

THE CHINESE IN INDONESIA, THE PHILIPPINES AND MALAYSIA



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THE CHINESE IN INDONESIA, THE PHILIPPINES AND MALAYSIA

by Dr. Charles A. Coppel
and Hugh and Ping-ching Mabbett

**From the Universal Declaration of Human Rights,
adopted by the General Assembly of the United Nations on 10th December 1948:**

Article 1

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

Article 2

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

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

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THE POSITION OF THE CHINESE IN INDONESIA, THE PHILIPPINES AND MALAYSIA

Three new states in the Malay world

Indonesia, the Philippines and Malaysia are all new states which were established after the Second World War. During the war they shared the experience of Japanese invasion and occupation. In addition, the cultures and languages indigenous to the three countries have much in common and are, for the most part, of common origin. The 'Malay origins' of the three Southeast Asian neighbours were advanced as grounds for closer political ties in more modern times, when the Maphilindo association was proposed in 1963.

For all that, the factors which divide are more significant than those which unite these countries. In size of population they are disproportionate: Indonesia is more than three times as populous as the Philippines, which in turn has more than three times the population of Malaysia. Their colonial experience differed markedly, as did their transition to independence. Dutch rule in some parts of Indonesia, especially the most densely populated island of Java, was lengthy and its impact profound upon patterns of trade and social structure. No attempt was made, however, to force Indonesians to adopt Dutch cultural patterns; on the contrary, many Dutch administrators sought to conserve indigenous cultures as far as possible. Spanish rule in the Philippines preceded that of the Dutch in Indonesia, but the Spanish adopted a different policy. They sought to confer the benefits of Spanish culture, including Catholicism, upon the Filipinos. It was no accident that the Philippines, unlike its largely Moslem neighbours, is to a great extent a Christian country today. The same policy (though unintentionally) produced a Western-educated elite and a nationalist movement in the Philippines much earlier than in Indonesia or Malaysia. In Malaysia, by contrast, the period of British influence was relatively short: except for the Straits Settlements, it dated only from the late nineteenth and early twentieth centuries.

Nationalism in the three countries grew in distinct compartments and at different times, with little contact between them. The nationalist movements achieved their common goals of national independence in quite different ways. Indonesia's independence was conceded by the Dutch after four years of armed struggle and negotiation. In the Philippines, where armed rebellion against Spain had led only to American intervention and rule, independence was ultimately gained peacefully. Malaysia's transition to independence, also arrived at by negotiation between the nationalists and the colonial power, underlines the differences between the three countries. Its second stage – the expansion of the already independent Federation of Malaya to include Singapore and the British colonies of Sarawak and North Borneo – led to bitter conflict with both the Philippines (which claimed part of North Borneo as its own territory) and Indonesia (which attacked the enlarged federation as a manifestation of neo-colonialism). Although, following a change of government in Indonesia, its confrontation with Malaysia was abandoned and the three countries are now members of the ASEAN grouping, this new association also shows the tenuousness of pan-Malay sentiment, since its membership includes Thailand and an independent Singapore.

As a legacy of the differences in their colonial experiences and transitions to independence, the three countries have inherited quite different forms of government and the degree to which the rule of law has been established varies from one country to another. As a result each country has not only adopted different criteria by which citizenship and nationality may be acquired, but the benefits and costs of a given national status differ as well, both formally and informally.

Nationality and citizenship in general

'Nationality is a legal and political tie which binds individuals to a State and renders them subject to its personal jurisdiction.'¹ Generally speaking, matters of nationality are regulated by municipal (domestic) law and not by international law; thus the question whether an individual is a national of a given state is determined in accordance with the law of that state. Since different states have adopted different rules regarding the acquisition and

loss of nationality no general principles of law governing the subject have emerged. In this essay the terms nationality and citizenship will be used interchangeably.

Because states are free to adopt nationality laws according to criteria determined by themselves, it can happen that two (or more) states may claim the allegiance of the same person. This problem of dual nationality has arisen in the case of the overseas Chinese in Southeast Asia.

Nationality is usually acquired either by birth or by naturalization. Acquisition by birth may be a result simply of birth within the territory of the state (*ius soli*) or of birth to a parent who is a national, wherever the birth occurs (*ius sanguinis*). It is possible for a state to base its nationality law upon either *ius soli* or *ius sanguinis*, or upon a combination of the two. Either may be qualified in its application. The second mode, naturalization, is the process by which a state confers its nationality upon an alien after his birth, usually upon the alien's request. It is common for naturalization to be obtained through either a judicial or administrative procedure which is a matter of discretion rather than of right, and the legal rights which a naturalized alien may enjoy are not infrequently qualified in some way (e.g. he may subsequently be deprived of his nationality because of some serious misconduct) unlike the natural-born national whose nationality is normally regarded as irrevocable.

The three countries considered here all contain significant numbers of Chinese, and this report will compare their national status in the respective nations. Since the three governments have not all or always recognized the same Chinese regime, it will be necessary to consider the municipal law of five states – the three Southeast Asian countries themselves, the People's Republic of China (Peking) and the Republic of China (Taiwan). The relevant law is to be found in a country's constitution, or in its legislation, or in both. Furthermore, as has been the case in the Philippines, judicial interpretation of the constitution or of legislation may be as important as these legal sources themselves. In some cases, notably the People's Republic of China and Indonesia, statements of government policy by political leaders or decisions by government bureaucrats may be equally important. The relevant law and its interpretation in the various countries have not been static; they have changed over time. In order to understand the position of the Chinese as regards their national status these changes must be taken into account, for they will show whether there has been a trend toward liberalization of access to citizenship for the Chinese or toward greater restriction.

The axiom that law does not exist in a vacuum is particularly true of newly independent states. Its nature is profoundly affected by various factors outside the legal system itself. For this reason attention will be given here not merely to the legal provisions governing the national status of the Chinese, but also to the history and nature of the Chinese settlement in Southeast Asia and the attitudes toward the Chinese which many people indigenous to the countries concerned have come to hold.

Three immigrant communities

Although the Chinese populations of the three countries play an important role in their respective economies and generally originate from the same provinces of Southern China, their situations show some marked dissimilarities. In the Philippines the Chinese population is, by comparison with the others, small both absolutely and in relation to the total population. Although both Indonesia and Malaysia have large Chinese populations, in Indonesia they form only a small percentage of the total population whereas in Malaysia they constitute more than one third of the total.

There have been Chinese settlements in Southeast Asia for centuries, but the main flood of Chinese immigration only began just over a century ago. From that time there was a quickening of economic development throughout Southeast Asia and imported Chinese labour was in demand to work in the expanding mines and plantations. The same process opened new opportunities in trade and industry which immigrant Chinese were not slow to take. Meanwhile the extension of European influence on the China coast and improvements in transportation, especially the introduction of steamships, facilitated the vastly increased Chinese emigration. At first the migrants were almost exclusively men; it was only in this century that women migrated in significant numbers. In Malaysia, the Philippines and some parts of Indonesia (mainly in Sumatra), Chinese immigration grew so rapidly that the newcomers came to

¹For footnotes see p 9

outnumber the locally-born Chinese. But this situation has since changed. Large-scale Chinese migration came to a halt in the early 1930s under the influence of the world-wide economic depression. The controls which were placed on immigration at that time were not greatly relaxed when the depression ceased, and the effect of war and independence has been to restrict immigration even further. As a result the proportion of locally-born Chinese throughout the area today is high and rising. Whereas in 1931 only 29.9% of the Chinese living in what is now West Malaysia were born there or in Singapore, by 1957 the proportion had risen to 75.5%. It is probably safe to say that today at least 85% of the Chinese in all three countries were locally-born.

Table: CHINESE IN SOUTHEAST ASIA, 1981²

(in thousands)

Country	Ethnic Chinese	Total Population	Percentage Chinese
Malaysia	4,816	13,946	34.5
Malay Peninsula	4,103	11,622	35.3
Sarawak	453	1,277	35.5
Sabah	260	1,047	24.8
Indonesia	3,922	150,831	2.6
Philippines	692	49,463	1.4

Before the large-scale influx began the local Chinese populations were not only of mixed racial ancestry (female migration being negligible) but had also acculturated appreciably to local ways of life. Most descendants of immigrants spoke one of the local languages and did not speak Chinese. Their culture in each country was a unique amalgam of Chinese and indigenous cultures. There was, however, an important distinction between the situation in the Philippines on the one hand and that of Malaysia and Indonesia on the other. In the Philippines there was less of a barrier to a complete merger between the Chinese of mixed ancestry (*mestizos*) and the indigenous people. In the Philippines the Spanish treated the Chinese *mestizos* separately from the Chinese for purposes of legal classification and the *mestizos* were free from most of the legal liabilities which attached to the pure Chinese. Furthermore, the religious barrier did not arise there since Spanish, indigenous people and Chinese *mestizos* found that they had much in common. When competition from the wave of new Chinese immigrants to the Philippines forced the Chinese *mestizos* out of their dominant position in wholesale and retail trade and into landholding and the production of export crops, their occupational patterns too came more into line with that of indigenous Filipinos. By the end of the last century many, if not most, Chinese *mestizos* had been absorbed into Filipino society, and indeed it is said that a large part of today's Filipino elite has Chinese ancestry.

By contrast, in Malaysia and Indonesia there was little inducement for the Chinese to assimilate to indigenous society. Such a move meant a step down in status; if the Chinese were to rise in a racially stratified colonial society they must move toward the colonial wielders of power. But Dutch and British colonial society did not welcome either Chinese or indigenous people as members. Assimilation with indigenous society was also impeded by the fact that most members of the latter were adherents of Islam, a religion which has proved attractive to very few overseas Chinese. As a result the *babas* of Malaysia and the *peranakans* of Indonesia, who were neither fully Chinese nor fully indigenous, were caught in what has been called 'an assimilation trap', a halfway-house society into which the relatively small number of (male) Chinese immigrants were absorbed. In Malaysia, *baba* society was too small to withstand the massive increase in immigration. Many of its members 'reacquired' the Chinese language and sent their children to Chinese schools. Although something of the same process began to take place in Indonesia, the numbers of *peranakan* Chinese, particularly in Java, were too great to be swamped by the newcomers, and the Dutch government drove a wedge between the newcomers and the locally-born Chinese by granting the latter legal and political rights.

Around the turn of the century not only were the numbers of China-born Chinese in Southeast Asia consolidating rapidly but it was also a time when Chinese national consciousness was growing and spreading, affected by events in mainland China. Many Chinese schools began to be set up, spreading a knowledge of Mandarin, and the barriers which divided Chinese-speaking Chinese from one another began to crumble. (The Hokkien, Hakka and Cantonese 'dialects' of Chinese are mutually unintelligible.) Teachers were recruited from China to teach in the schools and they helped to disseminate Chinese nationalism. Children, including some from *baba* and *peranakan* families, were sent to China for further education. As literacy in Chinese became more common, Chinese newspapers were established and their circulations grew, further increasing overseas Chinese consciousness of China and the political currents there. Another bearer of Chinese national consciousness was the growing number of Chinese community organizations, especially chambers of commerce. Hand in hand with an awakened pride in China and things Chinese sometimes went a cultural arrogance and a disdain for the indigenous people of Southeast Asia which was deeply resented.

With industry and thrift the Chinese immigrants achieved great economic success in Southeast Asia, particularly in the field of trade. Much of the internal commerce in these countries passed through Chinese hands. Crops produced for export were bought by Chinese in the villages, transported to the cities by Chinese, and there perhaps processed for export by Chinese. Goods imported from overseas also passed through Chinese hands on their way to consumers, who often bought on credit supplied by Chinese traders. Those who had succeeded in trade often moved on into the more sophisticated fields of manufacture and banking, as well as engaging in the actual import and export of goods.

The Chinese success in the economic field was so great that their economic roles in the three countries were quite disproportionate to their numbers. Such success aroused the envy and antagonism of many Malays, Indonesians and Filipinos who felt themselves to be economically deprived in their own countries. In Southeast Asia economic nationalism has been directed as much against the Chinese as it has against Western capital. In the ideology of economic nationalism it is often asserted that the colonial powers gave preference to the Chinese; this, then, becomes the justification for taking measures, once independence is gained, to redress the balance. In fact, colonial policies discriminated against Chinese in various fields; laws restricted their access to ownership of land and their entry into government employment was limited. These policies were justified by colonial governments on the ground of protecting the indigenous population; they also helped to steer the Chinese into commercial occupations.

The occupational segregation of Chinese from indigenous people was matched by a degree of residential segregation. Chinatowns grew through a combination of commercial convenience and colonial decree. It is of course common for immigrants to cluster in particular districts; in the case of the Chinese this tendency was reinforced by the rows of shophouses in the city areas in which the Chinese shopkeepers and their families both lived and worked. Such a pattern of development has helped to impede assimilation into indigenous society of the Chinese living in these ghettos and it has contributed to the image often held of the Chinese as 'exclusive'.

Hostility to the Chinese is found in all three countries. Indigenous prejudice against them of various kinds has played its part in determining how many Chinese should have access to citizenship and the rights which that citizenship would bring. One root of that prejudice is economic. The Chinese, envied for their wealth and dominance in various fields of economic life, find that preference is given to indigenous enterprise and that in certain fields alien (read Chinese) capital and skills are totally excluded. What is perceived as the 'alienness' of the Chinese provides another theme in anti-Chinese sentiment. In an atmosphere charged with appeals to national unity and nation-building, the Chinese, whether China-born or not, are commonly felt to be 'different' from the rest of the population and this difference is held to be of quite a different order from the differences to be found among indigenous ethnic groups. Chinese have not therefore been accorded citizenship as a right in the same sense as indigenous people have. Equal treatment in this regard is something for which Chinese have had to struggle and, when rights have been established, they are often qualified by conditions which do not apply in the case of indigenous people.

One reason for the suspicion directed against the Chinese is a widespread doubt as to their loyalty. Every state demands political loyalty of its citizens. The intensity of the demand is greatest, perhaps, in newly independent countries. The Chinese are suspect not merely because they seem 'foreign', but also because their country of origin is situated nearby and is larger and more powerful than the Southeast Asian states. The fear of a Chinese 'fifth column' has been lent colour by the extent to which overseas Chinese have embraced Chinese nationalism. Successive Chinese governments have claimed overseas Chinese citizens, even though these Chinese might never have even visited China.

The issue of political loyalty was given a further twist as the result of the establishment of a communist government in Peking. The Philippines, Indonesia and Malaysia have all experienced communist insurrections. Today all three have anti-communist governments. Significant involvement by Chinese in communist-inspired insurgency has actually been confined to the activities of the Malayan Communist Party in the Malayan peninsula and guerrilla activity in Malaysian and Indonesian Borneo. Nevertheless, the Southeast Asian governments have often expressed fear of communist influence among the Chinese.

Recognition of China

The three countries have taken different approaches to the problem of recognition of China. The newly-independent Indonesian government established diplomatic relations with Peking in 1950. Since then relations between them have fluctuated wildly. In 1959 the Indonesian government introduced a regulation outlawing retail trade by aliens living in rural areas and this resulted in an exodus to China of more than 100,000 Chinese from Indonesia in the course of the next year. By early 1965, however, Sukarno's vociferously anti-colonialist policy had brought Indonesia into close alignment with Peking. This was succeeded by a period of mutual hostility after the coup in October of that year which culminated in the suspension of diplomatic relations in October 1967. Although Indonesia still recognizes the Peking government as the government of China, there have been quite close ties at certain levels between Jakarta and Taipei, even if the Indonesian government has shied away from *de jure* recognition of the Republic of China. Despite persistent rumours over many years that relations with Peking would be normalized, at the time of writing (November 1981) it seemed unlikely that this would occur until after the 1982 general elections in Indonesia.

The Philippines, by contrast, maintained diplomatic relations with the Taipei government until 1975, when the Marcos government recognized Peking. Until that point, the Philippines government had been said to rely heavily on the Republic of China embassy in Manila for security information relating to the Philippine Chinese. Malaysia adopted a kind of middle ground. Until 1964 it had no relations with either China in the political field, but in November 1964 it allowed a Nationalist Chinese Consulate to open in Kuala Lumpur and it later opened a Malaysian consulate in Taipei. These moves, which throughout fell short of recognition of the Taipei government as the government of China, were reversed in 1974, when consular relations with Taiwan were terminated and full diplomatic relations with Peking were entered into.

The different approaches of the three governments to relations with China had a bearing not only upon the citizenship laws which they adopted, but also upon the political alignments of the overseas Chinese in each country. For example, a Chinese who was oriented toward China was more likely to be aligned with Taipei if he lived in the Philippines, and with Peking if resident in Indonesia (at least up to 1965). As the approaches of the three governments have been converging with respect to relations with Peking in recent years, their citizenship policies may also in time become more alike.

Claims by China to the overseas Chinese as its nationals

The Republic of China's Nationality Act of 1929 affirmed that 'any person whose father was, at the time of that person's birth, a Chinese national' is himself a Chinese national. Since the place of his birth is immaterial, the provision applies *ius sanguinis*. The Act also provides for the loss of Chinese nationality where a Chinese wishes to acquire the nationality of a foreign country, but this is subject to his obtaining the permission of the Ministry of the Interior. It is often said that this permission is difficult to obtain but, according to the figures supplied by the then Counsellor and

Consul-General for the Republic of China in Manila in November 1972, more than one thousand Chinese citizens resident in the Philippines applied to renounce their Chinese nationality between 1966 and 1972 and all were granted permission. However, since none of the three Southeast Asian governments now has relations with Taipei, the question is of less importance than in the past. But the nationality law of the Republic of China remains relevant to persons of Chinese ancestry who travel within the effective jurisdiction of the Taipei government.

The position of the People's Republic of China on the question of nationality has been more ambiguous. Many observers believed that, in the absence of new nationality legislation since 1949, Peking still followed the 1929 Kuomintang law. This view, however, was scarcely tenable at a legal level in that all laws and statutes and the entire judicial system of the Nationalist government were formally abolished in the Common Programme as early as September 1949.⁴ Over the years Chinese Communist Party and government leaders have publicly expressed the view that China no longer regards as Chinese nationals those Chinese who have acquired a local nationality. This position was clearly stated in the official communiqués when Malaysia and the Philippines entered into formal relations with Peking. In the case of Indonesia, however, the procedure adopted was to enter into a formal treaty aimed at eliminating dual nationality, a course which seemingly implied that Peking accepted the *ius sanguinis* principle of nationality while acknowledging that it might be renounced.

The *ius sanguinis* attitude taken (whether real or only apparent in the case of Peking) by both the Peking and Taipei governments increased Indonesian and Philippine reluctance to grant citizenship to many of their Chinese residents, including many who were born in the Southeast Asian countries and had never been to China. It encouraged the suspicion that Chinese owed a 'dual loyalty' – one to their country of residence and the other to China. In Malaysia the problem has been solved by requiring aliens who acquire citizenship by registration or naturalization to renounce all loyalty to any foreign country and to swear allegiance to Malaysia. If the Malaysian government is satisfied that a Malaysian citizen has voluntarily exercised in a foreign country any rights which are accorded exclusively to its citizens, it has the power to deprive him of his Malaysian citizenship. In this way Malaysia has in effect ignored whatever claim Chinese law might make to the loyalty of the Malaysian Chinese except in the case where a Malaysian citizen of Chinese origin voluntarily responds to the claim; for example, by applying for a Chinese passport as a travel document.

In Indonesia and the Philippines the dual nationality issue in the past took on an importance it did not merit. In Indonesia, it led to the view that it was necessary to contract a treaty with China in order to eliminate the dual nationality of Indonesian citizens of Chinese origin. In the Philippines, the issue almost certainly contributed to the restrictions which were placed on access to citizenship for the Chinese there.

Since the first edition of this report, however, the Philippines restrictions have been eased (following the establishment of diplomatic relations with Peking in 1975) and the Indonesian government embarked in 1980 on a programme of mass naturalization of alien Chinese (apparently in preparation for restoring normal relations with Peking).

Willingness of Southeast Asian governments to accept Chinese as citizens

Of the three countries, Malaysia has had the most liberal policy on Chinese citizenship, the Philippines the least. Moreover, whereas in Malaysia the general trend has been toward a greater liberalization of access to citizenship, in the Philippines it has been increasingly restrictive. In Indonesia an early liberal policy was later replaced by a restrictive one. But changes in recent years in both Indonesia and the Philippines have brought their policies closer to that of Malaysia.

(i) Indonesia

A Dutch law of 1910 declared all Chinese born in Indonesia of parents resident there to be Dutch subjects. Chinese nationalists unsuccessfully opposed this application of *ius soli*, which left those concerned little scope to reject the imposed status.

During the 1945-9 struggle for independence the Indonesian government, hoping to attract Chinese support, enacted a law under

which locally-born Chinese who had resided in Indonesia for five consecutive years became Indonesian citizens, unless they rejected that status within a stated period. This provision was elaborated in 1949 when the Indonesian and Dutch governments agreed that all Chinese Dutch subjects (except those few with the legal status of Dutchmen) who were born in Indonesia or residents there would acquire Indonesian citizenship unless they rejected it within two years. Over 390,000 Chinese rejected Indonesian citizenship in the next two years. There had been some violence against the Chinese community during the Revolution and the insecurity which this engendered made many people reluctant to opt for Indonesian citizenship. This group of almost 400,000, plus an additional number of foreign-born Chinese (who were not Dutch subjects and were ineligible for Indonesian citizenship) were thus sole Chinese nationals. Together they comprised roughly half the Chinese population in Indonesia in 1951. The remaining half were dual nationals of Indonesia and China.

This relatively liberal approach was replaced afterwards by a more restrictive one. It is ironic that as the Indonesian attitude hardened, the Chinese began increasingly to favour Indonesian citizenship. Many of those who had rejected citizenship came to regret it, particularly when measures designed to benefit citizens as against aliens were introduced. The dual nationality treaty with China (which was signed and later amended in 1955) was intended permanently to eliminate dual nationality among the Indonesian Chinese. Indonesian citizens of Chinese origin were required to reject their Chinese nationality within a definite period; if they did not, they were deemed to have chosen Chinese nationality. For various reasons, however, the treaty did not come into force until January 1960.

Meanwhile, in July 1958, a new citizenship law came into force. It affirmed the status of those who had become Indonesian citizens on a *ius soli* basis since 1945, but it provided that in the future only a child whose father was an Indonesian citizen would obtain Indonesian citizenship by birth. In other words, the future basis of citizenship was to be *ius sanguinis*. The 1958 citizenship law also provided for acquisition of citizenship by application and by naturalization, but in such cases the applicant was required to divest himself of his former nationality. Since the treaty with China contained no provision which would make possible the renunciation of Chinese nationality, and since it was generally believed that Chinese law did not allow for it, the new citizenship act was widely interpreted as meaning – in the words of one commentator: ‘that no alien Chinese and none of their descendants can become Indonesian citizens after the close of the treaty option period.’⁵

By January 1962 the dual nationality problem was, formally speaking, no more: an Indonesian Chinese might be an Indonesian or a Chinese national, but he could not be both. At least two-thirds of the million or so Chinese with dual nationality (and thus affected by the treaty) probably chose Indonesian citizenship. Estimates must be vague because the Indonesian government exempted many from the need to reject their Chinese nationality (e.g. those who had voted in Indonesian elections) on the ground that they had already done so implicitly.

The treaty did have a residual effect, however. Children born before 1962 of former dual nationals followed their parents’ choice of sole nationality until they reached their majority at which time the treaty gave them the right to reverse that decision. Following the attempted coup of October 1965, when relations with China deteriorated and an anti-Chinese wave swept Indonesia, these residual cases which were subject to the provisions of the treaty, were suspended. Then, in April 1969, the Indonesian government rescinded the treaty.

Rescission of the treaty left earlier choices of nationality undisturbed, but it prevented any more children altering their parents’ choice. Just as in the case of all children born since 1962, their nationality followed that of their parents (whether it was Indonesian or Chinese) regardless of their place of birth. As one door was closed, another eased open. Although few Chinese were able to acquire Indonesian citizenship before the abortive coup and even fewer in the following eighteen months, in the next ten years there were thousands of applications for naturalization and many were granted. But the process was slow, complicated and above all, expensive, since the high fees required were often further inflated by the need to bribe corrupt government officials.

In early 1980 the Indonesian government began a drive to naturalize the alien Chinese and to clarify the status of those who

were already Indonesian citizens but had no clear evidence of citizenship. These measures represent a major shift of policy. The object seems to be to reduce (if possible to zero) the number of alien Chinese in Indonesia within a period of about two years so that, when relations with Peking are normalized, the Chinese government will no longer have the right or feel the obligation to intervene on their behalf. According to official figures in March 1980, there were 1,038,031 alien Chinese in Indonesia, of whom 914,111 were citizens of the Chinese People’s Republic, 122,013 were classified as ‘stateless’ and 1,907 were Taiwan nationals. Although the measures have attracted criticism (the government introduced them by means of presidential decrees rather than act of parliament to muffle the criticism), it is clear that the government is determined to try to eliminate the nationality problem once and for all. The procedures for obtaining proof of citizenship and naturalization have been simplified and streamlined. If all goes according to plan, the issues outstanding for the Indonesian Chinese will be those of discrimination on an ethnic basis amongst Indonesian citizens rather than those of nationality itself.

(ii) Philippines

The Philippines is unique among the three countries in the degree to which access to citizenship for the Chinese has been restricted by judicial interpretation, but constitutional and legislative change after the introduction of martial law by President Marcos in September 1972 reversed this restrictive trend.

Up to the time of the adoption of the Philippines constitution in 1935, US Congress legislation on Philippine citizenship and the remarkably liberal interpretations placed upon that law by the courts had established *ius soli* as the basis for determining Philippine citizenship. In other words, citizenship was obtained simply by being born in the Philippines, during either the Spanish or American periods. The constitution adopted in 1935 was less generous, however, and later court decisions were more restrictive still. Thus in 1947 the Philippines Supreme Court held that birth in the Philippines, whether during the Spanish or American periods, did not confer the right to citizenship. Although this decision did not deprive of citizenship those individuals who had already established their entitlement to it in particular court proceedings, the effect of this and subsequent cases in the Supreme Court was to disenfranchise many Philippine-born Chinese and their descendants.

From June 1971 to December 1972, a Constitutional Convention was held in the Philippines to consider proposals for a new constitution. Among the proposals considered were those put forward by various groups for the adoption of some form of *ius soli* basis for citizenship. The delegates to the Convention eventually rejected the embodiment of this principle in the new constitution, but instead adopted a clause conferring Philippine citizenship upon ‘those who are naturalized in accordance with law’. The intent of this provision was that the National Assembly would thereby be empowered to pass a law which would adopt a modified *ius soli* basis for citizenship by naturalization.

One important constitutional amendment which was adopted by the Convention confers Philippine citizenship automatically upon children of Filipina mothers and alien fathers. Another amendment adopted provides that a Filipina who marries an alien is to retain her Philippine citizenship unless by her act or omission she is deemed under the law to have renounced her citizenship. Under the old constitution, a child of a Filipina mother and an alien father was not a natural-born citizen but had the right to elect Philippine citizenship upon attaining majority. But in cases where the father was Chinese, this right had turned out to be nugatory, since the combined effect of a 1936 Philippines citizenship law and the 1929 Chinese Nationality Law had been held to mean that a Filipina marrying a Chinese national lost her Philippine citizenship and that consequently their children had no right to elect Philippine citizenship. A further constitutional amendment adopted by the Convention inserted a definition of ‘natural-born citizens’ as those who are citizens from birth without having to perform any act to acquire or perfect their Philippine citizenship. The new constitution adopted by the Convention was approved by plebiscite in January 1973.

The power to make laws governing naturalization which was conferred by the new constitution was exercised in April 1975 by President Marcos acting as legislator under martial law. By Letter of Instruction No. 270 he provided for ‘naturalization of deserving aliens by decree’. The new special procedure for naturalization by

decree (rather than through the courts as in the past) was introduced hurriedly and with inadequate preparation in anticipation of the formal decision by the Philippines government to recognize and set up diplomatic ties with the People's Republic of China.

The original deadline for naturalization applications was 15 May (later extended to 30 June) and there was naturally a good deal of confusion both in the office of the Solicitor-General (which was charged with processing the applications) and among the alien Chinese. Nevertheless, some 19,332 applications in satisfactory form (most of them from Chinese) were received by the Solicitor-General by the 30 June deadline, which probably represents about 60,000 aliens (allowing for applications by heads of families) out of an estimated total of 100,000 alien Chinese then resident in the Philippines. (The period was then extended for a further year during which a further 19,504 naturalization applications were filed.) Because of the unexpected workload in the Solicitor-General's office and the intervention of the National Intelligence Services Agency (NISA) for security screening purposes, processing of the naturalization applications has been slow. By April 1977, about 10,500 of the Chinese applicants from the first batch had been naturalized by presidential decree. This total had risen to 21,000 by June 1978.

The new naturalization measures were not open to all alien Chinese. Some of the qualifications under the 1939 Naturalization Act which had been restrictively construed by the courts (e.g. 'good moral character', 'proper and irreproachable conduct') were repeated in LOI 270 whilst others (e.g. the 'lucrative trade, profession or lawful occupation' provision) were retained in modified form. Moreover, the new procedures were only to have a temporary operation, before reverting to the old judicial process.

On the other hand, the new procedures by-passed the courts and the summary process appears to have been much less expensive than the old one. In addition, since the recognition of the People's Republic of China, applicants for naturalization were not required to obtain permission of the Chinese government to abandon their Chinese nationality.

(iii) Malaysia

Citizenship law in Malaysia is more complex than in either Indonesia or the Philippines. It has also allowed the Chinese more liberal access to citizenship.

Before the Second World War there was no uniform Malayan status. Those who were born in British territory, such as the Straits Settlements or Hong Kong, were British subjects. Chinese born in China were nationals of China, but could be issued with passports as 'British protected persons'. In the various Malay States the locally-born were subjects of the Rulers. After the Japanese surrender the concept of a single citizenship was introduced in the Malayan Union proposals of 1946. This citizenship was distinct from the nationality of those concerned. Thus a Chinese in Malaya could be a Malayan citizen, enjoying the civic and political rights which that status carried, while at the same time holding British or Chinese nationality. The citizenship proposals were based on a very liberal *ius soli* provision which aroused such strong opposition from Malays that in 1948 the Malayan Union was replaced by the Federation of Malaya. The idea of a common (now federal) citizenship was retained, but the basis upon which non-Malays might qualify for citizenship was greatly restricted. Even so, by 1952 about one-third of the Chinese population had qualified for federal citizenship.

By this time the administration was beginning to hold local council elections and was anxious to win Chinese support for its campaign against the communist insurgents. With this in view, in 1952 the 1948 citizenship provisions were relaxed somewhat, although this far from satisfied the demands of many Chinese for *ius soli*. At the same time citizenship became linked to nationality. In future, in order to qualify as a federal citizen one would have to be either a British subject or a national of one of the nine Malay States. A non-Malay who wished to become a State national was required to renounce any other nationality he might then possess. At this stage, then, a common Malayan citizenship had been created and linked to nationality, but there was no common Malayan nationality. In mid-1953 more than half of the Chinese population were federal citizens. Not only had the qualifications been relaxed but many Chinese now realized the political benefits, such as voting rights, which citizenship could bring.

During the drive for independence in the middle 1950s the politically dominant Alliance parties hammered out a compromise over contentious intercommunal issues which they presented to the Constitutional Commission. The proposals on citizenship were substantially accepted by the Commission and incorporated into the 1957 Constitution. As a result, federal citizenship now became available by operation of law to any person born in the Federation after Merdeka Day (31 August 1957). This was a striking liberalization of the earlier rules, embodying (if only prospectively) an unqualified *ius soli* principle, as the Chinese had demanded. In addition to those entitled to citizenship by operation of law, many Chinese were eligible for citizenship by registration or naturalization. By the end of 1957 some two-thirds of the Chinese population were Malayan citizens.

After 1957 the trend toward liberalization took one step backward. The *ius soli* principle was qualified to the effect that a person born in Malaya after September 1962 was entitled to citizenship only if (a) at least one of his parents was at the time of his birth a citizen of the Federation or permanently resident in it, or (b) he was not born a citizen of another country. With this qualification, the liberal citizenship rules adopted in 1957 were carried over into the wider Federation of Malaysia established in 1963.

If Malaysia retains its present citizenship rules, it can be safely predicted that in the course of the next generation virtually all Chinese in the Federation will have become Malaysian citizens.

Consequences of national status

It is one thing to be admitted to citizenship; it is another to have equal rights with other citizens. For the Chinese communities, these do not always go hand in hand. In this section we will briefly look at four possible consequences of national status – liability to deportation, deprivation of citizenship, economic and educational discrimination, and restriction of political rights.

(i) Deportation

One cherished right of a citizen is immunity to deportation. The right of a state to expel aliens is generally recognized, even if more enlightened circles agree that this right should be exercised rarely, humanely and only after due process of law. Alien Chinese have often been deported from the Southeast Asian countries. Deportation of alien 'agitators' was practised in colonial Malaya and this continues in independent Malaysia. It has also occurred in Indonesia, but there it has been overshadowed by the large-scale 'voluntary' exoduses of Chinese which followed the harsh discriminatory measures and violence directed against them in 1959-60 and again in the two years after the 1965 attempted coup.

The clandestine deportation from the Philippines to Taiwan in 1970 of the Yuyitung brothers, who were born and educated in the Philippines, was discussed in the first edition of this Report. It illustrated well the insecurity and hardship which alien status can entail for the overseas Chinese. After several years of 're-education' in Taiwan, both brothers were permitted to go to North America, where they now live. It is ironic that in the changed political circumstances since their deportation, the Philippines government liberalized access to Philippine citizenship for the Chinese (which they had consistently advocated in their newspaper) whilst the Manila Chinese daily *The Orient News* could publish news slanted in favour of the People's Republic of China which the Yuyitungs would never have dared to print in their own newspaper.

In some cases governments are unable to deport aliens because there is no foreign country willing to accept them. One such case came to light in late 1975 when it transpired that an unfortunate alien Chinese who had been charged with illegal entry into Malaysia, had been detained by the Malaysian authorities for eight years because a deportation order could not be put into effect.

(ii) Deprivation of citizenship

Admission to citizenship is not in itself a guarantee against deportation, but it does form a protective barrier; a citizen may be legally deported only if first deprived of his citizenship. The Philippines, Indonesia and Malaysia all have legal provisions for deprivation of citizenship. In certain circumstances these laws even apply to native-born citizens, for example, in cases where such a person has voluntarily acquired another nationality or has entered another state's armed forces, but the grounds for deprivation are

wider where citizenship has been acquired by naturalization.

Perhaps because access to citizenship has been easier for the Chinese in Malaysia than in the other countries, the provisions for its deprivation have also been more sweeping there. Hence a citizen may lose his citizenship if 'he has shown himself by act or speech to be disloyal or disaffected towards the Federation' or if he has 'been sentenced in any country to imprisonment for a term of not less than twelve months or to a fine of not less than \$5,000.' These provisions do not apply to all citizens, but they do apply to some who are citizens by registration or by operation of law, and to all citizens by naturalization. In the Philippines naturalization certificates may be cancelled for the economic crime of acting as a 'dummy' in order to enable aliens to take advantage of certain rights reserved for Philippines citizens.

Deprivation orders are not readily open to review by the courts. A clause in the Schedule to the Federal Constitution of Malaysia purports to exclude such orders entirely from review by the courts. Although a Malaysian judge held in 1975 that they were nonetheless open to review by way of *certiorari*, his ruling is unlikely in practice to give much comfort to citizens deprived of their citizenship. In the case in question, the Minister of Home Affairs had deprived Mak Sik Kwong of his citizenship on the grounds that he had voluntarily claimed and exercised rights in a foreign country, being rights afforded exclusively to its citizens. Mak, a Malaysia-born citizen by operation of law, was alleged to have stayed in China without restriction after Merdeka Day, to have exercised rights of education and attendance at educational institutions there, and to have been given an exit permit to leave China by the Chinese government. The judge refused to hear evidence to contradict the opinion of the Minister that these were rights accorded exclusively to citizens of China on the ground that foreign law was a question of fact which could not be reviewed by way of *certiorari*. He also expressed the view that it was open to the Minister to take into consideration confidential information (e.g. from security sources) which was not disclosed either to the citizen concerned or the court.⁶

(iii) Economic and educational discrimination

One might expect that a citizen of Chinese origin would have the same right of access to economic and educational opportunity as his fellow citizen of indigenous origin. This, however, is by no means always the case. In the Philippines, where access to citizenship for the Chinese has been most restricted, discrimination against citizens of alien origin has been comparatively rare; the hardest measures have been directed against the aliens. But in Malaysia, where access has been most liberal, the constitution itself entrenches the right to discriminate in favour of Malays. The Malaysian Head of State is required to safeguard the special position of the Malays and to ensure the reservation for Malays of what he deems to be a reasonable proportion of public service positions, scholarships, university places, and trade or business permits and licences. Although the intent and form of this discrimination is 'positive' or 'protective', its effect on the Chinese is obviously negative in that it impedes their access to the same benefits. The Indonesian government has proclaimed that Indonesian citizens of foreign origin have the same rights and obligations as other Indonesians and has condemned discrimination against them. Unfortunately this statement of principle is scarcely borne out in practice. Indonesian-citizen Chinese find that they are discriminated against in university admissions and the granting of import licences, to name only two examples.

After the 1969 race riots in Kuala Lumpur, the Malaysian government formulated its New Economic Policy (NEP) the professed object of which was to eradicate poverty regardless of race. It has set a target of 30% of equity capital in all businesses to be in Malay hands by 1990. Although it is hoped that this can largely be brought about by economic growth rather than transfer of wealth between the communities, various measures designed to encourage the process of restructuring have excited fears among the Chinese that they will be the losers in the end. Allocation of more land to non-Malays, intended as a *quid pro quo* for the increasing Malay share in industry and commerce, has proceeded slowly and the proportion of non-Malays admitted to tertiary education institutions has dropped markedly. Quotas limiting the intake of non-Malays into Malaysian universities have channelled the demand among the Chinese for higher education either into study overseas or into attempts to develop private universities in Malaysia itself. Since 1978, when the government overruled the attempt by

the Chinese community to establish the private Chinese-language Merdeka University, there have been signs of agreement by the government parties that the proportion of non-Malays in Malaysian universities should be gradually restored to their 1970 position.

In Indonesia, too, the government has responded to demands by indigenous business interests for a larger slice of the economic cake. Presidential decrees in 1979-80 give preferential treatment in several economic sectors to what is euphemistically described as 'the economically weaker group'. Although the government has denied that the decrees are racist or discriminatory, the intention is clearly to favour indigenous businessmen or companies in which a large percentage of the capital and top management is indigenous. One obvious consequence of the measures has been a dramatic rise in the number of new companies and contracting firms.

One of the consequences of the various forms of discrimination in all three countries is that they virtually invite evasion and corruption. Where enterprises are either reserved for indigenous citizens or where they are to be given preference, it is not uncommon to find that an ostensibly indigenous business is in fact a front or 'dummy' for a Chinese businessman. Sometimes this comes about with the connivance or even the participation of the officials who are charged with enforcing the discriminatory laws.

(iv) Restriction of political rights

Another important right of the citizen is political participation, including the right to vote and to stand for election. The large proportion of Chinese in the Malaysian population has made these political rights a central issue there. Chinese voting power, which is potentially considerable, has been reduced by a redistribution of electoral boundaries so as to favour rural constituencies (where Malays are more heavily represented) at the expense of urban ones (where Chinese are more numerous). The political process in Malaysia has been dominated by inter-communal issues, such as citizenship, national language, and the special position of the Malays. When the Malaysian parliament reconvened in February 1971 after almost two years of recess due to the inter-communal violence which followed the 1969 elections, its first piece of business was to amend the constitution in such a way as to enable these 'sensitive issues' to be removed from public debate. Recent constitutional amendments are felt by many Malaysian Chinese to be in breach of the compromise of the 1950s.

In Indonesia and the Philippines potential Chinese voting power is so slight that it can scarcely be said to have played a part in the citizenship issue. But the history of one organization in Indonesia is worth examining. Baperki was formed in 1954 by a group of prominent Indonesian-citizen Chinese with the object of promoting understanding of Indonesian citizenship and opposing discrimination. It rapidly gained a large, almost exclusively Chinese membership, although any Indonesian citizen was eligible to join. Baperki contested the Indonesian elections and had representatives in the national parliament. It sponsored a system of national (Indonesian-language) schools and a university which gained much support from the education-minded Indonesian Chinese. But Baperki's leadership took a line which brought it increasingly within the orbit of the Indonesian Communist Party, although its original aim was to be politically unaligned. After the 1965 coup Baperki membership became a distinct personal liability and the organization was dissolved. Contrary to widespread belief outside Indonesia, the Chinese were probably under-represented in the massacres which followed the coup. Similarly, the number of Chinese among the many Indonesians who were imprisoned after the coup was not disproportionately large. Many of those Chinese who were imprisoned found themselves in jail for no other reason than that they were office-bearers in Baperki. They were not directly involved in the coup, and indeed few were even communists. Without in any way condoning detention without trial on political charges, it is worth stressing that in most cases these Chinese political prisoners were jailed not because they were Chinese, but because they were members of an organization which the Indonesian government regarded as leftist. In this respect their situation was no different from that of non-Chinese political prisoners who were members of communist mass organizations. There are also cases where Chinese have been jailed with a view to extorting money in return for their release, but these are less common.

The scope for Chinese political activity in Indonesia has been greatly restricted since the demise of Baperki. The Indonesian

government has adopted a policy of assimilation of the Indonesian-Chinese, and it sees 'exclusive' Chinese organizations as an impediment to that goal. This raises a question which has wide implications. The 'alienness' of the Chinese in Southeast Asia is often felt to go deeper than the matter of their suspect loyalty. Nationalism in the new states demands not only political loyalty and national pride but a sense of national identity which is distinct from that of other nations. Hence Chinese who would be citizens are asked to shed not merely allegiance to China, but increasingly their Chinese social and cultural practices as well. This process, which has gone furthest in Indonesia, has been accelerated by government action to control or even outlaw Chinese-language schools and newspaper, to promote the use of the national language, and in various other ways.

In Indonesia as well as in Malaysia, some issues have been defined by the government as being too 'sensitive' to be the subject of political debate. These have included the issues most likely to erupt into community violence which are encapsulated in the acronym SARA (derived from the Indonesian words for ethnic groups, religion, race and inter-group activity). Although outbreaks of violence against the Chinese have not been as frequent since the turbulent years of 1965 to 1967, serious incidents still occur from time to time, most recently in Ujung Pandang (April 1980). The silencing of public debate on racial and ethnic issues also serves another purpose for the government. Criticism of the Suharto government has often taken the form of criticism of the relationship between those with political power and those with economic power (typically Chinese). The anti-Chinese aspects of the violence in Jakarta in January 1974 during the visit of Japanese prime minister Tanaka had strongly anti-government overtones, following persistent Press allegations of corrupt partnerships between government officials and Chinese businessmen.

In the Philippines, the restrictions on political activity since the introduction of martial law by the Marcos government in 1972 have not been directed specifically against the Chinese minority but have affected the Chinese together with the rest of the population.

Conclusions

In the first edition of this Report, an appeal was made for the governments of the three countries to welcome at least the local-born Chinese as citizens. It was argued that although adoption of the *ius soli* principle alone would not solve all the problems, it was a necessary first step. In the present edition, it has been seen that the liberalization of access to citizenship for the Chinese in the Philippines and Indonesia has gone some distance toward bringing them into line with Malaysia, thereby reducing the size of their alien minorities. Although this process could (and may well) go much further, the central issue in all three countries is increasingly similar: the extent to which their governments discriminate between those of their citizens who are of Chinese descent and those who are not.

The goals of national policy in the three countries are frequently contradictory and inconsistent. On the other hand, a desire for a rapid economic development which can help to alleviate poverty suggests that the governments should make the best use possible of Chinese resources, both of skill and of capital, with their established network of relationships with Chinese elsewhere in the region, including those in Singapore. Although this is consistent with a growing regional integration among the ASEAN countries, it is inconsistent with separate economic nationalisms in those countries. It also conflicts with the desire of governments to provide special opportunities for indigenous people to share in the benefits of economic growth. On the other hand, where they make special provision for access of the indigenous population to certain areas of the economy and educational institutions (or restrict the access of Chinese to them to bring about the same result) they depart from the principles of non-discrimination among citizens regardless of race or ethnic origin to which they claim to adhere. Discriminatory policies, however benign in intent, make it necessary to classify citizens in separate groups and this in turn conflicts with the goal of achieving national unity.

The populations of these three countries are not 'natural' nations but rather nations in the making. The degree to which cultural diversity is compatible with national integration in such highly heterogeneous societies is problematic. The role of language and education in the nation-building process is central. If, as in

Indonesia, all school children, of whatever ethnic group, are required to attend schools in which the language of instruction is Indonesian, the national language, it is difficult to claim some special entitlement for the Chinese to have separate Chinese-language schools. It may well be that, at least in Indonesia and the Philippines, the loss of a good deal of their cultural distinctiveness is part of the price which the Chinese will have to pay for acceptance into the larger society, since the search for a national identity seems to stress indigenous and to exclude Chinese values. But if so, something which is of value to the whole society, and not only to the Chinese, will be lost. In Malaysia, where the Chinese minority is so much larger relative to the population as a whole, it may still be necessary for them to make the kind of concessions in respect of Malay as the national language that the Javanese, the largest ethnic group in Indonesia, have made to Indonesian.

The greater the demands that are made of the Chinese in these states, the more important it will be to ensure that, if the demands are acceded to, the Chinese are fully accepted as citizens with the same rights as other citizens. This is necessary not only in fairness to the Chinese themselves but is also in the interests of the government of the country concerned. If the Chinese feel insecure and unaccepted or if they make sacrifices which are later ignored, they will be compelled to make contingency plans for a life elsewhere or will join with those who are working to overthrow the government. In either case, energy and resources which would otherwise have gone into economic development will be diverted and lost to the host country. Much of Chinese dissatisfaction in Malaysia stems from a belief that an earlier agreement between the communities had been cast aside.

In Indonesia the government has espoused a policy of assimilation of the Chinese minority. The Chinese have been urged repeatedly to abandon their 'exclusiveness', to adopt Indonesian names and to intermarry with indigenous Indonesians. Although history has shown that the Chinese overseas will assimilate to their host societies if the circumstances are favourable, the process takes time. The circumstances will only be favourable, however, if the majority population is also willing to accept them as full Indonesians.

If, on the other hand, the governments of these countries adopt a consistent policy of non-discrimination and the Chinese minorities as a result come to predominate in the universities and the civil service as well as in commerce and industry, it is all too likely that there will be a backlash from the dissatisfied indigenous populations. This might take the form either of the political overthrow of the government or of outbreaks of violence against the Chinese.

Events in one country in the region can have repercussions in another. The exodus of the greater part of the Chinese bourgeoisie from Vietnam in recent years is a major case in point. Apart from the deterioration in relations between China and Vietnam caused by the exodus in general and to China in particular, the large-scale movement of 'boat people', many of them Chinese, into Malaysian and Indonesian waters from Vietnam has heightened sensitivities on race relations there, particularly in Malaysia, where the refugee incursion has taken place in strongly Malay areas. The Indonesian government has managed to contain this issue more successfully by localising its impact to relatively isolated islands and has rejected the views of such advocates of mass expulsion as the nationalist former Indonesian ambassador to Vietnam who reportedly said in May 1979: 'It must be admitted that North Vietnam is the only country in Southeast Asia which has succeeded in dealing with the problem of the Overseas Chinese.'⁷

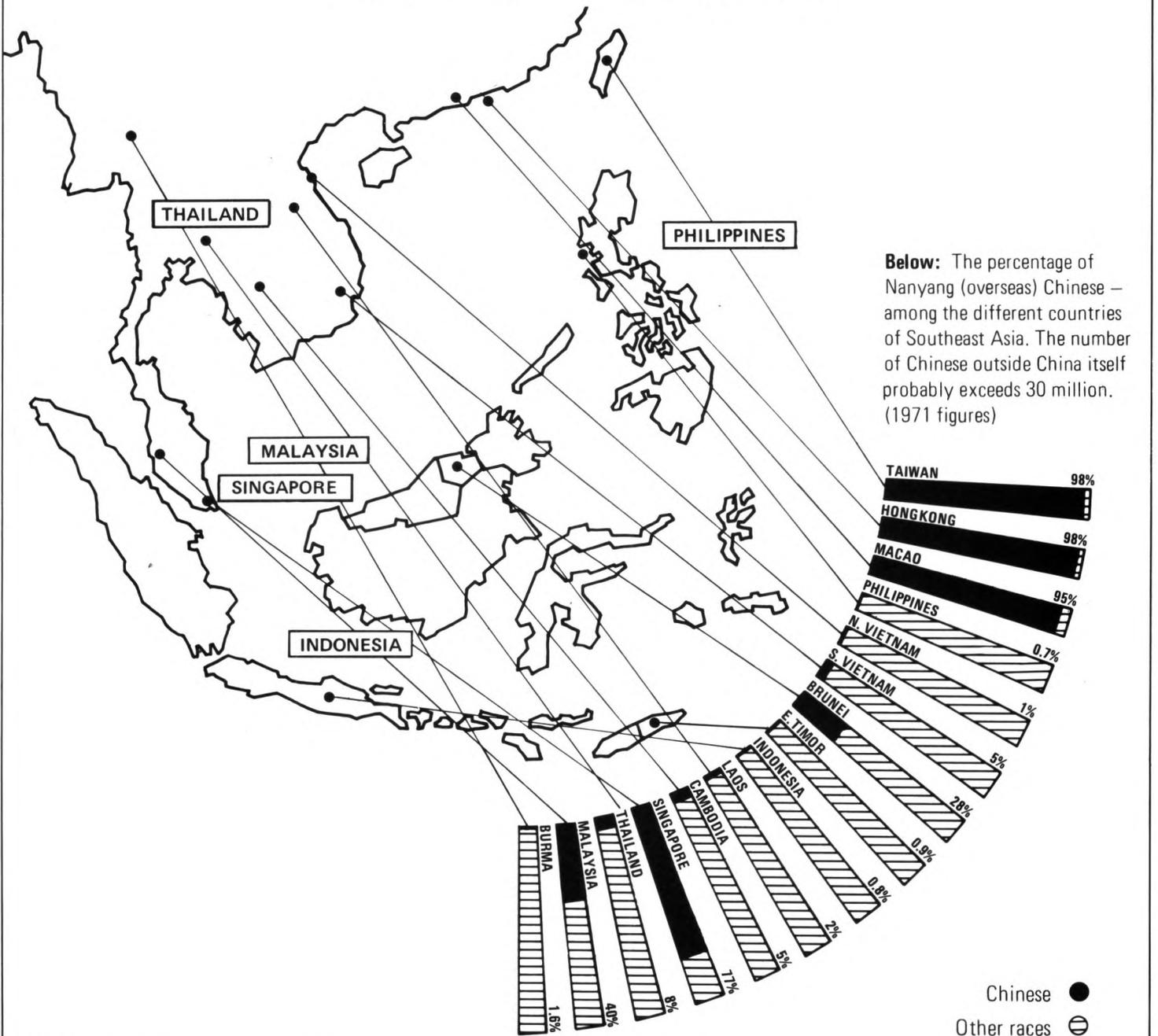
Faced with various dilemmas in relation to their 'Chinese problem', what can these governments do? and what can the outside world expect of them? It is reasonable to accept that some departures from absolute standards of non-discrimination may be necessary in the short term if they are to be approached in the longer term. But the good faith of governments in the long term will be tested by the extent to which they take steps to reduce poverty among the Chinese as well as the indigenous populations. For their part, the wealthier Chinese can demonstrate their willingness to be accepted fully as citizens by developing more effective business partnerships with non-Chinese. Finally, the indigenous populations will have to be convinced that their Chinese minorities are there to stay and to accept them fully as fellow-citizens. One needs to be an optimist to believe that all the conditions will be met and it will require a great deal of good luck as well as good will from all the parties for this to happen. But it is in the interests of all that the effort should be made and persevered with.

FOOTNOTES

- ¹ N. Bar-Yaacov, *Dual Nationality* (London, 1961), p.1.
- ² Estimates of this kind are at best little more than informed guesswork, since reliable statistical information on the numbers of ethnic Chinese is unavailable. The source (except for Indonesia) for the total population figures in the Table is the *Demographic Yearbook 1978* (United Nations Department of Economic and Social Affairs Statistical Office, New York, 1979) projected forward to 1981 at the rate of natural increase existing in the mid-1970s. The source for the Indonesian total population figure is the preliminary results of the 1980 census projected forward to 1981 at the rate of increase prevailing in the 1970s. The percentage of the population who are Chinese in all areas is assumed to have remained constant (in the absence of

- evidence to the contrary) since the estimates of W.E. Willmott, 'The Chinese in Southeast Asia', *Australian Outlook* (December 1966), p.254.
- ³ G.W. Skinner, 'The Chinese of Java', in Fried, M.H. (ed.) *Colloquium on Overseas Chinese* (New York, 1958), p.8.
- ⁴ Generally on the policy of the Chinese People's Republic towards the overseas Chinese, see Stephen Fitzgerald, *China and the Overseas Chinese: A Study of Peking's Changing Policy 1949-1970* (Cambridge University Press, 1972).
- ⁵ D.E. Willmott, *The National Status of the Chinese in Indonesia 1900-1958* (Ithaca, 1961), p.42.
- ⁶ *Mak Sik Kwong v. Minister of Home Affairs, Malaysia* (1975), 2 *Malayan Law Journal*, pp.168-182.
- ⁷ D. Jenkins, 'The Jakarta Solution', *Far Eastern Economic Review* (21 September 1979). For an excellent discussion of the 'boat people', see B. Grant, *The Boat People* (Melbourne, 1979).

THE CHINESE IN SOUTH-EAST ASIA



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THE CHINESE COMMUNITY IN INDONESIA

By Hugh and Ping-ching Mabbett

The Chinese have done as well, and as poorly, in Indonesia as in any other South-East Asian country. Their economic strength has raised their living standards as a community well above those of the indigenous people, they have made important contributions in virtually all walks of life, and as a general rule they much prefer living in Indonesia to returning to the land of their forefathers. On the debit side, the Chinese community feels itself discriminated against and from time to time it comes under various kinds of pressure, torment and physical attack. But lest this should give the impression that the Chinese in Indonesia form a coherent group which can readily be described in general terms, it is necessary to add that diversity is as much part of the picture of this community as it is a rule for Indonesia as a whole. There are important exceptions to virtually every situation, leading to some degree of imprecision and ambiguity.

Not even the number of Chinese living in Indonesia can be stated with certainty. The most recent census which counted the residents of what is now Indonesia separately by race was taken in 1930. The two censuses since then, in 1961 and 1971, have not included racial classifications and the only reliable figures available relate to Chinese residents who are not citizens. Citizens of Chinese ethnic origin have been categorized with other Indonesians. The 1930 census counted 1.2 million Chinese. Given a 2% growth rate this number would have doubled in 35 years, so the Chinese population in the mid-1960s (there has been no substantial migration since about 1930) would be around 2.4 million out of Indonesia's total population of 120 million. The figure of three million in more or less conventional use may be a little high, though it is unlikely that an accurate figure will ever become available; it is virtually inconceivable that any future census will be designed to count the Chinese separately, and even if it were, the result would be too confused by name-changing, intermarriage and the increasing irrelevance of such criteria as language and religion to determine who is Chinese and who is not. Even today cases of uncertainty abound. For instance, there are numerous people of Chinese appearance whose way of life is entirely Javanese, and there are some people of indigenous appearance who insist they are Chinese.

Information is more precise on non-citizens, the WNA (*warga negara asing*), as opposed to the WNI (*warga negara Indonesia*), citizens of Indonesia. According to the Directorate-General of Immigration, foreigners resident in Indonesia in October 1971 totalled 1.5 million, of whom 95% were 'Chinese'. Other sources at the time put the number holding Chinese (Peking) passports at between 250,000 and 300,000. The rest of the non-citizen Chinese were generally regarded as 'stateless'; a term used originally to describe residents with Republic of China (Taiwan) passports but in the last five years given much broader meaning which reflects both the confusion prevailing in the citizenship laws and an apparent official disposition eventually to open a little wider the doors to citizenship. There is a considerable degree of vagueness and overlap, however, while any future hardening of official opinion towards the alien Chinese would presumably be accompanied by more restricted use of the term 'stateless'. Charles Coppel in a paper on the national status of the Chinese in Indonesia commented: 'It is impossible to state with assurance the numbers of Chinese who are Indonesian citizens, aliens or stateless. . . . Immigration Department sources estimate the number of Chinese People's Republic nationals at about 1,100,000 and the number of stateless Chinese at about 32,000. Another commonly quoted figure, however, puts the number of stateless at about 1,100,000 and the number of CPR nationals at 250,000.'¹ In general the first estimate reflects a hard, or at least bureaucratic, attitude towards the alien Chinese and the second, which today enjoys much wider currency, a disposition to accept them as potential Indonesians.

These Chinese, WNI and WNA alike, are to be found throughout Indonesia. In late 1971 there were 125,000 non-citizen Chinese in Djakarta out of a population of 4.5 million; 69,000 in Makassar (lately renamed Ujung Pandang) out of 442,000; 3,500 in Ambon out of 82,000; and so on. In each case the number might be roughly doubled to indicate the total Chinese community, citizens and non-

citizens. In Sumatra, Riau and West Kalimantan (Borneo) towns are mostly strongly Chinese and in some districts in Riau the Chinese comprise up to one-third of the total population. Elsewhere in Indonesia there is not a town of any standing which does not have streets of Chinese shopkeepers, and the Chinese have also returned to the villages after a vast exodus in the early 1960s following a government regulation banning foreigners from rural trade. This decree has not been revoked but is not enforced.

This Chinese presence has a long history. Links between China and the Nanyang ('the South Seas') are very old. According to Chinese records an Indonesian embassy, perhaps from Java, went to China in 132 AD and there are numerous records of continuing contact since then, marked in many cases by Chinese settlement in Indonesia. As one example among many, a 'sanctum' in Semarang, Central Java, bears an inscription that its 'cave of sacrifice and temple' is sacred to the memory of the great Sam Poo, a Chinese envoy who visited 'Java, Sumatra, Malacca, Siam, Bengal, Ceylon, Arabia, etc.' renewing friendly and commercial relations which had existed for a thousand years. Sam Poo's visit to Semarang is dated 1416.

The Chinese population of Indonesia in 1860, as far as it could be calculated, was 221,000; and in 1900, 537,000. This was during a period when tens of thousands of men came south to work on estates and in tin mines mainly in Sumatra, Riau, Banka and Billiton, creating a contrast with the more established previous migrants in Java which endures to this day. Large-scale migration continued until the worldwide economic depression of the 1930s. Of the 1.2 million Chinese in Indochina in 1930, about 750,000 had been born in Indonesia and 450,000 were immigrants. This is the basis of the conventional distinction between the Indonesia-born, Indonesian or Indonesian dialect speaking *peranakans* who regard Indonesia as their home, and the more China-oriented *totoks*. These terms are of diminishing relevance as the *totok* community ages and as citizens of Chinese origin begin to object to the term *peranakan* as discriminatory, but they are still part of the total picture. More important, however, is the distinction between WNI and WNA, citizens and non-citizens.

Culture

Despite the length and pervasiveness of Chinese contact Indonesian culture was little influenced. Little attention has been paid to why this was so when under similar circumstances Indian and Islamic cultures made a deep impact. Whatever the reason, and allowing for occasional assimilation and integration, the Chinese as a whole remained distinct, and this distinctiveness was strengthened in colonial times when the Chinese held a legal and social position between the Dutch rulers and the indigenous people. This *comprador* role endeared them neither to the Dutch nor to the Indonesians but the negotiations leading to Indonesia's independence produced a provision that most Chinese could become Indonesian citizens by the passive process of not refusing it. The 1950 provisional constitution gave the Chinese (along with the Arabs and the Europeans/Eurasians) separate representation in Parliament. (The 1945 constitution which President Sukarno later invoked to legitimize his 'guided democracy' and which remains in force makes no such provision, nor would separate representation agree with the present policy of equality among all citizens.)

The mood toughened as the 1950s lengthened, however, with customary antipathy towards the Chinese because of their economic strength and exclusiveness reasserting itself. The Chinese became the inevitable scapegoat for economic decline and as politics polarized the Chinese, haplessly identified with Peking and thus with communism, ran into further trouble. Though in practical terms Indonesia could have ignored (as other South-East Asian countries have done) Peking's assumption that the overseas Chinese were in the main Chinese citizens, so long as the people involved did nothing about it, the political climate led to an attempted formal solution, the Dual Nationality Agreement concluded between Djakarta and Peking in 1955 but not made effective until 1960. This substituted an active process of retaining or acquiring Indonesian citizenship for the former passive one. Chinese who wanted to become Indonesian citizens had to declare so; those who did not within the two years provided would be regarded as citizens of China. Between 1960 and 1962 probably between 600,000 and 800,000 Chinese became or were confirmed as Indonesian citizens.

¹For footnotes to Appendix see page 16

The law pertaining to the Dual Nationality Agreement was invalidated in April, 1969, primarily on security grounds, with the effect that Chinese nationals may now become Indonesian citizens only by way of naturalization. As mentioned earlier, no clear definition is possible, except in the cases of admitted holders of Chinese passports, of who is a Chinese national and who is not, but a claim to statelessness would seem to help an application for citizenship. Chinese law on the subject is not clear either, since there seems to be a contradiction between the principle of *ius sanguinis* entrenched in the Chinese statutes and occasional high-level statements in Peking (which may amount to Chinese Communist Party policy, and thus to law) that the overseas Chinese should identify with their countries of residence. In any event the dual citizenship agreement with China has been recently described in the more or less official *Indonesian Review of International Affairs* as 'one of the greatest blunders ever committed in Indonesia's recent diplomatic relations.'² The writer, Tubagus Pranata Tirtawidjaja (patently of Chinese origin – name-changing will be discussed later), complained that the agreement 'imposed on all Indonesian citizens of Chinese ethnic origin a second, but dominant, nationality, the nationality of a country for which the overwhelming majority of them was absolutely alien, of a country they had never even visited but whose nationality they were assumed to possess, invalidating even their original Indonesian nationality.'

There had been no reason, he added, for Indonesia to recognize the 'Chinese imperialist principle of *ius sanguinis*', and he hoped invalidation of the law would lead to Indonesia formally repudiating the principle of *ius sanguinis* and adopting the principle of *ius soli* in its nationality laws.

The operation of the dual citizenship agreement between 1960 and 1962 was confused by a government regulation prohibiting aliens from retail trading in rural areas. This measure was a product of anti-Chinese political pressure of the kind which had produced the 'Assaat Movement' of the late 1950s advocating preference for ethnic Indonesians in economic affairs. The decree, crudely enforced against Chinese traders often without much attention to whether they had claims to Indonesian citizenship or not, destroyed the livelihoods of hundreds of thousands of people. Probably more than 100,000 of them left Indonesia for China, the great majority of them hounded out, forced to leave behind virtually everything they owned. The problem lives on among many who wanted to go to China but for whom ships did not come. *Warta Imigrasi*, the magazine of the Directorate-General of Immigration, in a lengthy discussion of dual citizenship by Drs Sutjipto, says that exit permits were given to thousands of 'racially proud' young people who did not care that by accepting Chinese passports from the Chinese embassy and consulates they automatically lost their Indonesian citizenship.³ Many of them did not manage to get away and are still living in various Indonesian cities, without jobs since as aliens they come under work permit regulations, without money, and without status; 'a serious problem', comments Drs Sutjipto.

According to Herbert Feith and Lance Castles, editors of the book *Indonesian Political Thinking 1945 – 1965*, 'the 1959 – 60 crisis led members of the Chinese community, and especially the Indonesian citizens among them, to an anguished reconsideration of their position in Indonesia. One group insisted that it was up to the Chinese to assimilate if they wanted to stay in Indonesia. . . . The larger group . . . opposed assimilation, arguing that the Chinese community had as much right to cultural distinctiveness as the community of the Bataks or that of the Sundanese; this group . . . had support from the (Indonesian Communist Party) and to a large extent from President Sukarno.'⁴

In the last two years of guided democracy – Feith and Castles continue – the pressure on the Chinese eased, with the result that the influence of the assimilationists diminished.

Both the more traditional Chinese and the Chinese associated with the communist party and its various organizations argued for a separate Chinese identity. And this made inevitable a new wave of anti-Chinese feeling when Indonesian politics swung sharply right after the abortive Gestapu coup attempt in 1965 and the subsequent destruction of the communist party.

The Chinese community as a whole was held to be tarred with a communist brush, and it suffered accordingly. Robert Shaplen of *The New Yorker* magazine was one of the reporters on the scene. Here is his account of the Chinese lot, from his book *Time Out of Hand*:

'All (the Chinese) had become the scapegoats under Suharto's New Order. Although they had proved themselves virtually indispensable as skilled workers, merchants, middlemen and money-handlers, controlling some-

where between 30 and 40% of the national economy, they had been pilloried in the wake of the attempted coup because of Peking's suspected involvement in it. The attacks against them, both before and after suspension of relations between Peking and Djakarta in October 1967, represented a continuing emotional outlet for the pent-up tensions of the Indonesians, although they had generally accepted the presence of the Chinese in Indonesia as a commercial and financial necessity. It was undoubtedly this latent hostility, which goes back to colonial times and even earlier, as well as the fact that a considerable number of wealthy Chinese supported the communists, that led to the murder of an estimated 20,000 Chinese after the coup. In the months that followed, Chinese schools were closed and harsh measures were taken, notably in populous and poverty-stricken East Java, to restrict Chinese influence in business. Chinese nationals and stateless Chinese were banned from trade above the retail level and forbidden to change their place of residence or to communicate with each other in Chinese when doing business; they were forced to register all their personal property, including even such things as kitchen utensils, and they were subject in some areas to special head taxes and exorbitant payments for licences, utilities, etc. In parts of East Java and Sumatra, and later in Djakarta, they were physically attacked and their homes and business establishments were looted. By the end of 1968 about 70,000 had been repatriated to China by the Peking government and 16,000 more had registered for repatriation but were still awaiting transportation. Thousands of others had drifted to the cities, leaving their village shops boarded up or in the hands of Indonesian friends.'⁵

Shaplen's figure of 20,000 Chinese killed is not universally accepted and may be too high. Other published estimates ranging as high as 50,000 seem to be the product of the emotional and often exaggerated reporting of the time. The massacres of late 1965 and early 1966 found their victims overwhelmingly among ethnic Indonesians and it is responsibly held in Djakarta that the Chinese suffered less, in proportion to their total numbers, than did ethnic Indonesians. Similarly, there is no reason to believe that the Chinese community suffered more than any other in widespread political arrest, or that Chinese figure disproportionately among Indonesia's now rapidly falling numbers of political prisoners. According to Mr Adam Malik, the Foreign Minister, the total number of political prisoners at the end of 1971 was to be about 23,000, compared with perhaps 80,000 at the beginning of the year.

But the Chinese did pay in other ways – and 'pay' is the operative word. Great numbers of them literally bought their way out of trouble, more and more easily as the hyperinflation following the attempted coup brought the value of official and military salaries down to derisory levels. The economic strength which has always been a major cause of Chinese unpopularity also helped them soften its blows, and corrupt relationships developed which endure strongly to this day.

The campaign against the resident Chinese was paralleled by a rapidly moving argument with Peking. Here is Robert Shaplen's account:

'The break in diplomatic relations between Djakarta and Peking, which was probably inevitable, took place in nasty fashion following outbreaks of violence in Djakarta in April, 1967, when a Chinese resident known as a pro-Peking communist, who had been arrested for disseminating pamphlets, committed suicide in jail. Official Chinese protests and a mass funeral demonstration by pro-communist Chinese led to student assaults on the Chinese embassy during which some members of the staff were injured. The Chinese retaliated by making life miserable for the Indonesian diplomats in Peking. Finally an exchange of diplomatic personnel was arranged and relations, as Foreign Minister Malik put it, became "frozen". Anti-Chinese demonstrations and riots continued, however, and became serious again in Djakarta in January 1968, when Chinese shops were ransacked and their owners beaten after the killing of an Indonesian soldier by a group of local Chinese.'

(The reference to a soldier being killed appears to be wrong; the attack on the Chinese was by a regular army unit.)

The tide war turning, however. Chinese economic strength, memories of the chaos which followed the anti-Chinese moves of the early 1960s, pressure from aid-giving countries and the economy's critical state made reassurances for the Chinese inevitable. The alternative course of further persecution and of continuing 'indigenization' of the economy could be pursued only at the risk of further economic breakdown and accompanying political risk; and President Suharto's New Order administration was by no means firmly in control. It could not risk more problems in addition to those it was already contending with, although even within its own ranks there was some reluctance to appear 'pro-Chinese'. In April 1967, for instance, the Djakarta garrison commander, Major-General Amir Machmud (now Home Affairs Minister), said: 'We all know that the role of the Chinese aliens in Indonesia is still dominant in the economic field. Therefore we must be able within a short

period to take over their role, especially in the field of distribution. . . . The greater part of the 115,000 aliens here (in Djakarta) are from People's China . . . who are undoubtedly closely associated with the Gestapu-PKI (Communist Party).'

More important, however, was a discussion of economic problems under way at the army staff and command school (SESKOAD) in Bandung, where Major-General Suwanto, its former commander (who died of cancer in 1966), had set in train far-reaching programmes designed to improve the understanding and performance of senior officers. Prominent in these discussions were American-trained economists from the University of Indonesia in Djakarta who have since emerged as the 'technocrats' (or less charitably, 'the Berkeley Mafia') shaping Indonesia's economic programme in close co-operation with the military rulers.

'The Chinese problem' also received attention. One Indonesian scholar invited to Bandung was Dr Lie Tek Tjeng, a professional sinologist, now director of the National Institute for Cultural Research. Dr Lie and others who had argued vainly for 'assimilation' in President Sukarno's time found that their day had arrived. They found there was substantial agreement between their views and those of some important military leaders, such as General Abdul Haris Nasution who early in 1966 had advocated equal treatment for all citizens. In August the same year Dr Lie proposed to an army seminar that the answer to 'the anti-Chinese tide' lay in the distinction between citizens and non-citizens rather than between races, in equal treatment for all citizens and easier access to citizenship for non-citizens. Dr Lie has since stated that he found the Indonesian army, far from being anti-Chinese, sincerely trying to understand and solve the problem the Chinese represented.⁶ About the same time Mr Malik, shortly to become Foreign Minister, said:

'The answer is not to crush the Chinese but to curb their illegal activities, separate the loyal from the disloyal, and allow those who are loyal, even if stateless, to go into business with Indonesians, or even on their own.'

The development of such views led to President Suharto telling Parliament on 16 August 1967 that a clear line had to be drawn between Chinese non-citizens and Indonesians of Chinese origin. 'Indonesian citizens of Chinese origin have the same position, rights and responsibilities as other Indonesians', he said. 'We must prevent discrimination against these Indonesians. . . . We call on all Indonesians of Chinese origin not to delay further their integration and assimilation with the native Indonesians. You must remain aware that you chose Indonesian citizenship voluntarily, without being forced, and that you have not only the same rights but also the same duties as other citizens. . . . There is no longer a separating curtain between citizens of Chinese origin and those of Indonesian origin.'

It is one thing to state a principle, another to make it work. Nonetheless the adjustments involved in a policy of assimilation are going haltingly ahead. The old debate between the assimilationists and the exponents of a separate cultural identity seems to be over, though lately there have been notable instances of compromise. The terms *peranakan* and *totok* are of diminishing relevance, and clan loyalties among the Chinese are fading, though less rapidly in cases where dialect groups are identified with specific business networks, such as the Hoktjia with banking, the Hsinhua with bicycle (and now motor-cycle) shops and the Kongfu with carpentry. With the distinctions between Indonesia's other races diminishing with movement, intermarriage and a national school curriculum and with the Chinese also caught up in this process, it is possible to see their community becoming just another part of the Indonesian patchwork.

The process will be slow, however. First, the perennial problem for the Chinese of their economic strength leading to distinctiveness cannot easily be solved. In a modern state progressive taxation would help iron out the economic disparity but Indonesia remains in many respects feudal and deferential; in any case, a taxation policy designed to spread wealth more evenly would appear just another manifestation of anti-Chinese prejudice. Second and more immediate, that part of the overall policy drawn up in 1966 and 1967 to solve 'the Chinese problem' which calls for easier access to citizenship has gone astray. Because naturalization procedures were devised in the early post-Gestapu days when fear of a communist revival was strong, the security agencies possess an extraordinary amount of control. Too many signatures from too many offices are needed to support a citizenship application. This is coupled with corruption which has pushed the cost of an application

to about 400,000 rupiahs, or £4,000, and a wealthy applicant could be asked to pay much more. Many businessmen, not persuaded that citizenship is worth the price and in any case able to 'buy' any travel and other documents they need - 'stateless' passports are readily available - prefer to spend such sums on making more money. Moreover, China's widening role in world affairs appears to be persuading many non-citizens to postpone decision on grounds that a Chinese passport may yet be more useful than an Indonesian one.

There is no answer in sight to this problem of citizenship made difficult and, in the eyes of many non-citizens, unnecessary. Given that the Indonesian government will long remain unable to pay its public servants adequately, and given that some important people and organizations continue to regard the Chinese with suspicion, corruption, delay and irregularity seem likely to continue indefinitely, to the endless frustration of Chinese residents who want to identify as closely as possible with the only country they know. Dr Lie Tek Tjeng estimates that between 75% and 90% of Chinese non-citizens would become citizens if the procedure was substantially simpler and cheaper.

A particular problem in areas where Chinese non-citizens are concentrated, as in North Sumatra and West Kalimantan, is that in these regions officials tend to be more suspicious or avaricious, or both. Some Chinese sources say the only way to go about a citizenship applications is to go to Djakarta, the capital, where several Chinese-owned agencies specializing in 'documentation' - a travel office is a good cover - do flourishing business. But even in Djakarta applications may take months to put through, making the entire process still more expensive. For all these reasons naturalizations amount to only a few dozen each year when the demand is for thousands.

Though citizenship is often accompanied by name-changing, the two do not necessarily go together. A presidential order in December, 1966, recommended name-changing as an aid to assimilation and accordingly simplified procedures in municipal and district offices; there was no need for reference or report to Djakarta. Because the procedure is decentralized the number of people who have changed their names is not known but it is mildly unusual to meet citizens of Chinese origin who have not gone through the procedure. Various reasons are given why they have done so, from identification with Indonesia and rejection of China to the benefit to be gained from having an Indonesian name on applications for permits and licences. In many cases pressure was also a factor as military officers set about implementing, profitably, a recommendation from Djakarta which they chose to interpret as an instruction. The name-changing procedure was originally to operate until March, 1968, but was subsequently extended to December, 1968. Older, more complicated procedures are still available.

The short-term effects of name-changing have not been entirely favourable. A frequent answer to the problem of what name to choose has involved splendid renderings of Javanese and Sanskrit titles which at times are so spectacular that they give the game away in advance. This has aroused some resentment, as has the approach of turning Chinese names into Indonesian approximations: Lim to Salim, Goh to Gozali, Tan to Tanzil or Tanizar, San to Santoso, Oei to Widjaja and so on. Among Christian Chinese westernized names have been popular. There is a good deal of cynicism and insincerity, as when Chinese refer to their 'artificial names', revert instantly to Chinese names when back among Chinese, use visiting cards written in Indonesian on one side and Chinese on the other, or forget their new names - as when people sometimes miss their flights through not recognizing their own names being broadcast over airport loudspeakers. All this has persuaded some noted Indonesians of Chinese origin not to go through the name-changing procedure.

On the other hand name-changing could contribute significantly over a generation or two to obscuring further the already indistinct line between the races. Assimilation varies in degree from place to place and is probably nowhere more advanced over a wide area than in Central Java. Here the conventional pattern of Chinese domination in commerce and of Chinese enclaves in the towns prevails, but despite this the Chinese population can still fairly be seen as an Indonesian group, not as a foreign one. Settlement dating back centuries, cultural and religious parallels stemming from the Hindu-Buddhist heritage, the diffused and moderated nature of Islam in the province and a high degree of intermarriage (far more men than women emigrated from China) have combined to bring the Chinese

of Central Java to the stage where racial definition is often impossible.

Indeed, judging by one criterion at least, the Chinese of Java as a whole may be said to have gone even further towards 'Indonesianization' than most Indonesians. An American sociologist, Dr Peter Weldon, reported in Djakarta recently that a higher proportion of Chinese households than ethnic Indonesian households in Djakarta, Bandung, Surabaya and Jogjakarta use Indonesian as their everyday language; more of the ethnic Indonesian households use regional languages. Dr Weldon found that in Djakarta 81% of Chinese households use Indonesian, in Bandung 70%, in Surabaya 66% and in Jogjakarta 67%. 'In the matter of language', he told an audience in Djakarta, 'we may say that the Chinese are better assimilated than the Indonesians themselves.'

The situation in Java contrasts sharply with that in the Indonesian territories arcing from North Sumatra through the Riau islands to West Kalimantan. Here a much higher proportion of the Chinese were born in China; they are more 'Chinese', identify less with Indonesia, and by many accounts tend to be more aggressive and energetic than their fellows in Java. Because the ethnic Indonesians of Sumatra and Riau are more strongly Islamic than those of Central Java, assimilation in the Javanese pattern has not occurred and the races have remained apart. Throughout this region prejudice looms larger on both sides, and the situation is not helped by the proximity of the large and prosperous Chinese communities in Singapore and Malaysia which may constitute a threat to security.

It is no accident therefore that an old distinction between the *peranakans* and the *totoks* – that the *totoks* tend to be more energetic and prosperous, less softened by tropical life – lives on strongly among the Chinese of Medan, Sumatra's most important city, in their belief that they could be the masters of the Chinese in Java, not to mention the ethnic Indonesians, whenever they wished. There is some evidence to support this in the growing size and influence of the Medan Chinese community in Djakarta. These migrants from Sumatra number tens of thousands and they have aroused complaints among the older, Java-oriented residents, who feel that the Medanese lack delicacy and patience in their dealing with the Javanese. Since the Javanese dominate both the military and the civil administration, and since the distinction involves different attitudes to assimilation, the point is potentially important.

Nor is it any accident that Sumatra and Borneo contain Indonesia's only substantial refugee problem as well as its only guerrilla problem.

Refugees

The refugees are located in Medan in North Sumatra and in Pontianak and other coastal towns in West Kalimantan (Borneo). All are Chinese.

In Medan they number about 5,000 and live in three camps which were formerly an old people's home, a tobacco estate and a farm. These have been their homes since they were forcibly expelled from Banda Atjeh at the northern tip of Sumatra in 1966. One night Muslim students and soldiers went from house to house through the Chinese section of the town, ordering holders of Peking passports to leave; the students and soldiers carried lists of names, presumably obtained from the local immigration office. Two days of violence, arson and murder followed as resisters were beaten to death, scores of buses and lorries were loaded with victims and despatched south, and families for whom no transport could be found were hounded off on foot. Several hundred Chinese died and possibly 10,000 reached Medan, 250 miles south-east, where some boarded ships for China. Ostensibly those who remain are still waiting for ships to China, but if ships arrived many would certainly resist going, preferring to eke out livings in Indonesia as alien refugees rather than having to face the rigours of communist life. At one stage young militants among the refugees turned the camps into communes. Confrontation with the Indonesian authorities ensued resulting in some shooting and deaths and more arrests. Since then the communes have been succeeded by rather poorly disciplined co-operatives. Life is hard, since as aliens the refugees come under work permit regulations and can accept employment only in special cases. Most of them manage to subsist by working in cottage industries, as hawkers, or as farmers on whatever land they can find.

Incomes are low but the refugees appear healthy. The children are lively, the men fit and some of the older people are actually overweight. The camp gates stand open and people come and go

freely; any official scrutiny is very discreet. If the refugees can find accommodation outside the camps they are free to leave, but this happens rarely as the prosperous Chinese community of Medan has been careful not to get involved with their poor country cousins; no welfare work has been organized and only informal education is provided for the children. 'The refugees are not a political problem', a leading member of the Medan Chinese community said recently. 'They are a social problem. Nothing is going to happen to these people – but nothing is going to happen for them either. It looks like a permanent condition.'

If the Indonesian economy continues its present improvement, however, it is likely that many refugees will find ways to leave the camps, and their legal disabilities as aliens may not be as serious as they appear since Medan is notorious as a town where officials are hard-put to maintain their integrity. Corruption is built into the way of life. As a senior immigration officer in Djakarta describes the situation, 'any Chinese with some money can get any documents he wants – black can become white and white can become black.'

Meanwhile, back in Banda Atjeh about 5,000 other Chinese, both Indonesian citizens and stateless, carry on business, so that in this respect the town is no different from any other in Indonesia – despite the belief widespread elsewhere that all Chinese were expelled in 1966. A senior Atjinese official denies that there is tension between his strongly Muslim people and the remaining Chinese. 'It is not as if the Chinese were dominating us economically', he says. 'The Atjinese have always been known as good traders and we can hold our own. The year 1966 was abnormal because we had to get rid of the communists. There will be no more trouble.' Chinese shopkeepers say they agree with this, though objectively the prospect of trouble is always present.

The West Kalimantan refugee problem, involving much more violence and many more people, appears to have developed from the murder of some indigenous Dayaks by ethnic Chinese communist guerrillas in 1967. In retaliation, and perhaps in response to anti-Chinese political manipulation as well, the Dayaks turned on a largely rural Chinese community which had been founded by Hakka migrants about two hundred years before. The lament at the time that 'we have lived in peace for centuries' seems accurately to reflect previous relations between the two communities. About 1,000 Chinese died and about 67,000 fled to the coastal centres of Pontianak, Singkawang, Pemangkat and Sambas. While almost all have since found new livelihoods, about 2,500 in Pontianak and the three other towns still receive occasional flood relief from the Indonesian Red Cross, mainly in the form of bulgur wheat. The problems related to lack of citizenship and need for work permits which beset the Medan refugees appear not to have arisen so strongly here, and the refugees have shown great versatility in adapting to their changed circumstances. This could be due in large part to their being predominantly farmers and artisans rather than traders, and therefore being better able to turn their hand to other occupations.

The Dayak attacks caused all Chinese to vacate the inland region west of a line projected more or less south from Kuching in Sarawak to link the Sarawak border with the Kapuas River, West Kalimantan's main waterway. They have not returned to the area from which they were expelled, with the result that rubber production is now only about one-third what it was, and the local economy runs at a low level.

Another result – politically more significant – was an abrupt end to Sarawak-based Chinese guerrilla activity in the area vacated. This point was not lost upon the Indonesian army, which in 1971 set about clearing another 17,000 ethnic Chinese settlers from the more remote, less heavily populated region extending east from the line between the Sarawak border to the Kapuas River. The object is to put an end to guerrilla incursions from Sarawak since it seems that the guerrillas can operate only in areas where they can extort support from Chinese settlers.

Military commanders in Pontianak insist that no force is being used in relocating the Chinese. According to Brig.-Gen. Sumadi, the military commander for West Kalimantan, the Chinese settlers are leaving 'of their own free will'. 'They are afraid of the communists from Sarawak', he says. 'They know the communists are all Chinese and will never let them live in peace.' The settlers, mostly farmers and small traders, have been asked, or told, to move back to the Kapuas River and most are expected to settle along its banks. However, even by June, 1971 some had already drifted down to

Pontianak looking for work, joining the victims of the 1967 exodus. The provincial governor, also named Sumadi, has conceded that the Chinese departure will play havoc with the regional economy but maintains the move is justified because 'this is a kind of battlefield'.

The area of West Kalimantan bordering on Sarawak has been a kind of battlefield for almost ten years. During the Sukarno era's 'confrontation' with Malaysia it was used as a base for incursions into Sarawak, where the heaviest fighting took place. At that time many of the guerrillas fighting on the Indonesian side were Chinese communists from Sarawak. The political changes of 1965 and 1966, and the end of confrontation produced a confused situation as local Indonesian commanders came under new orders to regard the communists, and no longer the Malaysians and their supporting Commonwealth forces, as the enemy. Since Sukarnoist and communist influence was still strong in the armed forces there was a good deal of resistance to the change, but eventually the communists came under heavy pressure.

Despite the difficulty of the terrain, within a couple of years the Indonesian army had broken the back of the insurgency – partly because of communist errors which cost them Dayak support – and operations are now at a very low level. Army strength in the province has been reduced progressively from about 10,000 men in 1968 to only two battalions in 1971. The army hopes that the Chinese exodus from the border, depriving the communists of support, will solve its problem. In October, 1971, Brig-Gen. Sumadi said that West Kalimantan was virtually free of communist forces and any which might be present would have crossed over from Sarawak. He added that of 1,300 prisoners resulting from military operations, 900 were Chinese from Sarawak.

Militarily the West Kalimantan conflict is no longer significant; but politically it is important to the future of the Chinese in Indonesia that a predominantly Chinese force offers even its present limited threat. As long as even a few Chinese guerrillas seek to kill Indonesian soldiers, and disgruntled young Chinese are tempted by the Kalimantan example to take up arms, this will render the position of all Chinese in Indonesia at least slightly less secure and the process of assimilation slightly less persuasive.

Assimilation or Cultural Pluralism

Assimilation is both the official goal and the goal espoused overwhelmingly by Chinese prominent in Indonesian public life. The alternative argument, that for retaining cultural distinctiveness as another of Indonesia's many peoples, remains identified with the Indonesian Communist Party's position before the 1965 Gestapu coup attempt and accordingly suffers from the prevailing anti-communist climate. Unless this climate changes drastically within the next few years it is unlikely that arguments for cultural distinctiveness (or 'cultural pluralism') will ever again become respectable. On the other hand, assimilation must proceed in the face of substantial resistance, not always passive, from Chinese who look to the land of their forefathers both for its proud cultural past and its powerful political present. This, coupled with the present Government's care to do nothing to frighten away Chinese capital and skills, has already led to some reconsideration of the tough anti-Chinese policies imposed immediately after the Gestapu attempt. 'The mood towards the Chinese is soft', says one senior official who patently does not agree with the prevailing attitude.

The post-coup mood was emphatically not soft, although there is evidence that the army's senior leadership was not as anti-Chinese as has been widely assumed. All Chinese medium schools were closed down (under a decree which also closed other foreign-language schools), all specifically Chinese organizations were banned, and the Chinese were subjected to considerable harassment and injury. In these actions virtually no distinction was drawn between citizens and non-citizens; and it is an uncomfortable fact of life for most Chinese in Indonesia that citizenship offers no protection from the mob – when rioting develops even ethnic Indonesians who happen to look Chinese must also be wary. The mood at the time was grim but it did not last; the process which led to change has already been indicated.

What is the situation now, in late 1971? None of the prohibitions and restrictions imposed five years ago has been formally relaxed but nonetheless there has been considerable improvement in the Chinese lot. This is reflected both in the confidence with which the Chinese, citizen and non-citizen alike, are dealing with officials and

in the increasing degree of Chinese long-term investment. This investment is officially encouraged, a policy which applies as much to the WNA as it does to the WNI, or to the citizens. A Government spokesman in Djakarta, a Chinese, explains:

'The WNA must change their attitudes. They have been given ten years more to remain in commerce, and then their economic field will be limited and they will be expected to move into industry. After twenty years they should have joint ventures with Indonesian citizens. The domestic investment law provides guarantees for the WNA to invest and to remit capital. Already as a result there is a trend away from commerce. The bulk of domestic investment is coming from the WNA and is mainly going into industry.'

At the same time investment in Indonesian industry by the overseas Chinese (the term is used officially) of Singapore, Malaysia and Hong Kong is increasing rapidly. Prior to June, 1971, the Indonesian Board of Investment had approved more than 100 of their projects, virtually all in industry, to cost just under US \$200 million. This figure is to be compared with just over \$500 million from America and just under \$300 million from Japan; but in ready cash terms the overseas Chinese investment is more important than these figures indicate since virtually all of their money was to be spent within two or three years while a large proportion of American and Japanese investment is in mining and forestry projects which might take a decade or more to realise.

The chairman of the Board of Investment, Prof Mohammad Sadli, has described the Chinese interest in Indonesia as 'an economic opportunity' while other Government spokesmen have made clear their intention that Chinese money should be used as far as possible to offset the potentially larger but not entirely welcome Japanese investment in Indonesia. 'The Chinese are preferred to the Japanese', said one. Others explained that the Chinese example, employing a simplified and labour-intensive 'Asian technology', could be important in persuading domestic entrepreneurs who would be frightened away by the complexity of western or Japanese methods into 'having a go'. Inevitably, since a visiting Chinese investor is likely to look among the local Chinese for partners and managers, the WNI of Chinese origin are also involved in this programme.

The nature of the Indonesian bureaucracy and continuing close relationships between Chinese businessmen and senior military officers ensure that investment in industry and other economic activities are attended by a good deal of corruption. This is occasionally the subject of political protest which the Government, probably more powerful than any previous Indonesian administration, has been quick to clamp down upon before Chinese confidence is shaken.

For example, a Djakarta newspaper editor, Mr (a Dutch academic title) T.D. Hafas of the daily *Nusantara*, was brought to trial in mid-1971 over his campaign against *tjukongism*, the association between Chinese businessmen and military officers. Though the issues involved in this case are complicated, the order to prosecute was intended among other things to reassure the Chinese that they could safely continue investing in Indonesia. In September Hafas was sentenced to two years' imprisonment; he has given notice of appeal.

The case attracted extraordinary attention which reflected the prevalence of the military-business relationship and of the popular belief that behind every business-like General there is an even more business-like Chinese, his *tjukong* (from two Chinese words meaning 'grandfather' or 'boss'). This belief is substantially accurate and could, if present political control should weaken, become the basis of another anti-Chinese political movement. For the moment, however, many Chinese appear to regard their connections with the military more as a form of insurance than as potential danger. And these connections, after all, represent nothing more than hallowed practice in a dozen Asian countries, a more or less inevitable association of people with money and people with power. The Djakarta daily *Indonesia Raya* has commented, 'In daily life, particularly in public, the *tjukong* will display due respect for the official but in essence the *tjukong* is the master and the official the servant.'⁸

Education

Chinese medium schools remain closed but Mandarin has reappeared as a school subject. A Government decision dated 21 February 1968, authorized what are called 'special national schools' privately financed and administered but Government controlled, which may teach Chinese as a subject in addition to the

standard Indonesian curriculum. At the end of 1971 there were six of these schools, four in Djakarta and one each in Palembang and Medan. Typical of them is the Djaja Sakti School opened in 1970 in Djatinegara, a Djakarta suburb, and located in a former leather factory rebuilt to provide adequate classroom and other facilities. Here Chinese is taught for two hours a day, six days a week, which should enable students who spend several years at the school to acquire fluency and literacy. In 1971 the school had 1,865 pupils, all except 20 of them ethnic Chinese and only 28% of them citizens, though the regulations stipulate 60% citizens and a majority of citizens in each class.

Although permission to open these schools may be written off as 'tokenism', it is significant that the schools have been able to admit all applicants and have attracted little interest among citizens. The great majority of Chinese children, both WNA and WNI, attend Indonesian medium schools. This substantial acceptance of Indonesian education has been facilitated by the existence of many private schools, mainly church-run, which have maintained high standards while the state schools system has declined under the impact of inflation, poor administration, inadequately trained teachers and overlarge enrolments. A high proportion of pupils in the private schools is Chinese, which reflects both the Chinese community's higher living standards (the fees are beyond the means of most ethnic Indonesian families) and a continuing interest in education both for its own sake and as a kind of social security. It also seems that many Chinese children have to attend private schools since a shortage of places in state schools, and perhaps prejudice against Chinese as well, may close this avenue of education to them.

The better quality of basic education which many Chinese children thus receive, plus their greater prosperity, means that at university level they occupy places out of all proportion to the size of their community. Racial statistics are not available but Chinese students probably hold about 10% of places in state universities though the Chinese comprise less than 3% of the population. Five years ago the proportion may have been twice as high, before university administrations set about giving still more preference to ethnic Indonesians. At the University of Indonesia in Djakarta the 'unofficial' ratios for Chinese admissions vary from faculty to faculty, being most strict in medicine and engineering. Not surprisingly, reliable information is hard to come by. Name-changing has made enforcement of the ratios difficult since a student may not be known to be Chinese until he arrives on the campus – and perhaps not even then, since many Indonesians 'of Chinese origin' do not look Chinese. Some faculties are understood to have got around the problem by having applicants name their grandparents as well as their parents. Until initiation rituals were banned in 1970 Chinese students were at times treated so roughly that they cancelled their state university plans; 'but some of them asked for it', a Chinese university officer in Djakarta comments, 'showing off before the poorer Indonesian students with their motor-cycles and tape recorders and fancy clothing'. The Bandung Institute of Technology had a particularly bad reputation for maltreating Chinese students.

The process of reducing Chinese numbers in the state universities has coincided with the enlargement of private universities, where fees may be substantial. A big Christian (i.e. Protestant) university in Djakarta has more than 50% Chinese students and Chinese account for 90% of the places on its faculty of medicine. This is more or less typical of the situation throughout Indonesia.

Whether or not the pattern of discrimination in university education is repeated in employment is impossible to state. Undoubtedly cases of discrimination abound and there is a highly visible, as it were, lack of Chinese in some Government departments and the armed forces, except in the technical divisions. Similarly it is widely held that a Chinese in Government service must be content to remain two or three rungs below the highest level; there are exceptions either to prove or to disprove this rule, depending on one's approach. One complication here is that discrimination may involve people other than Chinese – Sumatrans in high office may help Sumatrans at the expense of Javanese, for instance, or Christians may help each other at the expense of Muslims or Hindus. The Christian Batak community of North Sumatra, for example, has achieved representation in national politics and government out of all proportion to its numbers. (By contrast, there is a strong suspicion that a Chinese public servant would avoid bringing other Chinese into his department, lest he draw attention to

himself and weakened his own position.)

On the other hand discrimination in favour of the Chinese undoubtedly exists. A more or less standard reply to questions about who would get a position if the two candidates were equally qualified Chinese and non-Chinese is: the Chinese, because it would be assumed that he would work harder. The Chinese also have a reputation for honesty (not entirely supported by court records), so they are popular as cashiers and book-keepers. In commerce and industry and the service industries the Chinese are strongly represented, in organizations controlled by ethnic Indonesians as well as in those controlled by Chinese. In a country afflicted with rampant unemployment and under-employment few Chinese remain out of work for long.

In Java and in all other parts of Indonesia outside the Sumatra-Riau-West Kalimantan arc, the Chinese labourer, pedicab driver or domestic servant is rare. There are Chinese farmers working tiny plots of land but even they appear to live better than their ethnic Indonesian counterparts, for reasons which may range from easier access to credit (from the Chinese) to the more nourishing diet which is among the last of Chinese practices to weaken as assimilation proceeds. There is a wide range of economic conditions within the Sumatra-Riau-Kalimantan area, including extreme poverty, but on the whole Chinese living-standards are substantially above those of the indigenous people.

Other factors, in addition to its prosperity contribute to the Chinese community's continuing distinct identity and its separateness from Indonesian life. Though many Chinese have become Christians and some have become Muslims, Chinese religious organizations, benefiting from Indonesia's considerable religious tolerance, continue to thrive. Virtually every town has its well maintained Chinese temple-Confucianist, Taoist and Buddhist and every amalgam in between. Chinese funeral processions differ today from those of years ago only in being more widely motorized – but they are still slow, and Indonesians complain that 'the Chinese living "block" the economy, and dead they block the traffic'. The Chinese New Year, formerly subject to an order that celebrations must be indoor and private, is now marked publicly once more, in Djakarta even with firecrackers. Mooncakes are sold in great numbers during the autumn festival. Chinese characters, still banned from shop signs, appear on more temporary notices. Two Chinese language newspapers are published in Djakarta and Medan, compared with about a dozen before 1965; both are tightly controlled, more stringently even than the Indonesian language press. Chinese language films from Hong Kong and Taiwan outnumber those shown in other languages, including Indonesian; they are lavishly advertised and draw big crowds, as do occasional concert parties from the same countries. Smuggled goods from China abound in most markets. The Chinese propensity to gamble is catered to in six municipal casinos in Djakarta and there are more in other cities where Muslim pressure is not too strong. These casinos, nominally but not in fact closed to ethnic Indonesians, are designed to extract from the Chinese money which in more routinely ordered societies would be obtained through taxation. The casinos – some of them open 24 hours a day – are overwhelmingly patronized by Chinese whose gambling losses have helped make Djakarta a viable city again after its breakdown in the closing stages of the Sukarno era.

Chinese are active in politics, especially in the Catholic Party (which traditionally attracts a large measure of non-Catholic Chinese support) and in the Government's Sekber Golkar (Sekretariat Bersama Golongan Karya – joint secretariat of functional groups), which in the 1971 elections received massive Chinese support, both financial and at the polls; there was some pressure involved but Chinese pragmatism appears to have been the more important reason. Chinese are also active in cultural affairs and in sport. Indonesia's badminton team, which holds the world title Thomas Cup, is predominantly Chinese and its team leader Rudy Hartono, the son of a Chinese businessman in Surabaya, is by way of being a national hero. Indeed in all fields the Chinese make a contribution out of proportion to their numbers, to the extent that one prominent Chinese has observed, 'There is no discrimination against us – we just pay more.'

As an example of the Chinese being made to pay more, a recent letter to the editor of *Kompas*⁹ complained that the Mayor of Magelang in Central Java had ordered that if WNI of Chinese origin did not supply police certificates of non-involvement in the Gestapu/Communist coup attempt of 1965 their name-changing documents would be withdrawn. As obtaining these certificates

(which are needed for a variety of purposes, with a new one required for each purpose) involves various payments, the writer complained that the Mayor's order was motivated solely by a desire to raise illicit cash. 'We are certain the greater part of the Chinese in Magelang can meet the conditions', he wrote, 'but what about those unable to pay the costs?')

Anti-Chinese rioting still occurs from time to time. In Menado, North Celebes, in early 1970 a Muslim crowd attacked and looted some Chinese shops and ransacked a Chinese temple. An official statement at the time said the Muslims were incensed because a Chinese had asked if the real reason Islam did not permit pictures of Mohammed was because he was ugly. Later other reliable sources in Menado said that the attack had been planned, the rioters having been paid and brought in from outside the town. In mid-1971 fighting broke out in Semarang, Central Java between Chinese and non-Chinese students. A few weeks later in Surakarta, Central Java, Arabs under attack by pedicab drivers after a traffic accident diverted the pedicab drivers to attacking the Chinese who owned their vehicles. It is likely that anti-Chinese emotions are also involved in occasional Muslim attacks on Catholic and Protestant churches, since the Chinese community includes a high proportion of Christians. In all cases the official response has been quick and firm in order to prevent trouble spreading, in line with Djakarta's policy of encouraging the Chinese to continue to invest their money and skills in Indonesia's economic recovery.

A chasm is likely to remain between official policy and popular opinion, however, and the prospect remains that anti-Chinese resentments will continue to influence Indonesian life. This is to be anticipated especially if the Indonesian Chinese, assisted by association with the Chinese of other countries of this region, should grow visibly more prosperous while the mass of the population remains poor. At the same time attitudes toward the Chinese community will be coloured by developments in China, by the fortunes of other Chinese communities in South-East Asia, and by the political and economic actions taken by Singapore – a Chinese enclave already unpopular for its past compradore role. As an indication of the complexity of the situation, China's return to international respectability could both reduce suspicion of Indonesia's Chinese and slow down the pace of and pressure for assimilation – contradictory developments by most standards.

All this is engraved on the other side of the assimilation coin, the side Dr Lie Tek Tjeng surely had in mind when he wrote the following conclusion to a recent essay on 'the Chinese problem'¹⁰. 'Even though the anti-Chinese tide has been stopped and there is a positive policy towards the solution of this problem, yet it should be admitted that discrimination in one form or another against the ethnic Chinese will continue during our present generation as a result of the chaotic economic situation, local conditions, economic and other rivalries, prejudices, etc., and it may be difficult for those experiencing this to take the long view and see it in terms of decades if not centuries.'

FOOTNOTES TO APPENDIX

- ¹ *Papers on Far Eastern History*, Australian National University, Canberra, March 1970.
- ² *Indonesian Review of International Affairs*, July 1970.
- ³ *Warta Imigrasi*, Nos 3, 4, 5, 1970-71.
- ⁴ Feith, Herbert and Lance Castles, eds., *Indonesian Political Thinking 1945-1965*, Cornell University Press, 1970.
- ⁵ Shaplen, Robert, *Time Out of Hand*, Harper and Row, 1969.
- ⁶ *Internationale Spectator*, Jaargang 24, No 12, The Hague, June 1970.
- ⁷ *Kompas*, 2 November 1971.
- ⁸ *Indonesia Raya*, 23 October 1971.
- ⁹ *Kompas*, 1 December 1971.
- ¹⁰ *Internationale Spectator*, Jaargang 24, No 12, The Hague, June 1970.

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