also contains a "new", and supposedly "reasonable" element, that is, the request to the Secretary-General "to initiate consultations with all parties directly concerned with a view to exploring avenues for achieving a comprehensive settlement of the problem". But upon closer examination, this proposition can be seen to be set in such a prejudicial context as to virtually pre-determine the direction in which such good office by the Secretary General should move.

It would appear, that the real purpose of presenting this seemingly "mild" draft this year is the co-sponsors' concern to secure, by whatever means, continued support for their case in the light of the steady erosion of that support.

The following comments/observations on some sections of the draft may be helpful in obtaining a correct assessment of its real intent and implications:

1. In the first preambular paragraph, the draft still mentions only resolution 1514 (XV) of 14 December 1960. It contains no explicit reference to resolution 1541 (XV) of 15 December 1960 nor to resolution 2625 (XXV) of 24 October 1970, although it now does try, in an ambiguous fashion, to amend for this omission by vaguely referring to "other relevant United Nations resolutions".

As Indonesia has repeatedly pointed out, refusal to also consider resolution 1541 (XV) as relevant to the East Timor case is legally unacceptable and politically prejudicial.

While the exercise of the right to self-determination should indeed be based on resolution 1514 (XV), the people of East Timor equally cannot be denied their right to choose independence through integration with an independent State in accordance with principles VI, VIII and IX of resolution 1541 (XV) and as confirmed by the relevant provision of resolution 2625 (XXV).

2. In the fourth preambular paragraph, the draft refers to "resolution 1982/20 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 8 September 1982".

The Sub-Commission referred to is a subsidiary organ of the Commission Human Rights and its task is to under-take studies and to make recommendations to the Commission on the subjects entrusted to it. Membership of the Sub-Commission is comprised of individuals who serve in their personal capacity, although they are initially nominated by Governments.

These facts about the Sub-Commission should shed light on the status and weight of any "resolution" or recommendation it submits to the Human Rights Commission, which in the case of "resolution 1982/20 of 8 September 1982" has not even been acted upon by the Commission as a whole, let alone seen or discussed by the General Assembly, to which it should eventually be reported through the Third Committee.

Invoking it at this stage, therefore, is not only procedurally inappropriate but materially of no value whatsoever. The reason why the drafters of the present text have resorted to this "resolution" can perhaps only be explained in terms of their desperation to seize upon anything that may cast an unfavourable light on the current situation in East Timor, whether it is of any relevance or not.

3. In the fifth and eight preambular paragraphs, Portugal is again portrayed as the "Administering Power" in East Timor. Indonesia has time and again pointed out how unrealistic this construction is. The Portuguese colonial administration, after instigating civil war in East Timor and leaving thousands of arms to the party of its own creation, "Fretilin", deliberately abandoned the territory in a most irresponsible manner in late 1975. Thus, by its own actions, Portugal has forfeited any right to be considered the Administering Power. It is even more preposterous to consider giving Portugal another chance to begin the decolonization process anew, a process it has utterly mishandled and irresponsibly abandoned in the past. At any rate, subsequently the people of East Timor themselves have decided on their own future. Even the "Fretilin", when it unilaterally declared the so-called "independence" of East Timor on November 28, 1975, without bothering about any semblance of an exercise of the right of self-determination by the people, has by that action actually rejected the Portuguese claim as the Administering Power for East Timor. Otherwise, how can a proclamation of independence be understood if at the same time the authority of a foreign power to administer the territory is also recognized? Inviting Portugal back as the "Administering Power" or to continue to regard it as such is therefore self-contradictory, absurd and unacceptable.

4. In the seventh preambular paragraph there is reference to statements by the representative of the so-called Fretilin. Indonesia has always opposed "Fretilin's" participation as a petitioner. There is no "Fretilin" in East Timor and there has not been for many years. Indeed, the so-called Fretilin representative, Mr. Jose Ramos Horta, returned to East Timor in 1974 from Portugal and left East Timor in 1975, having spent less than a year in the territory. Thus, we are at a loss as to what kind of current information he could present to the Fourth Committee. And, our reservations are borne out by the fact that his statement merely repeated old and irrelevant allegations. However, what is most disturbing is that this paragraph singles out "Fretilin" for special mention in the draft resolution, thus in an insidious way implying that it enjoys some sort of special status. In the case of "Fretilin" its true status and origins are exposed by the fact that it was created in 1974 following the revolution in Portugal and the Portuguese colonial administration openly aided and encouraged "Fretilin" to seize power by force of army rather than through democratic methods, because even then it was clear to all that "Fretilin" did not have the support of the people. Thus, the "Fretilin" never fought against Portuguese colonialism, their leaders have been nothing more than favourite collaborators of the Portuguese colonial regime and their armed members consisted mainly of former colonial soldiers.

5. The draft resolution in the eighth and ninth preambular paragraphs by inference, makes the same basic contentions regarding the aspect of self-determination by the people of East Timor. It is Indonesia's well-known position that the process of decolonization in East Timor has been completed through the implementation of the right to self-determination by the people of East Timor, in accordance with the United Nations Charter and the relevant United Nations resolutions, namely, resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). Thus, the people of East Timor have opted for independence through integration with Indonesia. Hence, Indonesia has rejected all the resolutions of the General Assembly referred to in preambular paragraph 9.

It is an encouraging fact, that this Indonesian position has been gradually recognized and correctly appreciated by an ever increasing number of states, as substantiated by the trend in the voting records on the East Timor Issue from year to year.

6. In the tenth preambular paragraph, concern is expressed with "the humanitarian situation" in the new territory but it is not clear what specific aspects of that situation is giving rise to that concern. It should be noted that resolution 36/50 of last year specifically charged that there was "a new outbreak of famine" in East Timor. In the light of irrefutable evidence to the contrary, this obvious lie, which the drafters succeeded to impose on the supporters of last year's resolutions, is not being repeated. Instead, however,

brad and vague references to the "humanitarian situation" to "living conditions" and "fundamental human rights" are made in the obvious hope again to snare the widest possible support from those who are invariably inclined towards quasi-idealistic pontification rather than to an objective assessment of facts.

Indonesia has on various occasions presented the true facts on the socio-economic and humanitarian conditions prevailing in East Timor, facts fully corroborated by the findings of such competent and prestigious United Nations agencies and international organizations as the UNHCR, UNICEF, ICRC et al. Preambular paragraph 10, therefore, should be seen for what it is: a dated and tiresome repetition of well-worn cliches and vague insinuations.

7. The first operational paragraph is being presented as a "new" and purportedly "reasonable" element in the present draft. Afterall, it only "requests the Secretary-General to initiate consultations with all parties directly concerned with a view to exploring avenues for achieving a comprehensive settlement of the problem."

However, upon closer scrutiny, and apart from the doubt as to who "all parties directly concerned" are, this proposed exploration by the Secretary-General can be clearly seen to be set in the prejudicial context of the foregoing preambular paragraphs, containing all the unacceptable premises and contentions as earlier analyzed. And if this may not be so obvious to some, the second operational paragraph makes it abundantly clear what that context should be, thus virtually pre-determining the direction and substance in which such good offices by the Secretary-General should go.

Indonesia is always prepared to enter into consultations with the Secretary-General or with any other subsidiary organ or body of the United Nations on various aspects of the further development of East Timor. However, it should be clearly understood that the constitutional and political status of East Timor, as the 27th province of the Republic of Indonesia, has been determined by the people of East Timor when they decided to become independent through integration with Indonesia. Hence, any attempt to raise this aspect constitutes an unacceptable interference in the internal affairs of Indonesia and violates article 2, paragraph 7 of the United Nations Charter.

The proposition contained in operative paragraphs 1 and 2 of the present draft, therefore, is neither "reasonable" nor constructive or even fair to the Secretary-General.

8. Finally, in the third operative paragraph, a call is again made on certain specialized agencies "immediately to assist ... the people of East Timor ..."

etc. The drafters should know, as does the whole world, the UNICEF, UNHCR, ICRC and other organizations such as the CRS have long been working in East Timor and are still there up to this moment. If the proponents of the draft resolutions had bothered to read the reports and testimony of these organizations as well as those of the many representatives of foreign Governments and responsible media who have visited East Timor during the past year, they would have realized that all of them have generally praised the development efforts now underway in East Timor.

Yet the proponents of the present draft resolution persist in their campaign of spreading malicious distortions and contorted argumentations regarding the current conditions in the province. In fact, their call for these United Nations agencies to provide assistance to the people of East Timor "in close consultation with Portugal as the Administering Power" epitomizes not only the complete irrelevance of their proposals but their cynical hypocrisy as well.

**PERMANENT REPRESENTATIVE
OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS
NEW YORK**

2/7
4 November 1982

Dear Colleague.

You may be aware that, as in past years, a draft resolution is being circulated by Portugal, Mozambique, Angola and others on the so-called Question of East Timor.

The draft resolution is being presented as one that is purported to be "milder" as compared to resolution 36/50 of last year. Upon closer scrutiny, however, it can be shown that this is not the case at all, as the present draft contains the same prejudicial premises and propositions that are totally unacceptable to Indonesia. Needless to say, therefore, that Indonesia will strongly oppose this draft resolution.

Enclosed I am sending you our preliminary comments/observations on the draft in the hope that they may be helpful to you in obtaining a correct assessment of its real intent and implications.

It is our sincere hope that your delegation will, as in the past, support Indonesia in this regard by voting against the resolution, for which I would express our deep appreciation in advance.

Please accept, Excellency, the renewed assurances of my highest consideration.

Ali Alatas
19/11 Ali Alatas
Ambassador
Permanent Representative

**M.E. Mr. Gerard Pallatier
Ambassador
Permanent Representative of Canada
to the United Nations
New York.**

APPENDIX L

MAPS

(A) EAST TIMOR

(B) INDONESIA

(A) MAP OF EAST TIMOR

FROM: Michele Turner, Telling East Timor: Personal Testimonies, 1942-1992, xxi.

(B) MAP ON INDONESIA

FROM: Bartholomew & Son Ltd., Edinburgh. Bartholomew WORLD ATLAS, at 65.

1:65 M

0 50 100 Miles
0 100 200 Kilometers

International boundaries
State boundaries

APPENDIX M

EXCERPTS FROM "Good Governance: Canadian Values and Interests In A Changing World"

The four different circumstances outlined in Good Governance: Canadian Values and Interests in a Changing World call for four different levels of engagement by the government of Canada, that is, a graduated series of responses to improving or worsening performance.

A) SUPPORTING REFORM: POSITIVE REINFORCEMENT

- Where government leaders actively seek to improve the governance of their country, Canada provides assistance in response to requests from eligible partners, in such areas as:
 - : the drafting or amendment of democratic constitutions;
 - : the training of legal personnel and the organisation of an independent judiciary;
 - : the training of ombudsmen/women and human rights monitoring agencies;
 - : the training of parliamentary personnel;
 - : assistance in the organisation of an honest, merit-based, impartial civil service;
 - : the observation of elections and training in the organisation of free elections;
 - : the training of a free press;
 - : the training of economic managers and entrepreneurs;
 - : assistance for the privatization of government enterprises, the creation of stock exchanges, the reform of money and banking;
 - : training in social policy areas (women's rights, protection of children, health, education);
 - : the training of police and military personnel;
 - : the funding of a broad range of developmental projects.
- Such assistance may be provided by CIDA and External Affairs and International Trade Canada (EAITC) in the case of ODA-eligible countries, and by the responsible External Affairs Task Force in the case of East and Central Europe (non-ODA countries). Normal criteria are applied to ensure that the partners selected are able to use the assistance effectively.
- Where appropriate, such projects are coordinated with, or undertaken in cooperation with, other donors through the United Nations, the IMF/IBRD, G-24, regional banks, the Commonwealth, La Francophonie, the CSCE or the Council of Europe. The OECD (DAC) assists in the consideration of coordinated policies.
- A wide range of Canadian bodies are involved in these programmes. In addition to EAITC and CIDA, Finance Canada, Elections Canada, Justice Canada, Health and Welfare Canada, Investment Canada, IDRC, ICHRDD, etc.; provincial

governments; many private firms and enterprises; NGO's, universities, trade unions, and churches.

B) SENDING MESSAGES: FRIENDLY PERSUASION AND FOSTERING CHANGE

Sending messages takes place in a wide range of circumstances; the approach taken must be geared to the particular problem and situation. The appropriate measure may range from friendly persuasion to exerting pressure, in conjunction with other countries, through our bilateral and multilateral aid programmes.

A Reciprocal Dialogue:

- Where countries fall short of or find it difficult to attain a desirable standard of good governance in some particular areas, Canada's concerns and its readiness to support reform are conveyed:
 - : through the regular private dialogue between diplomatic missions and the governments to which they are accredited;
 - : through regular bilateral consultations on programmes of bilateral economic cooperation;
 - : in ministerial speeches and special messages, or through ministerial or special missions;
 - : where appropriate, in multilateral consultations¹ on human rights, democratic practice and/or economic cooperation.
- Where appropriate, coordinated action with other interested countries, including other donors, will be sought.

Use of the Aid Instrument: Targetting Support

- Where consultations prove unavailing, and countries fail to reach an acceptable standard of good governance in some areas, the government of Canada reduces, re-channels, or limits assistance in a manner deemed appropriate by ministers. By the same token, where performance improves, it attracts additional backing and support from the government of Canada. Each situation is unique and judgements regarding the action to be taken will need to take into account the full range of pertinent factors, including Canada's political and commercial interests.

¹ Such consultations may take place in, or under the auspices of, a variety of international bodies: the CSCE, the IMF and IBRD, the OECD, regional organizations such as the OAS, as well as many organs of the United Nations.

- Wherever possible, such measures are taken in concert with other bilateral donors and on the basis of findings made or actions recommended by responsible international bodies.
- The precise measures chosen will take into account the long-term objectives of assistance, the consequence for target populations of changes in the assistance programme, the efficacy of the measure both in signalling Canada's abhorrence of wasteful and abusive practices and in securing changes in policy and practice, and the impact on Canadian suppliers.
- The domestic impact of measures: EAITC and CIDA will normally be the departments mainly involved but depending on the range of measures adopted, other government departments, provincial offices and agencies, NGOs, educational and other public institutions, and a range of Canadian companies may be affected by Canada's action.
- These measures will normally be taken through the management of on-going programmes; for example, through adjustment in the annual allocation of aid resources or through re-focussing a bilateral programme. Where the resources applied to one bilateral programme are reduced, they become available to support positive performance elsewhere.

C) PUNITIVE ACTION

1. STOPPING ASSISTANCE

When governments act in an arbitrary and dictatorial fashion, attack their neighbours, grossly abuse their citizens' fundamental rights, and/or badly misuse the country's resources, more explicit and far-reaching measures are taken.

- A suspension or termination of all bilateral aid, except for properly supervised humanitarian assistance, will be in order.
- Wherever possible, such bilateral action will be taken in concert with some other donors and following consultations with other countries of the region.
- Consultations with other donors regarding possible action by multilateral agencies will also be in order.
- A vigorous programme of speeches, questioning of representatives at international meetings, cancellation of visits, and special investigatory missions may serve as a useful complement to the termination of assistance.

- The technique used to suspend or terminate programmes of bilateral cooperation (running down, immediate cancellation, etc.) will be determined by the ministers.
- The offences and abuses committed by the government in question will be of such gravity as to justify the disruption and the costs involved in terminating contracts with the firms and private or public organizations which are carrying out the bilateral programme, and in compensating them for their losses.

2. POLITICAL AND ECONOMIC SANCTIONS

Sanctions invariably impose a burden on, or harm the interests of, some Canadians. They are, therefore, to be used very sparingly and with careful calculation in order to ensure that they are so targetted as to minimize the cost to Canada and to maximize the chances of success. The range of sanctions applied (or removed) should be appropriate to the particular circumstances. An evolving situation may call for action in stages.

- The sanctions used may be limited or extensive. If extensive (comprehensive boycotts, embargoes, etc.), they come close to being acts of war.
- They are only used in exceptionally difficult cases.
- They may be authorized by the UN Security Council. They are introduced after thorough consultations with other governments and they are usually undertaken in concert with other countries².
- The objective is to change the conduct of the target country over time, not to ruin it, and to do as little harm to Canada as possible in the process. The measures chosen are therefore those (e.g. sports boycott, ban on selected imports to Canada, restrictions on transport connections, limit on diplomatic representation) which will penalize the target country far more than they damage Canada.

² In the past, concerted actions (up to the level of sanctions) have been taken pursuant to decisions taken in the Commonwealth, La Francophonie, and the OAS and the UN Human Rights Commission as well as the Security Council. Bill C-53, now before the House of Commons, will enable the federal government to apply sanctions once it has determined that a grave breach of international peace and security, likely to cause a serious international crisis, has taken place.

A Policy Continuum

These four levels of engagement are necessarily models: real life is not that simple or straightforward. Political and economic measures may be applied independent of any action taken on aid, in conjunction with aid measures, or after aid measures have already been taken. We may back reform and apply sanctions at the same time. We have already done that in the case of South Africa. The right combination of measures is a matter of judgement.

Each case is unique. Judgements about what actions Canada should take (to lend support or press for change) need to take into account both the particular circumstances of the country in question and Canada's own interests and priorities in that region.

It is prudent and responsible to consult other governments and international organisations about looming problems and new opportunities, and to seek concerted action. Action by Canada is not, however, contingent on achieving an international consensus.

APPENDIX N

**CANADIAN COMPANIES
FUNDED BY CIDA
WORKING IN INDONESIA**

Appendix N-1

CANADIAN COMPANIES WORKING IN INDONESIA FUNDED BY CIDA

Type of Project	Project	Name and Address of Agency	Contract ¹	Field of Activities
Water and Sanitation	Water Resources Development	Crippen Consultants Mr. Brian Young 900-601 West Georgia St. Vancouver, B.C. V6B 5R1 (604) 664-3000	1987 \$16,964,929 71 %	Water Resources Management Water Institutions
	Water Sector Technical Assistance Fund	George A F H International Inc. M. Habib Khoury 3335 Boul. Cavendish, Bureau 410 Montreal, Quebec H4B 2H5 (514) 404-9973	1988 \$14,000,000 23 %	Policy, Planning and Administration Water Institutions
	CARE Sulawesi SRCD Project Phase 3	CARE Canada Ms. Brenda Copper 1550 Carling Avenue P.O. Box 9000 Ottawa, ON K1G 4K6 (613) 724-1122	1991 \$ 9,000,035 26 %	Water Supply Potable Water
Agriculture	Deluge-Terrace Irrigation Project	Agrium Canada Mr. Bob Francis 890-10201 Southport Rd. S.W. Calgary, AB T2W 4X9 (403) 253-5296	1990 \$ 1,367,600 86 %	Land/Water Use Irrigation and Drainage Canal Crops
	Yagrebata Disease Investigation Centre	Ontario: Ministry of Agriculture and Food Mr. Jim Henry c/o David Coyle Guelph Agriculture Centre P.O. Box 1030 (250 George Rd.) Guelph, ON N1H 6N1 (416) 837-5011	1985 \$11,400,000 97 %	Vet Services Disease Control Agricultural Research Centres
Institutional Support and Management	Women's Support Project	23rd Century Int'l c/o Gaybridge Consulting Ms. Julie MacKinnon 191 Promenade du Portage, Bureau 602 Hull, Quebec J8X 2K6 (819) 776-2262	1990 \$ 4,000,000 25 %	Women in Development

¹ Contract Start Date, Amount (\$) and Percentage Disbursed.

Appendix N-2

	Indonesia - Canada Linkage Program	Canadian Council for Int'l Cooperation M. Maurice Alario 300-1 Nicholas Street Ottawa, ON K1N 7B7 (613) 236-4547	1991 \$ 4,400,000 13%	Institutional Linkage Human Resources Development
	Schrevel Regional Development Project Phase 2	University of Guelph Mr. John Duff 620 Gordon St. Guelph, ON N1G 2W1 (519) 824-4120	1990 \$24,875,000 41%	Regional Development Planning Institutional Strengthening Training
	Environmental Programming Support Services	Intero Koning Limited Mr. Glen Hildebrath 200-2 Guelburn Road Napan, ON K2E 1A2 (613) 226-5442	1991 \$ 3,995,000 36%	Environmental Programming Monitoring Support
	IAIN Institutional Development Project	McGill University Dr. Eugene Desautels Director, McGill International 3550 University Street Montreal, Quebec H3A 2A7 (514) 398-4197	1989 \$ 8,011,824 51%	Financial Management
Human Resources Development	Professional Development Project	University of Manitoba Ms. Janet Scholz Office of President 105 Administration Building Winnipeg, Manitoba R3T 2N2 (204) 474-9466	1988 \$ 4,952,435 77%	Agriculture Water and Sanitation
	Eastern Universities Development	Simon Fraser University Ms. Mary P. Hahn 888 Burnet Hwy 7700 Library Bldg. Burnaby, British Columbia V5A 1S6 (604) 291-4099	1988 \$19,255,824 83%	Institutional Support and Management Education
	North Schrevel Water Project	S N C - Lavelle Inc. M. Paul Falzon 1100, Boulevard Rene-Lavoie Ouest Montreal, Quebec H3B 4P3 (514) 871-1020	1990 \$13,206,000 9%	Water and Sanitation
Education	University Support -- Phase 3	Open Learning Agency Ms. Mary-Anne Williamson 7671 Alameda Way Richmond, British Columbia V6X 1Z9 (604) 660-2210	1989 \$ 4,700,000 55%	Post-Secondary Distance Education
	General Training Program	Cogeco Inc. M. Denis Charbonneau 85, Rue Sainte-Catherine Ouest 3e Etage Montreal, Quebec H2X 3P4 (514) 287-8500	1988 \$12,199,000 69%	Post-Secondary Level Training

Appendix N-3

	WUSC Fellowships -- Phase 5	World University Services of Canada (WUSC) M. Gilles Latour P.O. Box 3000, Station C (1404 Scott Street) Ottawa, On K1A 0G8 (613) 798-7477	1990 \$5,029,000 50%	Fellowships Graduate Studies
	Simon Fraser University Development	Simon Fraser University Ms. Mary P. Mohr 606 Summit Hwy 7700 Library Bldg. Burnaby, British Columbia V5A 1S6 (604) 291-4009	1988 \$19,253,624 83%	Institutional Support and Management Human Resources Development
Energy	Environmental Manpower Dev. Phase 2	Dalhousie University Dr. Shirley Conover School for Resource and Environmental Studies 1312 Robie Street Halifax, Nova Scotia B0N 1S2 (902) 494-3632	1989 \$33,779,226 75%	Environment - Energy Management Functions Institutional Support and Management

Source: Canadian International Development Agency. **Executive Summary: Fall/Winter 1992/1993.** **Revised:** Minister of Supply and Services, 1992.

APPENDIX O

LETTER TO DAVID KILGOUR, MP

FROM

**THE HONOURABLE BARBARA McDOUGALL, MP
SECRETARY OF STATE FOR EXTERNAL AFFAIRS**

Canada

JUN 20 1993

Mr. David Kilgour, M.P.
House of Commons
Room 363 Confederation Building
Ottawa, Ontario
K1A 0A6

Dear David:

Thank you for your letter of May 10, 1993 regarding East Timor.

Canada reacted to the shooting in November 1991 of unarmed civilians in Dili, East Timor, by suspending the approval of new aid projects to Indonesia. Proposed projects worth \$30 million are affected. We felt, however, -- and are still of the opinion -- that it would be counterproductive to suspend the existing Canadian aid program in Indonesia given that a large part of this program is specifically oriented towards grass roots cooperation with non-governmental organizations directly in support of human rights, good governance and democratic development.

We are fully aware of continuing human rights violations in East Timor. At the 1993 meeting of the United Nations Commission on Human Rights, Canada was instrumental in achieving a strongly worded resolution condemning Indonesian actions in East Timor and demanding an appropriate response. We are actively involved with like-minded countries in continuing United Nations consideration of this issue and intend to pursue it.

While we continue to raise human rights issues in a number of international fora, the Canadian Embassy in Jakarta also monitors human rights developments first hand through regular visits to East Timor. These visits allow our representatives to voice the desire of Canadians and their government to see the complete range of human rights fully respected and protected throughout East Timor.

The Canadian position concerning United Nations resolutions on East Timor is as follows: in 1976, following the Indonesian invasion, a resolution in favour of the self-determination of

.../2

East Timor was introduced into the United Nations General Assembly (UNGA). Because we could not support the extreme tone of that resolution, and notwithstanding our support for the principle of self-determination, Canada together with most Western nations, abstained. At that time, in our explanation of vote, we accepted the *de facto* control of East Timor by Indonesia, even though the way in which this control was exerted failed to uphold the principle of self-determination.

At the 1980 UNGA, the tone of the resolution on East Timor adopted an extreme and unreasonable anti-Indonesian position. Canada moved from an abstention on the issue to a "no" vote. The most recent resolution on the issue was adopted in 1982. Canada's vote has followed that of 1980 and we will continue to vote no until such time as constructive resolutions are forthcoming on this issue. Canada has adopted this position because it is the line of action most likely to increase Indonesia's willingness to allow access to East Timor by international humanitarian organizations and to facilitate talks between Indonesia and Portugal under the auspices of the Secretary General of the UN.

Talks regarding East Timor between Portugal and Indonesia were held in April 1993 under the auspices of the United Nations Secretary General. Further talks are expected. The Canadian government supports these talks and has strongly encouraged United Nations efforts, involving Portugal and Indonesia, to ensure that the East Timorese enjoy fundamental freedoms and human rights.

Regarding your concerns about arms sales to Indonesia, Canadian controls on exports of military goods are among the most restrictive of all Western countries and all applications for export permits are subject to intense review. Exports of military goods to Indonesia are restricted to those items where there is no reasonable risk that the goods might be used against the civilian population. This restriction is scrupulously observed. In addition, since the early 1980's the Canadian government has not provided any funding in support of participation by Canadian defense product exporters in trade fairs or trade missions in Indonesia.

Export permits for military goods are issued for a twelve month period; a one time only twelve month extension may be granted. Often, export permits are issued but goods are actually exported. The 1992 numbers on military goods exports are not yet known; in 1991, only non-offensive military electronic equipment totalling approximately \$28,000 was exported; in 1990, no military

equipment was exported to Indonesia from Canada. There are no statistics prior to 1990 on actual exports compared with permits issued.

Canadian officials are continuing to monitor the situation in East Timor and will convey any concerns about human rights to Indonesian officials. Furthermore, we will persist in our policy of linking development assistance to good governance, which includes such elements as respect for basic human rights and a commitment to democratic processes and institutions.

Thank you again for writing.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Barbara McDougall". The signature is fluid and cursive, with the first name "Barbara" being more prominent and the last name "McDougall" following in a similar style.

Barbara McDougall

APPENDIX P

CANADA'S STATEMENT TO

THE CONSULTATIVE GROUP ON INDONESIA

JUNE, 1993

MEETING OF THE CONSULTATIVE GROUP FOR INDONESIA
Paris, 29-30 June 1993

Delegation of Canada

Opening Statement

1. **Mr. Chairman, Excellencies, Distinguished Delegates, Ladies and Gentlemen.**
2. **It gives me considerable pleasure to be able to represent Canada at this, the second Consultative Group meeting chaired by the World Bank.**
3. **The analysis prepared by the World Bank and the IMF, and the comments of other speakers today, underlines the enormous progress made by Indonesia in achieving sustained economic growth and in reducing poverty. Consistently sound policy decisions have been the foundation for this success.**
4. **Despite past success, Indonesia faces many new challenges brought on by rapid changes, both domestic and international. We agree with others that one of these challenges will be to maintain high economic growth while ensuring that environmental and equity concerns are effectively dealt with. In recent years, sound fiscal and monetary policies have been significant factors in Indonesia's economic success. Continued discipline and restraint in this area remains critical not only for internal economic reasons, but to maintain investor confidence. Key elements in this policy framework, that is the managing the debt situation and reducing the debt service ratio, are made all the more difficult by the obvious need for massive investment in infrastructure and human resource development. Investment in people is essential, and must be appropriate to the needs of the economy of the future, if Indonesia is to remain competitive.**

5. **Mr. Chairman, I was struck, in re-reading some of last year's statements, by references to risks posed by mega projects, and to the excellent work of the Commercial Offshore Loan Team. In this connection, we believe continued prudent and well targeted use of investment capital is going to be essential.**
6. **Increasingly higher levels of direct foreign investment will also be important. The government's recent efforts to seek the views of the foreign business community on areas that need improving is very much welcomed. However, action on key suggestions and recommendations from the business community will be necessary if Indonesia is to maintain and improve its competitive position in areas of trade and investment.**
7. **In addition to the focus on growth as a measure of economic success, Canada strongly endorses the view that increased attention be paid to the related considerations of the environment and equity.**
8. **Greater attention to enforcement of environmental regulations, and to environmental accounting and economics, will be important in ensuring sustainable economic growth, and an improved quality of life for future generations. Canada has had the privilege of working closely with Indonesia for many years in helping develop environmental policies and institutional capacity. We are committed to continuing to assist Indonesia in these areas.**
9. **The second issue is one of equity. Canada strongly supports the notion that rapid and sustained economic growth must be accompanied by equitable, broad based distribution of the benefits of that growth. In this regard, our cooperation with Indonesia in promoting community based development and in pursuing women in development issues, is particularly gratifying. We commend Indonesia for the priority it has given to enhancing participatory development, and we encourage the government to increase support for measures that will ensure more equitable sharing of the benefits of economic growth.**

10. The issue of equity is also closely related to that of good governance and human rights. As you know Mr. Chairman, Canada has in recent years placed increasing emphasis on country performance against this criterion in assessing all of its bilateral programs. We have done this because of our conviction that there is a direct relationship between good governance (including human rights) and sustainable development.
11. We are on record in expressing our concerns about the human rights situation in Indonesia. The tragic events in late 1991 brought this situation into sharper focus, and raised the level of awareness and concern among Canadians. These concerns remain to this day, and we will continue to pursue these matters both bilaterally and multilaterally, where appropriate.
12. We would be unfair, however, if we did not note and respond to positive developments in the past year. These include: steps taken by Indonesia to establish a national human rights commission; the hosting of a UN sponsored regional workshop on human rights; the recent visits to Indonesia of representatives from organizations such as Asia Watch and Amnesty International; and an increasingly lively debate around human rights and governance issues within Indonesia. These are positive trends that we encourage. We look forward to working constructively with Indonesia to achieve further progress in these areas.
13. Mr. Chairman, Canada's development cooperation relationship with Indonesia spans almost 40, uninterrupted years. We look forward to building on this long and deep relationship, and working closely with Indonesia as it makes its transition to a middle income country, and as our relationship undergoes its own transformation from that of development cooperation, toward one of economic cooperation.

APPENDIX Q

SELECTED CASE STUDY OF ONE CANADIAN AID PROJECTS

IN INDONESIA, NAMELY

**SIMON FRASER UNIVERSITY'S
EASTERN UNIVERSITY DEVELOPMENT PROJECT**

Selected Case Study of the Canada-Indonesia Aid Program: Simon Fraser University's Eastern Indonesia University Development Project

The project that will be examined is Simon Fraser University's (SFU) Eastern Indonesia University Development Project (EIUDP), now in Phase II. In 1988, CIDA pledged to donate to SFU \$19,253,824 over the course of six years specifically for this project. From December 1992 to May 1993, the SFU Senate Committee on International Activities was engaged in a review of this project. Much of the discussion centred on questions regarding the Indonesian government's record on human rights.

Serious concerns also were raised about environmental degradation resulting from resource extraction practices; about university autonomy and academic freedom in the Indonesian system of higher education; and about the negative effect development can have on minority cultures, especially among the indigenous peoples of Irian Jaya¹ who many believe have a right to maintain traditional lifestyles.²

The main arguments identified by the Senate Committee are summarized as follows:

While the EIUDP has many positive features, the Project's critics raised troubling ethical questions about involvement with a state-sanctioned project in Indonesia. Some believe that activities undertaken with official support from the Indonesian government lend legitimacy to the governing regime and that agencies undertaking them could therefore be accused of complacency toward the regime's abuses.³

However, one of the main issues raised during the hearings was not reported in this Memorandum. The more fundamental question is, given a real understanding of the Indonesian "development" process in this case, the Eastern islands (but equally applicable to all of Indonesia), how could SFU's contribution be justified? A brief survey of the available academic literature on the meaning of Indonesian "development" (in this case,

¹ West Papua

² Simon Fraser University, Office of the Associate Vice-President, Academic. Memorandum to Robert C. Brown, Acting President, Simon Fraser University, May 12, 1993 at 1.

³ Ibid. at 2.

Appendix Q-2

the Eastern islands, but again, equally applicable to all of Indonesia) provides certain insights. Professor Bernard Neitschmann, University of California, observes that "what is called "economic development" is the annexation at gun point of other people's economies." Indonesian elites are developing their economy through the military acquisition of foreign land; essentially doing to its neighbours what the "First and Second world states did to it". The ongoing conquest and forced assimilation of nations for profit "has and is being done, for example, in the South Moluccas (invaded in 1950), West Papua (invaded 1962) and East Timor (invaded 1975)." These are now Indonesia's Eastern islands.⁴

In addition to Indonesia's perverse notion of the nature of development is the human cost. In West Papua, rich resources are being developed while West Papuans are evicted from their lands by armed forces. Many thousands of Indonesians settlers have been brought in by the central government to exploit the new frontier. 15,000 Papuans are refugees in camps established by the UN in neighbouring Papua New Guinea, fleeing "development". 200,000 Papuans have been killed by the Indonesian military.

Finally, a point not to be overlooked is the profit for the few. The major beneficiaries from "development" are Indonesia's ruling generals and their small clique of financiers. The main thrust of the large-scale repression instituted by this group since it seized power in 1965 has been to protect its so-called right to strip the economy without opposition. This right has been defended with extraordinary violence. It is important to note that the profits from "development" do not trickle far from their hands.

With these facts in place, it is possible to understand that the large-scale abuse of human rights in the Eastern islands is a necessary result of Indonesia's "development" program. The killings, imprisonment, policing, and military actions are integral to Jakarta's profitable activity in the Eastern islands.

However, the Senate report offers uncritically the following summary of the argument in favour of the Indonesia project.

⁴ This was outlined in a letter to Robert C. Brown, Acting President, Simon Fraser University from Students for Human Rights, dated June 22, 1993.

Others argue that access to education empowers individuals to make informed choices regarding the social, economic and political community in which they live and that the denial of educational access ultimately must exacerbate rather than alleviate abuse.⁵

It is worth noting that the students being educated by SFU's program are primarily Indonesian settlers who have a vested interest in exploiting Papuan land, similar to the manner of white South Africans.

Given the degree of freedom in Indonesia, it is questionable whether the Senate Committee's good intentions will have effective results. The emphasis placed on "development education" in the Committee's recommendations reveals a basic misconception. The Indonesian "development" process is not environmentally destructive because its functionaries lack education; it is environmentally destructive because its owners are not interested in anything that will reduce their profits. Given the situation in Indonesia, even substantial efforts are unlikely to achieve substantive results. The belief that SFU-educated Indonesians can work to effectively change their society when its structure prevents dissension is naive.

It seems odd that the main thrust of the Committee's recommendations should be preoccupied with the environmental destruction caused by "development" when the principal concern is the terrible human cost of Indonesia's program of conquest and exploitation. SFU's Senate Report, which was supposedly all encompassing, refuses to even mention the large-scale abuses being carried out in the Eastern Islands in the name of "development".⁶

Ironically, the Senate committee voted almost unanimously against implementation of Phase II of the Indonesia project. However, they were subsequently assured⁷ that there would be substantive changes that would justify continuing SFU involvement in Indonesia.

⁵ *Supra* Note 32 at 2.

⁶ The critiques presented in this section were assisted by a letter written by Students for Human Rights at Simon Fraser University to Robert C. Brown, Acting President, SFU on June 22, 1993.

⁷ By whom, one must wonder.

APPENDIX R

REPORT BY CANADA'S

AMBASSADOR TO INDONESIA,

GLEN SHORTLIFFE

ON HIS VISIT TO EAST TIMOR

SEPTEMBER 6-8, 1978

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REPORT ON VISIT TO EAST TIMOR

SEPTEMBER 6-8, 1978

As stated in our telegram No. 2562 of September 11, 1978, I found the visit to East Timor valuable and illuminating, and one which changed radically my preconceived thinking about the territory of East Timor. This constitutes a detailed report on what we saw and did, together with some analyses of the current situation in the territory and an elaboration on the reasons for the recommendations contained in our telegram No. 2562. Rather than proceed chronologically, I have attempted to organize this report by main sub-headings.

The Terrain

2. East Timor is one of the most desolate areas I have seen in Southeast Asia. It is very arid, totally mountainous except for a wide valley in the west at Maliana and a plain in the far east at Los Palos. The soil is dry, sandy and infertile. The mountains are rugged, some of them are over 2,000 meters high and, from what we saw, seem incapable of retaining moisture without artificial assistance. Rivers are huge in the rainy season because the water runs right off the mountains. From the air, East Timor appeared scored during the present dry season with great scars up to a mile or more wide which constitute the rivers during the rains. One could see why guerrillas have been able to exist, even in small numbers, for three years in Timor in that the ruggedness of the terrain, absence of roads, and indeed absence of a volume of settlements makes it very difficult for the authorities to come to grips with guerrillas or bandits. The flora is an extension of the flora of Northern Australia and is very different from what is seen in most of Indonesia. In the mountains, rather than jungle or even green foliage, there is a kind of uniform brown bush. Whilst maize and rice can be grown in some areas, productivity is low and absence of moisture is a constant problem. In all, it is a foreboding, dry, desolate area. Allowing for the major difference in overall climate, it reminded me of some of the more remote parts of the Canadian Shield during the fall or spring, in terms of the ruggedness of the terrain.

3. A word on the towns that we visited also might be helpful. Before going to East Timor, I had thought that Dili, the capital, was a small city - it is not. It is a small, sleepy, provincial town. Its population is estimated at about 30,000 but, in comparison with the communities of Java, Sulawesi or Sumatra, it seems very empty indeed.

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The Portuguese influence is, of course, strong - streets and sidewalks are wide and well paved, architecture is Portuguese colonial and the town is clean. It is in no sense a major metropolitan area, backs right on the mountains and exists obviously only because of the port facilities. It is, however, the largest human settlement in East Timor.

4. Baucau is the second town of East Timor. Although no figures were available, I would estimate its population at 5-10,000. It is built half-way up a mountain of raised coral on the north coast and, if anything, it is even more sleepy than Dili. It is not as well developed and the streets are not paved, but the housing looked reasonably good. We also flew over Manatuto and Liquica, both of which from the air were even smaller and looked more poor than either of the two towns described above. The conclusion from observation is that in this small, depressed, rugged territory, urban settlement, as it is understood to exist elsewhere in this part of the world, is not a feature of East Timor.

Where We Went

5. We were, of course, in Dili, and the atmosphere in the capital is discussed below. We helicoptered into the central mountains to a place called Remexio, which is in the southeast corner of the Kabupaten of Aileu. I am attaching a map as Appendix "B", taken from an Indonesian publication, which delineates the kabupatens (districts) and also lists the various kecamatans (sub-districts) of the territory. From Remexio we helicoptered in a northeast direction to the north coast, over the mountains and then along the coast past Manatuto to Baucau. From Baucau we helicoptered again along the north coast (at about 1000 hours in the morning clouds cover the central mountains and air operations are extremely hazardous - all ten Ambassadors were in one helicopter and there was much speculation about changes in the Corps if something went wrong), past Dili westwards towards Liquicia. We then helicoptered inland into the Kabupaten of Bobonaro to the Maliana Valley. From Maliana in the afternoon, due to a break in the weather, we helicoptered back to Dili in a southeast direction, again over mountains and valleys, and latterly along the north coast.

The Security Situation

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11. As to what we saw ourselves, I can attest that at no time did we see any evidence of a massive military presence or of military operations. In Dili, without warning our Indonesian hosts, the Australian, US, New Zealand Ambassadors and myself went on "walkabouts". No one followed us, we had no security and we even wandered the by-ways of Dili at dusk on one night with no reaction from the Indonesians at all. Dili appeared relaxed, calm, stores were reasonably well stocked, prices were comparable with Java. There were no signs in downtown Dili of the alleged heavy fighting that took place in 1975-76 and it is clear that stories about naval bombardments, heavy artillery etc. are patently false. At one stage the Australian Ambassador jumped in a taxi and drove off into the mountains behind Dili. He was not stopped and he was not followed, whereas in January 1978 the New Zealand Ambassador, on a walkabout, had been unable to proceed one block along the same road where the Australian Ambassador now drove several kilometers. The area to which the Australian Ambassador went, incidentally, was an area where during World War II, 1,400 Australian commandos tied down 50,000 Japanese troops for 18 months. On his return he said that he saw no signs now of security in this area at all.

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12. At Baucau, on a plateau above the town, there exists the longest concrete jet runway in the whole of Indonesia. It was built by the Portuguese just before the collapse and from other evidence we know that it was used by the Indonesians as a central base for operations once the takeover began and subsequently. In January, the New Zealand Ambassador was deliberately not flown over this strip. We were. There were no aircraft on it at all, but it is quite conceivable that the Indonesians may have moved their aircraft during our visit. What was perhaps more significant was that on this large barren plateau there was no sign of any use of the airstrip, i.e., vehicles, oil drums, encampments, buildings, tracks, etc. Again, at Maliana, as noted above, there was no sign of any major Indonesian military presence and, in fact, I could not even see an armed guard during our three hour stay. Remexio at one time had been a Fretilin stronghold. According to Australian sources, Fretilin had boasted that no one would ever be able to visit Remexio. It is in the middle of the rugged central mountains of East Timor and access even by helicopter is tricky. In Remexio we saw about five armed Wanra (Hansip) and as we left we noticed about a platoon of Indonesian military camped on a ridge about two miles away from Remexio. This was the only sign of large numbers of military that we saw on the trip. In Dili, the port was not crammed with military supplies and we walked by and flew over the dock to confirm this.

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The Economy and Development

15. One of the most vivid impressions I bring back from East Timor is of the extreme poverty and lack of resources of the territory. At various stages during our visit all of the Ambassadors queried why the Portuguese wanted to retain this miserable place for 500 years. Whatever their reasons were, it is clear that they determined that they would not invest much in economic viability or the betterment of the people. East Timor is not viable as an economic entity and had it become an independent country, both politically and economically it would have to have been sustained by some outside power. When the Portuguese withdrew they left almost nothing behind outside of the small town of Dili. Roads were rudimentary, irrigation had not been developed, education was superficial and very limited, industry non-existent, and resources, if any exist, largely unexplored. The Indonesians have made a start in the last three years but there is an enormous distance to go before East Timor reaches the level of poor provinces in other parts of the Indonesian archipelago.

16. Nominally, the population is 70% Catholic, 29% Animist and 1% Other. According to provincial government statements to us during our visit, the products of East Timor are coffee and sandalwood. Provincial authorities state they hope that some cattle breeding industry can be developed and, rather pathetically, they hope that some oil will be discovered off-shore (there is no sign of any exploration for oil). East Timor is not self-sufficient in food. The Vice Governor told us that the population of East Timor requires 60,000 tons of rice per year and 25,000 tons are produced within the territory; 40,000 tons of maize

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are required per year and 15,000 tons are produced in East Timor. The population is 97% illiterate and the remaining 3% largely has only elementary school education. There is only one high school in the whole of the province and it has been closed for the last two years because of lack of both students from the elementary system and teachers. The population is very primitive outside of Dili and Baucau. From those that we saw in the countryside, it is impossible to consider that the bulk of the population is even capable of being politicized in any sophisticated sense.

17. The Central Government and provincial authorities at present recognize the importance of education. This is seen as an important vehicle (together with television and radio) for the rapid acquisition of Bahasa Indonesia by the next generation of young people. The Indonesians have undertaken to construct schools at the elementary level and to re-staff schools that were already in existence. The Governor claimed that 4,000 children are in school in Dili in 20 elementary schools and 3 junior high schools. He said that long-range plans (he did not define long range) are on the drawing board for the development of a university in East Timor. In the period immediately ahead, the provincial government wants to establish 180 new schools throughout the province. We saw evidence of this effort in Remexio. A school had been constructed where one did not exist before. During our visit three classes were under way of elementary school children - one in each of the two schoolrooms and a third under a tree nearby. I would estimate that perhaps a total of 80 children were being educated in the school, which probably represented about 15% of the child population of Remexio. Nonetheless, it was clear that no school had existed in the Portuguese time of a comparable size, if one existed at all, and this was definitely a step forward.

18. At present all of the budget of the provincial administration is supplied by the Indonesian Central Government. The provincial administration is made up of 4,400 public servants of whom, according to the Governor, 100 are non-Timorese. The development budget for East Timor in 1977/78 was Rp. 12 billion and for 1978/79 Rp. 10 billion. I gathered from the Vice Governor that not all this money has been used as a major problem is to absorb available funds through meaningful projects. Indonesia has launched a massive irrigation project in the Maliana Valley, funded at Rp. 6 billion. The idea is to turn this valley into a major agricultural productive area, capable of raising substantially the self-sufficiency in food terms. A dam is being built in the hills near Maliana and when we visited there was considerable visible evidence of the implementation of the project. Indonesia has also undertaken a construction programme in Dili, Baucau and other towns and villages, to construct schools, infirmaries, administrative centres etc. According to the provincial

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authorities, this has had an important by-product of employing many people who otherwise would be unemployed and whom the land, at its present state of development in any event, could not support. There is no sign at present of mineral resource wealth nor any capacity for industrial development. In the longer term there might be a capacity for tourism vis-à-vis Australia (which is ostensibly why the Portuguese built the long airstrip at Baucau) but at the moment prospects seem very dim.

19. Provincial authorities, supported by their Central Government colleagues, told us that the top priorities in economic terms in the period immediately ahead will be refugees (see below), transportation (i.e., roads), and efforts to improve agricultural productivity. Economics Minister Widjojo has told me in Jakarta that he thinks it might be possible to devise a major agricultural scheme for the plain area in Los Palos at the far eastern tip of the island. This, in his view, could be of major importance in providing the territory with two major agricultural areas where hitherto only a barely subsistence agricultural economy has existed. I should note that the problem of transportation by land at present is fierce in economic, political and social terms. All roads are dirt. All roads in the mountains are cut regularly in the rainy season, even the main dirt road between Dili and Baucau along the north coast can be cut for up to 2-3 weeks at a time because three years ago in a flood the bridge at Manatotu collapsed. As yet, no capacity or funds have been available to replace it. Roads are also very scarce and many, if not a majority of Timorese, live in rugged mountain areas connected only by footpaths along ridges.

20. The economic condition and development of East Timor at the time of the Portuguese withdrawal was at rock-bottom. A primitive, ignored population existed in what I can only describe as stark poverty. The Indonesians have made a start in the last three years but, as you know well, their resources are very limited and indeed the demands of other populous areas of Indonesia are formidable. ¹⁹⁽¹⁾ told me that East Timor, for obvious reasons, will receive a disproportionate amount of Indonesian development effort over the next few years but, even so, Indonesian capacities in and of themselves are going to remain very limited. What was clear to all of the Ambassadors, however, on this trip was that anything undertaken by the Indonesians represents an improvement over conditions which existed hitherto. There is no doubt in any of our minds that these efforts are real and genuine and that they are, given the limitations, having a beneficial effect. Nonetheless, the economy remains destitute in terms of development and it is going to be many, many years indeed, even if outside help is acquired, before East Timor achieves any kind of level of economic development comparable to most other areas of this country.

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21. While I consider, as reported in our Telegram No. 2562 and throughout this letter, that there is no doubt but that East Timor will remain a part of Indonesia, it is equally true that at this stage the Timorese are not Indonesian. What is giving them the incentive to become Indonesian is the very limited economic development capacities of the Indonesian Central Government. The more this process is accelerated, the quicker the benefits to what is now a poverty-stricken population, and the better the chances for political and social stability. The Indonesians realize this very much and for obvious political and strategic reasons are pursuing a course of emphasis on development. From the Canadian point of view, I think that some of this thinking has merit in and of itself, but more important, the people of this tragic area should have an opportunity for some improvement. Support of Indonesian economic development efforts could have an impact on their betterment far out of proportion with the situation existing in many other developing countries. This is because so little exists now. What I am saying, of course, is both in broad and specific terms there is no doubt in my mind of the need, justification and benefits to be derived from a larger and accelerated development effort in the territory.

Displaced Persons

22. Undoubtedly the most dramatic and moving impressions all of us brought back from East Timor related to displaced persons. There is at present in East Timor a major humanitarian problem. The dimensions and character of this problem, because of the political security situation existing hitherto, have not, in my opinion, been well understood in the outside world.

23. When the violence broke out in East Timor, thousands of people fled into remote mountain areas, from farms, hamlets, villages and towns. Some of these undoubtedly sympathized with or supported Fretilin, others fled to avoid the fighting or out of fear of the Indonesians who, at that time, would have been unknown to the bulk of the population. Many have been in the remote mountain areas for three years and it is only in the last year that contact on a large scale has been re-established between governmental authorities and the victims of the violence. According to Indonesian authorities, 125,000 refugees have come down from the mountains since August 1977. Again, according to Indonesian authorities, over 16,000 have come in in the last two months alone. There are 14 "receiving centres" throughout the island which provide basic help to refugees as they re-establish contact. The Indonesians assert that at least 200 a day come down from the mountains throughout the island, although this figure may be somewhat on the low side. The Indonesians said that at present, during our visit, 20,000 displaced persons were being processed in receiving centres and that another 10-20,000 were left in the hills.

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24. It is very difficult to get any accurate figures on the number of people who may still appear as displaced persons. 19(1)

Told us that the Portuguese estimate of population in 1975 was 600,000 people for the territory as a whole. Dading maintains that today 460,000 people are under Indonesian control, 50,000 have left the territory in the last three years, an "unknown" number have died, and the rest are still in the remote mountains. Thus the number could range between 20-90,000 people still out of contact with government authorities.

25. It is an active Indonesian policy to encourage those in the mountains to come down. The Indonesians, through the Indonesian Red Cross in the receiving centres, provide food, rudimentary medicines and basic clothing to those establishing contact. Government authorities told us that no camps as such are maintained but that people are kept near to receiving centres for up to three months, receiving food and medical care. They are then re-settled on their former farms or, if they wish to move to a new location in the province, they are transported and assisted in settling down. The authorities told us that they do not wish to set up traditional "refugee" camps because their policy is to try not to institutionalize the problem. They process the people as quickly as they can and then try to re-integrate them into the community as a whole rapidly. In essence, what is happening is that efforts are made to alleviate malnutrition, absence of clothing and the worst of illnesses and return the people to the condition of stark poverty that characterizes the population as a whole.

26. Remaxio is such a receiving centre and we were able to see the process at work. The day before our arrival about 200 people had come down from the nearby mountains. They were in an appalling condition. Little children had the distended bellies of those in advanced state of starvation, their clothing was in rags; men, women and children were covered with running sores, in the grip of advanced respiratory illnesses, the hair of many had turned orange, and obviously some would not survive even with the assistance they were receiving. Press reports from the journalists accompanying us already have described vividly and in dramatic terms the condition of those whom we saw. Even allowing for journalistic hyperbole, I can confirm that the condition of these people was as bad as purported in more widely publicized refugee situations such as Bangladesh, Vietnam, etc.

27. The Indonesians in Remaxio were attempting to provide relief. The Indonesian Red Cross had set up a relief operation staffed by a doctor, paramedical aides and relief workers. Each person received a new sarong and a T-shirt. Rice was being provided; maize cannot be used, the Vice Governor told me, because the stomachs of the returnees cannot absorb that type of food. A very primitive infirmary had been

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set up and there was a modest supply of medicines available for treating the sores and the respiratory illnesses. The infirmary consisted of three small rooms, plain wooden furniture, no beds, no modern treatment facilities of any kind. In a corner of one of the rooms a woman of indeterminate age was dying patiently, probably of starvation and sickness, and there was nothing that could be done. The Indonesian doctor was impressive, seemed competent and was obviously trying his best to cope with the human problems confronting him. Also in Remexio were another several hundred people who had been in the receiving centre for a longer period of time. Their condition was somewhat better in that the worst evidence of malnutrition was absent. Still, their condition was very, very primitive and many of the children and women obviously were still ill and would be for some time.

28. It was impossible for me to characterize these people in any sense as "Fratilin supporters". They were people at the most primitive of levels, illiterate, unable to count, subsistence farmers. At one stage there had obviously been heavy fighting in Remexio and it is quite conceivable to me that the people we saw would have fled in terror from a modern firefight and would have stayed in their fear in the mountains until cajoled out by word of mouth in recent weeks or months.

29. There was nothing vague about what we saw in Remexio. The appalling condition of the people, the look in their eyes as they received food and clothing, the condition of those who had been in the hamlet for some weeks, the weariness of the doctor and his aides were all very real. Governmental authorities explained to us that the first priority at the moment is the care of refugees. The logistics, however, are very difficult. The resources of the Indonesian Red Cross are limited. The road system, as noted earlier, is extremely primitive and getting supplies to the receiving centres is a fierce problem. On the south coast the military is using LSTs to land supplies on beaches, where they are taken up into the hills by small four wheel drive vehicles. This limits, of course, the volume that can be transported. One and a half ton trucks are also being used, according to the Indonesians, but only when the roads are dry and, of course, only where roads exist. The Indonesians said they are using Puma helicopters for the transport of supplies and in some cases are using parachute drops of food and medicine if no other way can be found to get supplies to agglomerations of people. In all of our conversations, however, it was manifestly clear that both the volume and the distribution of relief supplies was a major problem for both the military and civilian authorities in the province. Nonetheless, maintained that in Dili, Indonesia at present has in stock 2,000 tons of rice, 1,800 tons of maize and medical supplies for six months - all for relief. From what

1461

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we saw in Remexio, however, the definition of adequate medicine, adequate clothing and indeed adequate caloric intake per day is sincere but very limited. I would doubt that the humanitarian problem is a short-term one, i.e., weeks. Many thousands of people are still up in the mountains (most not under Fretilin "control"). I would think they would continue to come in relatively slowly and that the problem of receiving them and then provide basic care for them will continue at least well into 1979.

30. The reaction, certainly on a human level, of myself and the Ambassadors of the US, Australia, New Zealand, Japan and Korea, to what we saw in Remexio and to the governmental description of the dimensions of the humanitarian problem, was to explore ways by which the efforts of the Indonesians themselves could be augmented by outside help. The Australian, US and New Zealand Ambassadors made clear, in their official capacities, that help could be forthcoming from their countries, particularly through traditional international agencies or bilaterally. Since the visit the governments of Australia, New Zealand and Japan have all officially announced their willingness to help, and Australia has announced a grant of \$A250,000 assistance through the Indonesian Red Cross. I limited myself to noting that I was totally confident that Canadian traditional relief agencies as well would be more than willing to assist in appropriate ways in relief of the humanitarian problem. However, the whole question of relief led us very quickly into the labyrinth of the current political argument that rages around East Timor. This is discussed below. Given the dimensions of the problem, the desperate condition of the refugees and the admitted limitations on Indonesia's capacity for relief, I consider, although I am not sanguine that it will be possible, that Canada, not only through NGOs but bilaterally if necessary, should help if an opportunity arises.

The Politics of East Timor

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Glen Shortliffe,
Ambassador.

Jakarta, Indonesia.
September 20, 1978.

INTERVIEW WITH

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gave the Australian, New Zealand, US Ambassadors and myself an interview on the evening of September 7, after he had spoken separately to the press. told us the following story.

2. He had been living in Australia before the fall of 1975. He returned to Timor for a vacation and to visit with his family. In September 1975, he got caught up in the fighting in Dili. He said he was a UDT supporter at that time; he took part in the fighting in Dili and said that he had used a weapon in anger against the UDT opposition. In December 1975, he was taken to the mountains as Fretilin retreated from Dili. He was first taken to Alieu with a group of 20 people who were fellow prisoners and he was moved in the inner mountains every three weeks by his Fretilin captors. After nine months in the mountains, Fretilin released him and allowed him to go to his mother's farm near Bairique. This farm was apparently isolated and not in contact with government authorities. said that during this period he had monitored overseas shortwave radio from Australia on behalf of Fretilin. He said he was forced to do this by his Fretilin captors. The Panglima told us subsequently that in fact had operated the Fretilin transmitter from the mountains during this period. He was important to this radio communications link because of his command of English, which is fluent.

3. said that in May 1977 he decided to leave his mother's farm and try to reach government authorities. He said he was captured by Fretilin whilst making this attempt and put in jail near Viqueque. He was placed in a "hole" for four days, beaten up, then released from the hole and made to work as a labourer in nearby rice fields. There were 30-40 people in prison with him. He said the prison was a building something like a long house. He received food twice a day, and the food was of a uniformly small quantity and poor quality. He was again released by Fretilin in July 1977 and allowed to return to his mother's farm.

4. In July 1978 he was captured again, after making a renewed attempt to establish contact with government authorities. He said he was captured this time because his mother talked too much and told a friend of hers of intentions. This time he was placed in a group of 120 prisoners who were guarded by 17 men, 3 with arms. The

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group did not cultivate rice but marched constantly in search of food. He said the group had moved from Waimuri to Lakluta to Malmeta. The Fretilin guards were headed by a man named [redacted] who had been a school-mate of [redacted] in Dili. During his time with Fretilin, [redacted] said, 14 people were killed - two of these killings he had seen himself, the others he knew about. One man was killed after torture - his ears, nose and lips were cut off and he died of his wounds. He saw a woman tortured and killed as well who was suspected of being a government spy.

5. [redacted] indicated that the march from Waimuri to Lakluta was about 45 kilometers. During the march he saw no sign of government troops and there were no contacts between Fretilin guards and government forces; they did, however, hear helicopters from time to time. [redacted] maintained that both the guards and the prisoners were in dire need of food. On August 31, while camped near a river named Dilor, a group of Hansip stumbled upon the prisoners. [redacted] said that he was in a separate group of 20, guarded in the camp by one Fretilin with a rifle. This guard dropped his rifle when Hansip appeared and ran away, and [redacted] and his companions ran quickly to the Hansip patrol to be rescued. The other Fretilin guards and their prisoners ran in the other direction and apparently Hansip went after them because about an hour later he heard an exchange of shots in far-away hills. [redacted] said that upon being rescued he was very ill, including suffering from beri-beri. We could see evidence of his illness in considerably swollen legs.

6. We asked [redacted] what was the largest group of Fretilin he had seen during his periods of captivity. He said that he had seen a group of 55-60 Fretilin in April 1978 in Waimuri. During the period July/August he saw no large groups of Fretilin, although [redacted] at one point received a message by hand from some other Fretilin group. He said that when Fretilin remnants reach a village they demand and seize food and kill the witch doctors. He thought that the Fretilin remnants were afraid to give up to government forces in many cases. He said the main topic of conversation during his last period of captivity, among both guards and prisoners, was food. He stated that he thought that Fretilin was no longer an organized force and that it did not control significant geographic areas. He thought that he had been treated better than some prisoners because [redacted] He said that his mother is still a "prisoner" of the Fretilin remnants and that these remnants still have the capacity to terrorize isolated villages. [redacted] was captured/rescued in the pocket identified to us by the Panglima on the south coast near Viqueque. It was also in this pocket, separately, that [redacted] was rescued.

7. [redacted] clearly was putting the best face on his story. I suspect that at various stages he was an active sympathizer of or supporter for Fretilin. He struck me as a young man (27) who tries to go with

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APPENDIX "A"

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the winner or apparent winner in any conflict. I am sure that at times he willingly collaborated with Fretilin. In his discussion with us, however, his disillusionment was clear and his relief at being out of the mountains or swamps was palpable. He said that he wants to remain in Dili and work there, although I think that was for effect. In spite of undoubted exaggerations his story provided support, as we listened to it, for the contention that Fretilin is on the skids and he is an articulate and effective asset to governmental authorities at this stage.

END

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