THE NATIONAL STATUS OF THE CHINESE IN INDONESIA

DONALD E. WILLMOTT

INTERIM REPORTS SERIES

MODERN INDONESIA PROJECT

Southeast Asia Program
Department of Far Eastern Studies
Cornell University
Ithaca, New York

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FOREWORD

(A note concerning the Interim Reports Series)

One of the distressing aspects of contemporary scholarship is the substantial interval that often intervenes between the completion of field research and the first appearance of writings descriptive of its findings. American scholarship relating to Indonesia has been no exception, and here this delay has been particularly regrettable inasmuch as the extent of research being undertaken is so limited. With respect to much of the research carried out in post-revolutionary Indonesia there has been a lag of two to three or more years between the termination of field work and the first publication describing the results of this work. From this situation stem a number of unfortunate consequences. Scholars and others having a serious interest in the country, Indonesian as well as Americans, are sometimes obliged to wait so long before seeing the results of such research that when finally available its importance to them has appreciably diminished. Moreover, because they are kept for so long in the dark as to the course and character of this earlier but as yet unreported work, they frequently are obliged to spend time in unnecessarily laying foundations their predecessors have laid but not yet divulged and in undertaking analysis of data similar to that already collected and analyzed or largely analyzed. Thus all too often contemporary students of Indonesia waste much precious time and effort in duplicating or roughly duplicating what has already been done or is in the process of being completed, instead of utilizing such materials, building on them, and possibly refining them. Parenthetically it might be observed that some of those perfectionists who insist that their name appear in print only when attached to a body of material wherein each word has been given its final polish are deprived of what might well have been a healthy and useful criticism by those who would have been interested in reading their work at some earlier stage of its processing. Also this reluctance to publish findings sooner sometimes puzzles Indonesians, because frequently for several years they look in vain for some published account of research results. Consequently some of them tend to doubt the usefulness of American scholars undertaking research in their country.

The object of the Cornell Modern Indonesia Project's Interim Reports Series is to avoid insofar as possible the situation described above. Wherever feasible those undertaking research in connection with our project will prepare preliminary reports concerning salient aspects of their research well before publication of their relatively finished monographs or articles. Our object, then, is to make available in provisional form what we believe to be some of the more important of our findings soon enough to be of maximum usefulness to others engaging in studies relating to Indonesia or having a serious interest in the topics with which our research is concerned. It is our hope that by doing so we will be of help both to interested Indonesians and to students of Indonesia in the United States and other countries. In thus submitting Interim Reports for early publication the members of our group will generally be doing so prior to command of all relevant data or before this data has been completely analyzed. Certainly they will be submitting them without having had an opportunity for casting them in finished written form. It should therefore be emphasized that these preliminary reports are to be

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considered as explicitly tentative and provisional in character. It is our expectation that most of them will be followed by later publications bearing on the same subject of a less tentative and more solid character. We hope that our Interim Reports will elicit candid and open criticism from interested persons reading them. For we believe that thereby we will benefit, and that in many cases such criticisms will point the way to better analysis of the data in hand and/or to further research on facets of the subject so far not adequately covered. Thus we cordially invite and welcome such criticism. We would appreciate it if those inclined to offer it would write to the author in question, c/o Cornell Modern Indonesia Project, Southeast Asia Program, Department of Far Eastern Studies, Cornell University, Ithaca, New York.

George McT. Kahin
Director

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PREFACE

Mr. Donald Willmott's introductory and yet tentative study of the national status of the Indonesian-domiciled Chinese is the first in the Cornell Modern Indonesia Project's Interim Reports Series. He addresses himself to a problem generally regarded as of outstanding importance in contemporary Indonesia but which has received very little scholarly attention. Mr. Willmott's research is based upon a long study of Indonesian society, a knowledge of the Indonesian and Chinese languages, and sixteen months of research in Indonesia during 1954 and 1955. Since his field work related primarily to the problem of cultural assimilation of the resident Chinese to Indonesian society, he is well-qualified to write this report. Mr. Willmott was born in China, a British subject, in 1925. In 1946 he came to the United States and enrolled at Oberlin College, from which he received his B.A. in 1950. Prior to his stay in Indonesia he spent four years of resident graduate study at the University of Michigan and at Cornell University, working primarily in the fields of Sociology, Social Psychology, and Far Eastern Studies. In the fall of 1956 he will join the faculty of the Memorial University of Newfoundland. He is expected to receive his Ph.D. degree from Cornell in 1957.

Additional reports by Mr. Willmott concerning other aspects of the problem of assimilation will appear in the future. Further research relating to the Chinese minority in Indonesia is at present being carried on in behalf of the Cornell Modern Indonesia Project by Dr. G. William Skinner, previously Field Director of the Cornell Southeast Asia Program and author of two recent studies on the Chinese in Thailand.

G. McT. Kahin

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INTRODUCTION

During the period from May, 1954, to August, 1955, the present writer was engaged in sociological research on Chinese community life in Central Java. Among other things, he was interested in culture change and assimilation in this minority group. It was apparent that an understanding of assimilation would require a prior knowledge of the national status and the national orientations of the Chinese, and materials were gathered with this in mind. In writing up this report, however, the author was aware that historians, economists, and other social scientists may also be interested in aspects of this problem, and he has therefore endeavored to provide as broad a treatment of the subject as his abilities and sources permit.

With fellowships from the American and the Canadian Social Science Research Councils, the writer went to Indonesia to gather materials for a doctoral dissertation. The present report, however, was made possible by the financial support of the Cornell Modern Indonesia Project, during both the field research and the write-up periods.

Much of the present report is based on interviews and observations made by the writer during his stay in Indonesia, or at least colored by impressions arising from these. The majority of the material, however, comes from books, documents, and periodicals available in Indonesia, mostly in the Indonesian language. Unfortunately, materials originating in China itself were not available to the author. English and Dutch as well as Indonesian sources were used in the preparation of chapters covering the historical background, but the contemporary materials were mostly Indonesian. And as may be expected in a field so highly charged with emotion as that of minority problems, all reports and materials are subject to serious error arising out of the particular biases of the sources. Statistics are no exception in this respect. Although the writer has attempted to evaluate and cross-check materials wherever possible, most items of information were found in only one or two sources. Therefore, many errors have no doubt been included.

These various deficiencies and shortcomings should be kept in mind while reading this report. In cases where the writer had reason to doubt the complete reliability of a statement, he has used such warning expressions as "probably" and "it would seem that". But since it would be tedious to put every statement of fact in tentative form, the reader is invited to be his own skeptic and judge throughout.

The romanization of Chinese names in this report follows the general usage in Indonesia. Most Indonesian Chinese persons and groups have adopted a Dutch romanization of their names as pronounced in one of the South Chinese dialects; for example, the Member of Parliament "Siauw Giok Tjhan", and the early Kuomintang organization "Soe Po Sia". On the other hand, a Wade-Giles romanization of the Kuo Yü, or mandarin pronunciation, is used by some; for example, the "Chung Hua Hui"--an organization which is quite distinct from the "Tiong Hoa Hwe Koan", although the corresponding Chinese characters are identical.

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Indonesian place names are spelled according to general usage in modern English-language publications; for example, "Surabaya", rather than "Soerabaja". The city of Djakarta is called by its former Dutch name, Batavia, wherever it is referred to in the period before its name was officially changed.

One other problem of terminology should be mentioned here. Many members of the Chinese minority group maintain that such terms as "Indonesian", "native Indonesian", or "indigenous population" should not be used to exclude inhabitants who are of Chinese descent. They point out that the majority group itself is not descended from the original inhabitants of the archipelago, and that many Chinese families have been "Indonesians" for hundreds of years. Thus the use of such terms to apply to a group not including persons of Chinese descent may be considered to be discriminatory or offensive. While the present writer sympathizes with this point of view and disapproves of all invidious distinctions, he has found it impossible to find a suitable alternative terminology. He can only say that in using such terms in their exclusive sense, he does not intend to imply that Indonesian citizens of Chinese extraction are any less Indonesian than others.

In fact, the writer hopes that this report will be a contribution, not only to knowledge of the minority problem in Indonesia, but also to its solution.

Donald E. Willmott

April, 1956

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CHAPTER I

THE POSITION OF THE CHINESE IN THE DUTCH EAST INDIES, 1900-1941

In 1908, the Tiong Hoa Hwe Koan, a leading Chinese organization of Batavia, was busying itself with a most unusual task. Its president had received a letter from a certain L. H. W. van Sandick, who had been a district officer in West Borneo and was now in Holland preparing a book on government policy towards the Chinese in the Netherlands East Indies. Van Sandick requested information and opinions from the Chinese notables of the Tiong Hoa Hwe Koan on fourteen points. Among them was the following: "Do Chinese who have become Dutch nationals by naturalization thereby lose their former citizenship? or does the Chinese government continue to consider them as Chinese citizens?"

The officers of the Tiong Hoa Hwe Koan were no doubt impressed by the generally pro-Chinese outlook expressed in van Sandick's letter, and glad of an opportunity to publicize the aspirations of the Indies Chinese. To draft a reply, they appointed a special committee, including their own president, four eminent businessmen, and two grandees of the Dutch-appointed Chinese hierarchy. A month later the work of the committee was accepted at an extraordinary meeting of the Board of Directors and officers of the Tiong Hoa Hwe Koan. Questions about their organization and its affiliated schools, about legal restrictions on Chinese residents in the Indies, and about government policy towards the Chinese were answered at length. In each case a general "answer" was supplemented by "further information". On the question of citizenship, however, the reply was brief:

> Answer: Concerning this situation we are unable to give a reply, because we do not know the existing law in China.
>
> Further information: We cannot give any additional information. All we can say is: Whether a Chinese who has been naturalized loses his former citizenship or not, depends upon the opinion of the man himself. (1)

While this reply was perhaps somewhat less than completely candid, no one could have given a definite answer at that time. And as we trace the history of the national status of the Indies Chinese, we shall see it move from ambiguity to ambiguity, ending today at a point where it is still uncertain and still seems to depend upon "the opinion of the man himself".

Traditional Dutch Policy as a Stimulus to Chinese Nationalism

The Chinese overseas, like their ancestors in China, had always been sharply divided by provincialism. In spite of their much greater residential proximity in overseas communities, barriers of dialect,

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(1) Van Sandick's letter and the answers given to it are found in the following source: Nio Joe Lan, Riwajat 40 Taon dari Tiong Hoa Hwe Koan-Batavia (1900-1939), Batavia, 1940, pp. 133-140 and 228 f.

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custom, prejudice, and suspicion separated the Chinese into more or less exclusive groupings based on the district or even the village which was considered "home" in China proper. In the Indies there was a further division between the "Totoks", or recent immigrants, and the "Peranakans", who were local-born Chinese, most of whose parents were also local-born. The great majority of Peranakans had Indonesian grandmothers or great-grandmothers, and spoke Malay or a native Indies language in their homes.

Then too, the overseas Chinese had never received any help from the Imperial Government of China, and were officially considered as outlaws until 1894, as emigration had been forbidden by law. No wonder, then, that the feeling of belonging to China as a nation had been almost non-existent among the Chinese throughout the several centuries of their life in the Indies.

The fact that the spirit of national solidarity spread quite rapidly among the Chinese in the Netherlands Indies after the turn of the century, may be explained by the combined effects of two major factors: a common dissatisfaction with the restrictions placed upon them by the Dutch Government, and a sudden influx of modernist and nationalist influences from China itself.

In comparison with the indigenous population, the Chinese enjoyed a generally privileged position in the colonial society of the Indies. Their grievances were none-the-less keenly felt. They were confined by law to the well-defined Chinese quarter in each town or city, and could not trade in the countryside or travel to another locality without requesting a pass from the authorities on each occasion. As the Chinese quarters became more and more crowded, they became increasingly intolerable, and were compared, with some justice, to the ghettos of Europe.

Although the Chinese were placed under the civil and commercial law applied to Europeans, they were subject to the criminal law and court system provided for the indigenous population. Among other disadvantages which this involved, they especially resented the politie rol, a police court in which it was difficult to secure justice because of the wide and arbitrary powers of the judges. Their resentment was magnified when, in 1899, the Japanese were given full legal equality with Europeans.

Another grievance was the lack of government provision for the education of Chinese children. Both the 1854 regulations setting up a limited school system for the indigenous population, and the wider educational provisions introduced with the new "ethical policy" at the turn of the century were interpreted to exclude the Chinese. They were admitted to European or "native" schools only in rare cases, and were even then charged higher school fees. Chinese schools received no subsidies. Yet the Chinese were paying as high taxes, or, in their opinion, even higher taxes than Europeans, for whom a separate school system was provided. (2)

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(2) Fuller accounts of these and other grievances of the Indies Chinese may be found in the following sources:
P.H.Fromberg,"De Chineesche Beweging op Java", Verspreide Geschriften, Leiden, 1926, pp. 405-446.
Victor Purcell, The Chinese in Southeast Asia, London, 1951, pp. 507 f., 522-524, 528.
W.de Veer,Chineezen Onder Hollandsche Vlag,Amsterdam,1908, pp. 1-66.

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There was an even more important economic stimulus to national solidarity, however. In 1900 the government ended its policy of farming out the opium trade to Chinese merchants, and instituted instead a government monopoly of opium sales and restrictions on its use. In the same year it was decided to extend the government monopoly of pawnshops throughout the Indies, and to establish agricultural credit banks to provide loans to farmers at more reasonable rates than the private money-lenders, chiefly Chinese, had claimed. This meant the loss of an important source of revenue for the wealthy merchants, and the threat of serious competition in the money-lending sphere for a large section of the Chinese population down to the small shopkeepers. These measures stimulated unity in the Chinese community vis-a-vis the government, and, as we shall see, encouraged them to turn to the Chinese Imperial Government for support and protection.

Influences from China and the Rise of Nationalism among the Indies Chinese

With the factor of common dissatisfaction latent in the Chinese community, nationalism found fertile soil when its first seeds were brought from China just before the turn of the century. The humiliation of defeats and encroachments, first by the European powers, and then by Japan in the Sino-Japanese War of 1895, had inspired modernist and reformist movements among the intelligentsia in China, and contributed to anti-foreign mass movements among the peasantry. In 1898 the young Emperor Kuang Hsü, guided by the reformists, decreed a series of sweeping changes intended to strengthen and modernize the military, administrative, and educational systems. These were cut short by a coup d'état by the Empress Dowager, but after the Boxer Rebellion of 1900, even she was forced to carry out many similar reforms. Meanwhile, Sun Yat-sen was preaching nationalism and organizing revolution both in China and among the overseas Chinese.

These developments were bound to effect the Chinese in the Netherlands East Indies, as many of them were in constant communication with their relatives in China and other Asian countries, and there was a good deal of travelling back and forth.

By the turn of the century, newspapers, periodicals and books were already being published by Chinese in the Indies, mostly in the Malay language, and this activity increased rapidly in the first two decades of the Twentieth Century. A large proportion of the Chinese press was dedicated to reviving the interest of Peranakans in Chinese customs, Chinese history and culture, and a Chinese point of view. As China itself developed towards a modern national state, the Chinese press in the Indies added more and more political nationalism to its cultural nationalism.

Paralleling the development of the nationalist press, was the rapid growth of Chinese nationalist education in the Indies. This began with the founding of the Tiong Hoa Hwe Koan in Batavia in 1900. This organization set out to promote Chinese nationalism on the basis of Confucianism, and to break down the barriers which separated

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Peranakans from Totoks, and the various speech groups one from another. Within a few years at least a dozen Tiong Hoa Hwe Koan organizations were established in different parts of Java, and by 1911 there were 93 of them scattered throughout the archipelago. Their main function was to operate Chinese schools, and from the first these schools used Mandarin, or the national dialect, as the language of instruction, and employed teachers directly from China. They also served as wedding and funeral societies, and generally endeavored to promote adherence to Chinese customs, culture and religion. Like the press, however, their orientation gradually shifted from cultural to political nationalism, and by 1925 they were ready to eliminate the promotion of Confucianism from their statement of purpose. (3)

The Chinese nationalist movement in the Indies was greatly stimulated by a series of visitors and emissaries from China. The first of these was K'ang Yu-wei, the leading reformist who escaped the Empress Dowager's purge in 1898, and thenceforth travelled among the overseas Chinese communities preaching nationalism and reform. His visit to Java in 1903 gave great impetus to Chinese community solidarity and a nationalist outlook in trade, education, and culture. In particular, he encouraged the establishment of schools, and set in motion a movement to eliminate the wearing of Javanese dress, the chewing of sirih, and other local customs among Peranakan women.

No doubt the success of exiled reformists and revolutionaries among overseas Chinese awoke the Manchu Government to the potentialities of these communities as rich sources of political and economic support. In about 1905 the Manchu Government initiated an active campaign to win the loyalty and tap the wealth of the Chinese in Southeast Asia.

The first Manchu emissary to arrive in Java was Lauw Soe Kie, an official of the Education Ministry. In 1906 he presented himself to Dutch authorities in the uniform of a Naval Admiral, and then proceeded to make a survey of Chinese schools in Java. He called together a conference of delegates from various Tiong Hoa Hwe Koan branches, and gave impetus to plans for a federation which would standardize and supervise Chinese education in the Indies. When the federation was established in the following year, an official arrived from China to take up the post of Inspector of Schools, a post created by the federation but paid for by the Manchu Government. (4) At the same time, the Tiong Hoa Hwe Koan schools were invited to send their graduates to the Chi Nan Hsüeh T'ang, a government school in Nanking, for secondary schooling. Up to the time of the 1911 revolution, about 200 Chinese from the Indies studied there, with all expenses paid by the Imperial Government. (5)

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(3) Nio Joe Lan, op. cit., passim.

(4) Ibid., pp. 80-82.

(5) Ibid., pp. 101-107.

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More dramatic, however, were the visits of two Chinese naval vessels to Batavia, Semarang, and Surabaja, in 1907, 1909, and 1911. While Peranakans and Totoks came from far and wide to glory in the sight of modern warships manned entirely by smartly uniformed Chinese, the emissaries from China were creating closer political and commercial ties with local Chinese leaders. Referring to their first visit, a Peranakan newspaperman and local historian wrote:

> ...from the day that that mission arrived, the feelings of the Chinese inhabitants of the South Seas towards their fatherland became more ardent. The name of the Emperor Kuang Hsü became ever more illustrious: he was considered as the first Emperor who genuinely loved his people, for no previous Emperor had paid any attention to the overseas Chinese. (6)

These and numerous other missions from China gave great encouragement to the movement of leading Chinese merchants to establish Chambers of Commerce in major cities throughout the Indies between 1902 and 1911. Although the Chinese name of these organizations, "Sianghwee", literally means "commercial association", they were by no means confined to commercial affairs only. In addition to local social and welfare work, and the championing of Chinese business and community interests before Dutch government authorities, they formed the major link between the Chinese communities in the Indies and the governments of China, both Manchu and Republican. The Sianghwee of Semarang may be taken as an example. In the ten-year period from 1907 to 1917, it collected substantial contributions from its members ten times for flood relief in China, and six times for direct support of the Chinese national treasury. It helped to sell either Chinese government bonds or shares for private enterprises in China fifteen times in the same period. Furthermore, the Semarang Sianghwee delegated its director to attend the 1913 conference in Peking, which chose a number of overseas Chinese representatives to sit in the new parliament. And on several occasions it requested the Chinese Government to intercede with the Dutch Government on behalf of the Indies Chinese. (7)

In 1908, Sun Yat-sen's revolutionary movement was reflected in the Indies by the founding of "Soe Po Sia" organizations in various cities. Beginning as study clubs, with evening courses on national and international affairs, these groups became the center of Kuomintang organization and influence among Indies Chinese after the 1911 Revolution. In addition, a number of radical and secret nationalist organizations became active, such as the Ten Men League, the "Kong Tong" labor federation, the Blood and Iron Union, and the National Salvation Brigade. These organizations were considered dangerous by the Netherlands Indies Government, and in 1920 they were suppressed or outlawed, after a series of violent disorders among the Chinese. Some of the leaders were deported, and the Chinese press in general was more closely supervised. (8)

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(6) Boekoe Peringetan 1907-1937 Tiong Hwa Siang Hwee Semarang, Semarang, 1937, p. 6.

(7) Ibid., pp. 6-13.

(8) Liem Thian Joe, Riwajat Semarang, Semarang, c. 1933, pp. 247-249.

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The growth of the nationalist spirit was also evidenced in the anti-Japanese feelings and activities of Indies Chinese communities. Disturbances and boycotts against Japan began in 1912, and became more and more severe with each new Japanese infringement on Chinese sovereignty: the Twenty-one Demands of 1915, the occupation of Manchuria in 1931, and the Sino-Japanese War beginning in 1937. The Netherlands Indies Government, not wanting to offend Japan, took vigorous action to prevent such activities, even to the extent of forbidding the flying of the Chinese flag at half mast on the anniversary of the Twenty-one Demands.

Thus we have seen the successive rise of three manifestations of the nationalist movement: educational and cultural nationalism in the Tiong Hoa Hwe Koan organizations, commercial nationalism in the Sianghwee organizations, and political nationalism in the Soe Po Sia and the organizations which followed it. All of these, with the support of the local Chinese press, continually urged and petitioned the Netherlands Indies Government to improve the position of the Chinese. (9)

New Dutch Policy and Chinese Reactions

The Netherlands Indies Government set up a Bureau of Chinese Affairs in 1900. Officers of this Bureau, as well as such public champions of the Chinese as van Sandick, de Veer, and especially Fromberg, had been quick to sense that the interests of the Dutch Government lay in winning the allegiance of the Chinese. Stimulated by the counsels of these men, by fears of the growing influence of the Manchu Government, and by pressures from the Chinese community itself, the Government embarked upon a long-range policy of attraction. The pass system, which so limited the Chinese in their movements, was relaxed slightly in 1904, further slackened in 1910, and completely abolished in 1916. After 1916, the crowded Chinese quarters of many cities were permitted to extend their boundaries, and in 1919 in Java and 1926 in the Outer Provinces all restriction on residence came to an end. In 1914 the hated politie rol courts were abolished. In 1917 a new measure allowed certain individual Chinese or Indonesian subjects to "assimilate" themselves to Dutch legal status and participate in its privileges, but with so many qualifications that it did not saiisfy Chinese demands for legal equality.

Probably most important in the long run was the establishment of the "H.C.S.", or Dutch-Chinese schools, beginning in 1908. Unlike most of the schools provided for the indigenous population, the language of instruction in these schools was Dutch, and the curriculum was the same as in the European elementary schools. By 1914 there were 27 Dutch-Chinese schools, and their numbers continued to

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(9) A comprehensive analysis of the rise of nationalism among the Indies Chinese may be found in the following source: Lee E. Williams, The Rise of Overseas Chinese Nationalism in Netherlands India, 1900-1916, (doctoral dissertation), Harvard University, 1956.

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expand throughout the period of Dutch rule. Many of the graduates of these schools were able to continue their education in Dutch-language secondary schools, and an increasing number went to Holland for a university training.

A few Chinese had been appointed to Municipal Advisory Councils ever since their establishment during the first decade of the century, and after 1909 the Chinese community was allowed to select some of their own representatives. In 1917 the Government announced that it was ready to establish a national advisory council, the Volksraad, and that Chinese would be given at least three of the sixty-one seats. This proved to be a touchstone for Chinese orientations.

On the initiative of H. H. Kan, a member of the Batavia Municipal Council, a conference of Chinese was called together in Semarang in mid-November, 1917, to discuss the question of Chinese representation in the Volksraad. With almost 700 delegates from more than 36 Chinese organizations throughout Java, including numerous officials and other notables, this was one of the biggest and most significant meetings ever held by the Chinese in the Indies. The debate was long and heated. It was clear that government policies had convinced a certain number of the delegates that by accepting their status as Dutch citizens and working through the advisory councils, the Chinese community could gradually achieve a satisfactory position in the colonial society. Opposed to this were the more ardent converts to Chinese nationalism, who believed that it was hopeless to expect concessions from the Dutch except through the struggle of the Chinese community itself, with the protection and, when necessary, the intercession of the Chinese Government. These were opposed to participation in the Volksraad, and preferred to consider themselves as foreigners.

The conference finally decided, by majority vote, that the Chinese community should not send representatives into the Volksraad. This was the position which almost the entire Chinese press had taken in advance. It was a measure of the success of the Chinese nationalist movement to date. (10)

Throughout the twenties and thirties, the nationalist movement continued to thrive. This was in part due to the failure of the Indies Government to remove certain grievances still strongly felt by the Chinese. Peranakans resented the fact that although they were officially considered as Dutch subjects, most departments of the Government continued to class them as "foreign orientals". Because of the disabilities of the legal system provided for the native population, the Chinese community continued to demand total group assimilation to European legal status. The bitterness of this grievance was intensified by the fact that the Government once promised such assimilation, but later announced that it would be impossible. Furthermore, Siamese were granted full legal assimilation in 1938, while the Japanese had enjoyed it since 1899. The Chinese continued to be dissatisfied also with the amount of Government education provided for their children, and were convinced that

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(10) Boekoe Peringetan 1907-1937 Tiong Hwa Siang Hwee Semarang, p. 17; and Liem Thian Joe, op. cit., pp. 235 f.

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their taxes were being assessed at discrimatory rates. (11)

While the Chinese nationalist movement was thus nourished by grievances provided by the Dutch, it was also nurtured by support and direction supplied from China. Local Kuomintang associations throughout the Indies, headed by the Chinese Consul General in Batavia, formed the leading element in the movement. In addition to maintaining pressure on the Indies Government to improve the position of the Chinese, these organizations constantly encouraged closer ties with China. In 1932 the Chinese Government established an Overseas Affairs Commission to serve as a link with the Chinese abroad, and the official solicitation of relief funds and contributions to the national treasury continued unabated. There was even an attempt to organize among the Indies Chinese an election of representatives to the Chinese National Congress, but this was suppressed by the Government. The majority of Chinese newspapers in the colony were in the Malay language, but even these were predominantly nationalistic. This was an indication that the Chinese nationalist movement in the Indies included not only the great majority of politically conscious Totoks, but a large proportion of the articulate Peranakans as well. (12)

Nevertheless, in spite of the opposition of the China-oriented group, individual Chinese continued to accept appointments to the municipal and provincial councils, and to the Volksraad after its opening in 1918. And throughout the twenties, support for this position grew steadily. The increasing number of Chinese who received a Dutch education were acquiring also a Western outlook which alienated them from the Chinese nationalist movement. Those who were able to study in Holland were zealous Chinese nationalists while there, but on their return they usually found that Dutch society and culture were more congenial to them than was that of the nationalistic Totoks and their Peranakan supporters. There was also a good deal of rivalry between the students of the Chinese-language and Dutch-language schools, and this carried over into attitudes of mutual hostility later on.

Reflecting these developments, the "Chung Hua Hui" came into existence in 1927. This was organized and led by Dutch-educated intellectuals--mostly well-to-do business and professional people. The Dutch language was used in their meetings and conferences. The organization advocated the acceptance of Dutch citizenship, and specifically excluded Chinese Totoks from membership. They proposed to work for the interests of the Chinese community through political participation in the municipal and provincial councils and the Volksraad, and rejected any dependence upon the Chinese Government. Nevertheless, they took an interest in the development of China, and remained enthusiastic advocates of cultural nationalism. For instance, they demanded that Chinese history and geography

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(11) George McT. Kahin, The Political Position of the Chinese in Indonesia, (thesis), Stanford University, 1946, pp. 87-90.

(12) Ibid., pp. 79-87.

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be taught in the Dutch-Chinese schools. In 1939, the Chung Hua Hui held two elected seats in the Volksraad. (13)

The trend away from Chinese nationalism apparent in the Chung Hua Hui went one step further in the "Partai Tionghoa Indonesia" (Chinese Party of Indonesia), which was established in 1932. To this group, Indonesia was the country of greatest importance for the Indies Chinese. Peranakans should invest all of their hopes in Indonesia, they said, and forget about China. They should work side by side with the other groups in the population, Indonesians, Eurasians and all, on the basis of common ideals. Thus the Partai Tionghoa Indonesia was anti-Dutch, and sought connections with the Indonesian rather than the Chinese nationalist movement. It held one elected seat in the Volksraad from 1935 to 1939. (14)

Thus the period of Dutch rule came to an end with three national outlooks represented in the Chinese community. The Partai Tionghoa Indonesia, probably the smallest in numbers, centered all of its interest and hope in Indonesia alone. The Chung Hua Hui group was participating politically in the colonial society, but looking to China in cultural matters. The Chinese nationalist movement, on the other hand, was entirely oriented towards China in educational, cultural, and political matters. Yet is is nevertheless probably true that the great majority of Chinese living in the Indies took no active interest in politics and did not follow any one of these three lines.

Relations between Chinese and Indonesians under Dutch Rule

Under Dutch rule the Chinese had come to dominate the internal trade and commerce of the entire archipelago. They gathered the products of the land and sold them to big Dutch trading companies. Most of the small-scale manufacturing enterprises of the country were owned and managed by them. Except for the smallest shops and market stands, retailing was also largely in their hands. And Chinese shopkeepers, traders, and usurers remained the main source of credit for the Indonesian people, in spite of their unconscionably high rates of interest. This meant that the average Chinese was far better off than the average Indonesian, and that there were a conspicuous number of very wealthy Chinese, in contrast to the very few wealthy Indonesians. Furthermore, the advantageous economic position of the Chinese was accompanied by superiority attitudes and social exclusiveness.

The policy of the government, also, had the effect of setting the two communities apart and sharpening the differences in their interests. When residential segregation was finally abolished, educational segregation took its place. The whole series of concessions to the Chinese

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(13) Liem Thian Joe, op. cit., pp. 277f; and Kahin, op. cit., pp. 93-95.

(14) Souw Hong Tjoen, "Kenang-Kenangan pada Djubilium Lima-Puluh Tahun dari Tiong Hoa Hwee Koan Djakarta", Hari-Ulang Ke-50 Tiong Hoa Hwee Koan Djakarta, Djakarta, c. 1950, p. 15; and Kahin, op. cit., pp. 96f.

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after 1900 amounted to preferential treatment, since Indonesians participated in very few of the new privileges. And until the last decade before World War II, the two communities were ruled under separate administrative systems. While the Dutch idealistically claimed that this policy was a matter of regulating each community according to its own customs and habits, the system was in effect a very successful example of the colonial practice of "divide and rule".

When the Volksraad was established, the Chinese were overrepresented in comparison to their numbers in the total population. And Chinese members of this body, chiefly of the Dutch-oriented Chung Hua Hui group, often voted against the moderate Indonesian nationalists represented there. Except for a relatively small number of leftist Peranakans, and the supporters of the Partai Tionghoa Indonesia, the Chinese showed little sympathy for the Indonesian nationalist movement, and were thus generally considered to be pro-Dutch.

Thus, although relations between Chinese and Indonesians were generally quite smooth, there was a latent resentment against the Chinese which could flare into violence when stimulated by local Indonesian leaders. It was the small Indonesian middle class--educated and professional people, religious leaders, and a few businessmen--among whom the position and attitudes of the Chinese were most bitterly resented. The great Indonesian nationalist organization, Sarekat Islam, was originally founded as an association of Javanese merchants whose purpose was to resist the competition of Chinese traders. The boycott movement which they launched in 1912 was accompanied by violent attacks on the Chinese quite beyond the policy of the leadership. Most serious of these were the anti-Chinese riots in Surakarta and Surabaja. At about the same time violence broke out between members of the Sarekat Islam and Chinese in Tangerang, which was to be the scene of a large-scale massacre of Chinese during the revolutionary war. In 1918 an anti-Chinese incident involving looting, arson, and murder occurred in Kudus, where the rivalry between Indonesian and Chinese Kretek cigarette merchants and manufacturers was extremely bitter. (15) A similar incident occurred in Pekalongan in 1931. (16)

It should be emphasized that relations between the two communities were generally smooth and undisturbed. Outside of the towns and cities they were often quite cordial. And everywhere there were a certain number of Chinese who maintained visiting relationships with Indonesian friends. Nevertheless, the cause for conflect between the two groups were deep, and when they came to the surface, hostility, anger, and even violence could result. It was not a propitious background for the day when Indonesians would win the right to rule themselves--and the Chinese.

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(15) Liem Thian Joe, op. cit., p. 239.

(16) Boekoe Peringetan 1907-1937 Tiong Hwa Siang Hwee Semarang, p. 18.

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CHAPTER II

NATIONAL STATUS OF THE CHINESE UNDER DUTCH RULE, 1850-1949

Early Nationality Laws

The East Indian Government Act of 1854 defined the status of Chinese born in the Indies in two ways. On the one hand, Article 109 put them on a level with the indigenous population in legal and administrative matters, in contrast to the more privileged position of Europeans. On the other hand, an article limiting government service to Dutch citizens referred to the existing Dutch law for a definition of citizenship. According to the civil law of the time, all persons born in the Netherlands or its colonies, of domiciled parents were considered Dutch citizens, including persons of Chinese descent. This meant that the Indies Chinese, and Indonesians as well, could claim all of the prerogatives of Dutch citizenship while abroad, even though specifically excluded from them while in the colony. In Holland they could sue in the courts as citizens, and in Siam they could avoid the special taxes levied against the Chinese. (17)

By the citizenship law of 1892, however, the Indies Chinese were designated as "foreigners". This did not affect their position in the colony, but it made their status abroad very uncertain. (18)

Preparations for Consular Negotiations and Conflicting Citizenship Acts

With the rise of nationalism among the Chinese both in the Indies and in their home country in the first decade of the Twentieth Century, official and unofficial proposals were made urging the Netherlands Government to permit the stationing of Chinese consuls in the colony. An agreement between Japan and Holland in 1908, which provided for the opening of Japanese consulates in the colony, gave additional impetus to Chinese demands for consular representation. Although negotiations between the Chinese and Dutch Governments began in the same year, a consular agreement between them was not signed until 1911. The delay was due to differences over the crucial question of the national status of the Peranakan Chinese.

The Dutch made it clear from the beginning that they would not give China consular rights unless China conceded Dutch jurisdiction over the Peranakan Chinese. The Manchu Government's first step, therefore, was to assess the relative importance to itself of consular representation as against its claim to the allegiance of the Peranakans. During the winter of 1908-1909, Wang Kang Ky, secretary to the Chinese Legation in Holland, toured the Indies for this purpose, and even held a semi-official census of the Chinese community in Surabaja.

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(17) Purcell, op. cit., p. 514.

(18) Ibid.

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In March, 1909, the Sianghwee organizations of Semarang, Solo, and Jogjakarta undertook a census of the Chinese in Central Java, at the request of the Chinese Legation at the Hague. The following month the Secretary of the Peking Department of Education, Wang Ta-chen, made a tour of Java, ostensibly to study commercial conditions, but actually, according to a Chinese source, "to survey the situation of the Chinese community". (19)

At the same time the Manchu Government promulgated a law on citizenship, no doubt partly to raise its bargaining power vis-a-vis Holland. This law, which was issued on March 28, 1909, claimed as a Chinese citizen every legal or extra-legal child of a Chinese father or mother, regardless of birthplace. This was the first official enactment of the principle of jus sanguinis, which the Chinese had always taken for granted as the basis of citizenship.

Apparently the Chinese Legation at the Hague expected to complete the negotiations over the consular agreement in a short time, for in November of the same year, 1909, Lu Cheng Hsiang, head of the Legation, wrote to the Sianghwee of Semarang requesting them to forward to Peking a nomination for the post of Consul General. According to his letter, the Dutch had already agreed to the opening of a Chinese consulate in the Indies. (20)

The Dutch, on the other hand, had everything to gain by postponing the agreement as long as possible, for they were gradually carrying out a policy designed to gain the allegiance of as many Chinese as possible. The pass system, which had been relaxed slightly in 1904, was further relaxed in 1910. Chinese were appointed to municipal councils, and beginning about 1909, each community could select its own representatives. And the first Dutch-Chinese schools were just beginning instruction. It was expected that this policy, which was continued in further concessions later on, would win at least the passive allegiance of the Peranakan community.

On the other hand, the commercial, educational, and political activities of the few Chinese emissaries so far admitted to the Indies had had far-reaching effects in spreading the spirit of Chinese nationalism. The Dutch therefore had good reason to fear the consequences of allowing jurisdiction over the entire Indies Chinese population to be transferred to the Chinese Government. Before making a consular agreement, then, the Netherlands Government had to establish clear legal claim to the Indies-born Chinese, in order to counteract the effect of the newly-promulgated Chinese citizenship law.

This was accomplished in the Netherlands Citizenship Act S 296, of February 10, 1910. Instead of distinguishing only "citizens" and "foreigners", as in the law of 1892, the "inhabitants" of the Indies were now divided into "citizens" and "subjects". And Article 1 of the new law declared that all persons born in the Indies of parents

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(19) See Nio Joe Lan, op. cit., p. 127; Purcell, op. cit., p. 513; and Boekoe Peringetan, pp. 7 and 11.

(20) Boekoe Peringetan, p. 7.

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domiciled there were Dutch subjects even if not Dutch citizens. (21) This was an enactment of the principle of jus soli, in contradiction to the Chinese principle of jus sanguinis. It meant that the Indies-born Chinese, who had been assigned Chinese citizenship by Imperial decree just a year before, now acquired the status of Dutch subjects as well.

The Consular Convention of 1911

Once the obstacle of dual nationality was thus firmly established on its double foundation, the two sides took more than a year to come to an agreement about consular jurisdiction. Nationalist-minded Chinese in the Indies raised a cry against the "forced naturalization" position of the Dutch negotiators, and demanded the protection of Chinese consuls. At the last minute the Semarang Sianghwee joined the Batavia Sianghwee in urging the Manchu Government not to sign any agreement requiring Chinese to become subjects of another nation. (22) Nevertheless, as the price for consular representation in the Indies, the Chinese Government did relinquish its claim to jurisdiction over the Peranakans.

Thus a Consular Convention was finally signed, and entered in the Dutch statute books as S.487, on May 8, 1911. The Convention itself merely delineated the rights and duties of Chinese consuls in the Indies. It was the attached notes which bore on the question of citizenship. There it was agreed that the expression "citizen of" should be interpreted in each case according to the law of the country of domicile. Thus, in accordance with the Dutch law of 1910, the Peranakan Chinese were to be considered Dutch subjects as long as they resided in the Netherlands Indies or Holland.

For most practical purposes, this ended the problem of dual nationality. The Dutch, as well as a considerable section of the Indies Chinese, considered that Peranakans were no longer Chinese citizens at all. That the problem was not finally solved, however, is evident both from a close legal analysis of the agreement and from later developments.

An eminent Chinese lawyer, Mr. Ko Tjay Sing, has pointed out that the notes attached to the Convention of 1911 state that its only purpose is to define the rights and duties of Chinese consuls. It was not intended, therefore, to define citizenship or solve the problem of dual nationality. According to Mr. Ko's analysis, the Manchu Government did not concede its claim to the citizenship of the Peranakans, but merely agreed that the jurisdiction of its consuls should not extend to those persons who were also Dutch subjects according to Dutch law. (23)

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(21) Amry Vandenbosch, The Dutch East Indies, 2nd ed., Berkeley, 1941, pp. 356ff, as cited in Purcell, op. cit., p. 506.

(22) Boekoe Peringetan, p. 16.

(23) Ko Tjay Sing, "De betekenis van de nota's van 1911 met betrekking tot het onderdaanschap", Mededelingen Bond van Chinese Juristen in Indonesië, Vol. II, Nos. 1/2, 1949, pp. 1-12.

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Ambiguities Concerning the Position of Peranakans

It is indeed doubtful whether Manchu-appointed consuls actually would have limited their activities to matters concerning the Totok Chinese only. But due to the revolution which occurred in China just after the signing of the Convention, it fell to the new Republican Government to appoint consuls to the Indies, and it is apparent that these consuls never considered their duties to be so limited. They continually showed a lively interest in Chinese commerce and schools in the Indies, without regard to technicalities of legal jurisdiction, and the Sianghwee organizations served as unofficial consulates in cities where no official consul was posted.(24)

Certainly the Republican Government under Chiang Kai-shek never conceded that the Peranakans had lost their Chinese citizenship, even while living in the colony. This was made clear by the passing of a new Chinese citizenship act in 1929, which reaffirmed the principle of jus sanguinis, and provided that a Chinese wishing to become a national of another country could only lose his Chinese citizenship with the permission of the Ministry of the Interior. It was also clearly indicated by China'a attitude towards the Hague Convention on Citizenship, promulgated by a conference of more than forty nations in 1930. The Chinese Government refused to agree to Article 4, which prohibits any state from extending its diplomatic protection to one of its subjects living in any other state of which that person is also a subject. (25)

On the other hand, the Hague Convention did little to strengthen the Dutch claim. While it did affirm that every state has the sovereign right to determine who among its inhabitants shall be recognized as citizens, the Convention was not binding except upon its signatories; and even one of the great powers, the United States, refused to sign it.

The position of the Nanking Government on the question of citizenship is also illuminated by the fact that its consuls in the Indies repeatedly attempted to register all Chinese living there, both Totok and Peranakan. Each time the Netherlands Indies Government protested against the registration on the grounds that it violated the Consular Convention of 1911, the Chinese Government would apologetically maintain that a mistake had been made, and that the registration had been intended only for Totoks. (26)

In fact the dual nationality impasse between Holland and China was never solved. In May, 1945, the Netherlands and China concluded a treaty abrogating Dutch extra-territorial rights in China and regulating consular rights and duties. In Article 1 of that treaty,

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(24) Boekoe Peringetan, pp. 19f., and Nio Joe Lan, op. cit., pp. 128 and 143.

(25) Soenario, Masalah-Masalah Disekitar Soal Warganegara dan Orang Asing, Djakarta, c. 1953, p. 10.

(26) Purcell, op. cit., p. 545.

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we find the two contracting parties solemnly recognizing each other's citizenship law, but politely refraining from making any provision for the crucial cases in which the two laws are incompatible.

What happened, then, when a Peranakan Chinese decided to visit his ancestral home? He was issued a passport by the Dutch authorities, who, although careful not to recognize any Chinese jurisdiction over him, did suggest that he should obtain clearance from Chinese authorities. Proceeding to the Chinese Consulate, then, he was issued a certificate in Chinese and English, which read:

Certificate for Overseas Chinese of Dual Nationality Returning to China

To Whom It May Concern:

This is to certify that the Bearer, M..... (.....) in accordance with Chinese law, is still a Chinese National. However, he/she possesses a Netherlands Indies passport No..... due to his/her birth in that country.
He/she is hereby permitted to return to China. (27)

(27) Ko Tjay Sing, op. cit., p. 11.

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CHAPTER III

NATIONAL STATUS OF THE CHINESE UNDER THE REPUBLIC, 1945-1955

The Japanese Occupation

Before dealing with the main topic of this chapter, it will be well to consider briefly the position of the Chinese during the Japanese occupation. Soon after their invasion of the Indies in early 1942, the Japanese interned hundreds of the leaders of the nationalist movement or of anti-Japanese activities among the Indies Chinese, and closed down all Chinese organizations. They then set up a single Chinese association in every locality, the "Hua Ch'iao Tsung Hui," with a central headquarters in Djakarta. Leaders of this organization were appointed by and responsible to the local Japanese commanders, and to the office of Chinese affairs in Djakarta, the "Kakkio Han" (or, in Chinese, the "Hua Ch'iao Pan"), which issued regulations governing the Chinese community. Through these organizations, the Japanese restricted the movement and activities of the Chinese, and taxed and extorted large contributions from them for the Imperial war treasury. They also encouraged the growth of Indonesian-owned business at the expense of the Chinese, and removed Peranakan teachers and pupils from government schools. (28)

Thus the Indies Chinese, whether Peranakan or Totok, were all considered merely as Hua Ch'iao, or "overseas Chinese", by the Japanese, and dealt with as a unified group separate from native Indonesians or Europeans. Their common opposition to and resentment towards the Japanese and their newly-constituted monolithic community organization created a high degree of unity among the Indies Chinese.

After the Japanese surrender, the Hua Ch'iao Tsung Hui organizations were re-organized under the name "Chung Hua Tsung Hui". In small towns they often remained the only important Chinese community organization, whereas in large towns and cities they took the form of a central federation of many separate organizations.

Chinese Reactions to the Revolutionary War

In brief anarchic periods during the Japanese invasion and later during the revolutionary war against the Dutch, the local people in many parts of Java made violent attacks on the Chinese. In some cases this took the form of looting, arising out of the economic needs of the masses, and the jealousies of traders and small businessmen competing with the Chinese. In other cases orthodox religious leaders led gangs or mobs to attempt the

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(28) G. William Skinner, Report on the Chinese in Southeast Asia, Cornell University, 1950, p. 65; and Purcell, op. cit., pp. 551-553.

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forcible conversion of the Chinese to Islam. Sometimes, too, murder and arson were resorted to in retaliation for real or supposed co-operation with the Dutch counter-revolutionary forces. And no doubt in all cases the attacks were at least partly fired by the prejudices and animosities which, as we have seen, had grown up between Indonesians and Chinese during the years of Dutch rule. Whatever the causes, the Chinese suffered severe losses of life and property, and the feelings of group solidarity of the Chinese community were further strengthened and extended. (29)

In the years 1946 to 1949 the situation in Indonesia was indeed a confusing one for the Chinese. There was intermittent heavy fighting between the Republican armies and the Dutch colonial forces. The Dutch imposed a strict economic blockade around the Republican areas, and business conditions were very unsettled. Republican forces found it necessary to destroy a large number of buildings, many of them Chinese, in a scorched earth policy employed against the advancing Dutch forces.

A certain number of Chinese profited greatly from this situation. Some did so by supplying goods to the Dutch forces and cooperating closely with Dutch firms. Others contributed a good deal to the survival of the Republic (as well as to their own affluence) by smuggling and blockade-running. Still others worked to the detriment of both sides by hoarding and black-marketeering. The illegal and extra-legal commerce of these people tended to arouse resentment towards the whole Chinese community, and their new shops, offices, warehouses, and residences gave the impression that all Chinese were benefiting from the uncertain conditions. Actually, those who gained were a relatively small minority. And since many of them had shown themselves equally opportunistic under the Japanese occupation, they are still looked down upon and somewhat isolated by the rest of the Chinese community. They form a sort of nouveau riche apart.

There was also a certain group, drawn mostly from the Dutch-trained intelligentsia and upper business circles, who were genuinely and actively pro-Dutch, either because of their respect for Western culture and adherence to Dutch ways, or because of their economic ties to the Dutch colonial economy.

For the majority of Chinese--shop-keepers, petty traders, and others--the chaotic conditions and economic hardships of the common people during the revolutionary years meant a slump in business activity and a decline in income. They did not especially like the Dutch, took almost no interest in the political issues involved in the struggle, and little understood the historical movement that was occurring around them. But what they wanted most of all was a return to the personal security and relative economic stability of pre-war times. They therefore tended to place their hopes in the return of

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(29) Most of the material for this and the next two sections of Chapter III, covering the situation during the revolutionary war, was found in the following two sources:
Clive E. Glover, Reactions of the Indonesian Chinese to Two years of Dutch-Indonesian Conflict, (research paper), Johns Hopkins University, 1950, pp. 3-21.
Purcell, op. cit., pp. 553-568.

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Dutch rule. But in practice they tried to maintain as neutral a position as possible.

On the other hand, there was a small but not insignificant minority of Chinese of all classes who were sincere and active supporters of the Republican Government. Many sided with the independence movement because of sympathies arising out of closer contacts or friendships with the Indonesian people than were common among the Chinese. Others were ideologically anti-colonial, or idealistically revolutionary. Recently a number of Certificates of Merit have been publicly presented to Peranakans who risked their lives and fortunes helping the guerrilla forces of the Republic. A certain number of Chinese served in the Republican armed forces. There were also a few Chinese to be found holding positions at all levels of the Republican Government, and in various political parties. At the time of the First Dutch Military Action in 1947, for instance, two cabinet ministers were Peranakans, as was also a prominent leader of the Socialist Party, Tan Ling Djie.

Thus a wide range of attitudes towards the revolution was to be found among the Chinese. Their actions, however, did not always reflect their attitudes. Considerations of livelihood and personal safety were naturally more important to most of them than their particular orientation towards the politics of the revolution. Thus it is not surprising that in Dutch-held areas the Chinese acted in a generally pro-Dutch manner, while in Republican territroy the opposite was the case. At the same time that the Chung Hua Tsung Hui (Central Chinese Association) of Dutch-held Batavia was making outspoken public attacks on the Republican regime for the treatment of Chinese in its territory, the Chung Hua Tsung Hui of Jogjakarta, the Republican capital, was collecting money and clothing for the Indonesian Army. Similarly, Chinese newspapers adjusted their policies to the different situations in which they found themselves.

Many well-to-do Chinese made (or paid) their way across the lines into Dutch territory. But while there was a large-scale exodus of Chinese from villages to towns or cities, this was usually a case of seeking the security of a sizeable Chinese community, rather than of choosing sides in the revolutionary struggle. Even the mass Chinese evacuation of Jogjakarta just before the return of the Republican Government in 1949 was not so much a sign of sympathy with the Dutch as a result of fears of another period of anti-Chinese violence--fears greatly magnified by the activities of irresponsible Indonesian groups who threatened the safety of the Chinese in terrorist phamphlets and posters.

In the summer of 1947 groups of armed Chinese, known as "Pao An Tui", were established for the protection of Chinese communities in many parts of Dutch-held territory. These were sanctioned by the Dutch, and in some cases armed by them. Their central headquarters was in Batavia, and by February 1949, they had branch units in at least three dozen cities and towns. Although some Republican leaders were willing to recognize the Pao An Tui, opposition to them came from the leftist trade unions, from the more anti-Chinese leaders, and from leading Chinese supporters of the Republic, such as

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Tjoa Sik Ien and Tan Ling Djie. (30) In any case, the Pao An Tui were suspected of being pro-Dutch, and the Republican Government at first took a firm stand against them. In doing so, it pointed out their similarity to the bitterly-resented European troops in China. However, at the beginning of 1948 it agreed in principle to the establishment of these Chinese self-defense units.

In the Chinese community itself there was a good deal of controversy over the Pao An Tui. A minority of leftist Chinese strongly opposed them, largely because of their close ties to the Kuo Min Tang. And even among those who favored them, there were accusations that they were being misused for the benefit of special groups. In any case, there were no further outbreaks against the Chinese in Java, and the Pao An Tui were finally disbanded in the spring of 1949.

During the troubled times, however, many Chinese looked to China for protection. Local organizations made direct appeals to the Chinese Government for aid, and some Chinese newspapermen even proposed that China should send troops to Indonesia for this purpose.

Actions Taken by the Chinese Government

In view of the fact that China was engaged in a bitter civil war and facing tremendous problems of reconstruction at home, the Nationalist Government paid a surprising amount of attention to the plight of the Indonesian Chinese.

The Chinese all over Indonesia were advised by Chinese authorities to maintain strict neutrality. The Chinese Consul General attempted to establish "safety zones" to be respected by both sides, where Chinese communities could assemble in times of danger. As neither side would agree to this, the Consul General then issued instructions to the Chinese in Republican territory to refuse to be evacuated outside the towns in areas of military operations. He advised them to gather in the buildings of Chinese schools or associations instead, and to fly the Chinese and Red Cross flags.

The Chinese Ministry of Foreign Affairs repeatedly made direct appeals to both the Dutch and the Indonesian Governments to safeguard the lives and property of the Chinese. The Nationalist Government appropriated a large sum of money for the relief of the Chinese victims of the war in Java. The Consul General visited different parts of the island to investigate and report on the situation of the Chinese in various localities. And the Chinese delegation to the United Nations continually implied that its support to the Republican cause was conditional on the proper treatment of Chinese by the Republican authorities. As might be expected, in its activities in relation to the Chinese in Indonesia at this time, the Chinese Government made no distinction between Totoks and Peranakans. And the flow of commercial, educational, and political emissaries from China continued as in pre-war times.

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(30) Sin Po, Batavia, Dec. 15, 1947.

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Actions Taken by the Indonesian Republic

Let us now look at the situation with regard to the Chinese from the point of view of the Indonesian authorities. Here was an important minority which, as we have seen, had always had a privileged position in the colonial society. They owned and managed almost the entire internal trade and commerce of the nation. Even though the majority of them had settled permanently in the Indies, and had Indonesian mothers or grandmothers, they had clung to their own ways and looked down on their fellow Asians. And in the present situation they were an "uncertain quantity". Many of them were helping the Dutch. Many felt allegiance only to China, and were looking to the Nationalist Government for protection. And most of those who were neither Dutch cooperators nor Chinese patriots were indifferent as well to the Indonesian struggle for independence. Few indeed were active and loyal supporters of the Republic.

Under such circumstances it would not have been surprising if the Republican leaders had adopted a severe policy against the Chinese, or encouraged the attacks that were being made on them. But humanitarian ideals and practical considerations called for a different program. The Indonesian authorities decided, instead, to try to win the allegiance of as many of the Chinese as possible, and to make them an accepted part of Indonesian society.

When the Dutch undertook large-scale military action at the end of July, 1947, there occurred a new series of attacks by Indonesians against the Chinese. In the weeks that followed, Republican government authorities took various steps to defend and protect the Chinese. President Sukarno made a statement guaranteeing their safety, and this was backed by strict orders issued by Hatta, the Vice-President, and Sjarifuddin, Prime Minister and concurrent Defense Minister. These orders prescribed the severest penalties, even execution, for persons guilty of maltreating Chinese or looting their property. Sjahrir, Sjarifuddin, and other high Republican leaders made public speeches regretting the anti-Chinese outbreaks, and expressing sympathy for the victims of the scorched earth policy. The Republican Information Service admitted the high casualties suffered by the Chinese, while pointing out that they had occurred only in the areas of military operations. The Government appropriated five million rupiahs for the relief of Chinese victims. And on the anniversary of the founding of the Chinese Republic, Chinese airplanes were permitted to fly over Republican territory in order to drop "goodwill" leaflets to the Chinese inhabitants.

The citizenship law promulgated by the Republican Government, which will be dealt with in the next section, was consistent with the policy of attracting and accepting the Chinese. Before concluding the present discussion, however, it should be pointed out that the policy was not always consistently carried out, especially by the lower ranks of Republican officers and officials.

In the first place, the Republican Government was in an extremely difficult financial position, as the economy had been disrupted by war and revolution, and the Dutch had been enforcing a stringent blockade around the Republican areas. Under these conditions, it

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was necessary to obtain as much financial support as possible from the Chinese, in the form of contributions, taxes, and, in some areas, "special taxes". Many Chinese felt that an unfair and "discriminatory" amount was being required from them.

Secondly, the feelings against the Chinese, arising out of the background of hostility and prejudice which we have outlined, often led officials and persons dealing with the Chinese to treat them arbitrarily or harshly. Legal and economic restrictions intended for aliens only (or in this case, Totoks), were sometimes applied to Peranakans. This, too, seriously jeopardized the official policy of attraction.

The Citizenship Act of 1946

Considering the uncertainties and divided loyalties of the Chinese, Indonesian authorities wisely decided to allow them freedom to choose whichever citizenship they preferred, since any legislation with pre-determined categories would either force a certain number of China-minded Peranakans to become Indonesian citizens, or reject the aspirations of the Indonesia-minded group. However, opinion was divided as between two systems of opting for citizenship.

1) Under the "active system", Peranakan Chinese who wanted to be Indonesian citizens would have to make an official declaration rejecting Chinese citizenship. Those who did not, would remain foreigners, in the same category as the Totoks. Proponents of this system pointed out that only those with an earnest desire to identify themselves with Indonesia would take the trouble to go through the process required to gain citizenship in this manner. The indifferent would remain foreign. This would give some assurance of the loyalty of Chinese Indonesian citizens, and promote their acceptance into Indonesian society.

Some proponents of the active system saw it also as a way to solve another problem--the problem of bringing about a more equal distribution of economic benefits and opportunities between Chinese and Indonesians. This could only be done by restrictions on the economic activities of Chinese, and preferential treatment for an emergent Indonesian entrepreneurial class. Such a policy might be considered racial discrimination if applied against the Chinese as citizens. But if the citizenship law were such that most Chinese would remain Chinese subjects, legislation against foreign business in general might go a long way towards solving this problem.

2) Under the "passive system", all Chinese born in Indonesia and still residing there would be accepted as citizens, except those who took the trouble to make an official declaration rejecting Indonesian citizenship in favor of Chinese citizenship. This would mean that the large indifferent group, because of their passivity, would automatically become Indonesian citizens, leaving only the enthusiastically pro-Chinese Peranakans and Totoks as foreigners.

Proponents of this system pointed out that unless an unjustifiable mass expulsion of Chinese were resorted to, a large number of Chinese would remain a permanent part of the population. Such being the case, they considered it wise to extend citizenship to as many

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Chinese as possible. They were confident that through enlightened policies the state could win the allegiance of the majority of the Chinese community. On the other hand, they maintained that the active system would alienate even those Chinese already sympathetic to the Republic of Indonesia. Many also favored the passive system because it would minimize the number of Chinese over which Chinese consuls could exercise jurisdiction, and through which they might extend their influence in Indonesia.

The Citizenship Act which was finally passed on April 10,1946, embodied the passive system. Under the terms of this act, which is summarized in Appendix I, Chinese who were born in Indonesia, and who had resided there continuously for five years, were automatically citizens of Indonesia. However, they were given the option of rejecting Indonesian citizenship in favor of Chinese citizenship. This could be done by presenting a formal declaration of repudiation to the Justice Department, through the local district court, before April 10, 1947. The expiration date for such options was later postponed for a year, and finally extended a second time to August 17, 1948. Other minor amendments were also made, but they did not affect the substance of the Act.

It must be remembered, however, that the territory under continuous Republican control during these years was limited to areas comprising about half of the island of Java and about two-thirds of Sumatra, the Chinese in these areas were faced with the necessity of deciding between the two citizenships--a necessity which was, however, largely mitigated by two factors. Firstly, the press reported a statement by the Nationalist Chinese Consul which assured the Chinese community that the acceptance of Indonesian citizenship would not imply the loss of Chinese nationality. (31) And secondly, before the final closing date for options, most Chinese were already convinced that the Republic would join the Dutch-sponsored Federated States in a wider Indonesian union which would have its own citizenship law. Considering these factors, and the amount of anti-Chinese feeling at the time, it is probable that most of the Peranakans who considered themselves Chinese preferred not to reject Indonesian citizenship under this Act.

A curious feature of the 1946 Citizenship Act was that it established the principle of jus soli for determining the citizenship of the Chinese (and others of foreign descent), but the principle of jus sanguinis for persons of Indonesian descent. Thus, in the hypothetical case of an Indonesian family living in China, the sons, grandsons, and great-sons born there would retain Indonesian citizenship (even if their wives and mothers were Chinese), provided only that they did not choose to become naturalized Chinese. It was just this feature in Chinese law which raised the problem of dual nationality, and which was thus an object of considerable criticism in Indonesia.

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(31) Sin Po, July 6, 1948.

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Developments in Dutch-held Territory

Between 1946 and 1949 the Dutch established a series of states in East and West Java, Madura, and the other islands of Indonesia. Each had its own elected and appointed parliament or council, but these were given little or no power to oppose Dutch policies. They were joined together in a federal system for which there was a Federal Consultative Assembly made up mostly of representatives of the participating states. Chinese were appointed to all of these government bodies, and many entered the civil service during this period.

In early 1948 the constitutional committee of the Federal Consultative Assembly discussed the question of citizenship. It was agreed that all persons of foreign descent who were born in Indonesia and had resided there for more than two years should be considered as Indonesian citizens, but a final decision on this matter was deferred until the opinions of the Chinese community could be ascertained. Since the proposal would not have allowed Peranakans the option of choosing Chinese citizenship, it doubtless received a good deal of opposition from certain quarters. In any case, the work of the committee was superceded and lost in the complicated constitutional developments which followed.

In the spring of 1948 it became apparent that the future government of Indonesia would have at least a fair measure of independence and that it would probably include the Republic as a component part. The Chinese press indicated a growing tendency on the part of Chinese to believe that their interests could only be protected by taking an active political part in the impending all-Indonesia government. Already the Dutch authorities had introduced a policy of strong support to Indonesian business enterprises, at the expense of the Chinese, and there was little reason to expect a more favorable attitude from the new government. The Chinese were ever more aware of the weakness of their position as a minority, and they feared that even as Indonesian citizens they might not be given equal rights with the rest of the population.

As a result, a new political association was formed in May, 1948--the "Persatuan Tionghoa", or Chinese Union. Even the newspaper Sin Po, which had so strongly opposed the participation of the Chung Hua Hui in the Volksraad of the thirties, was now in favor of political participation, and gave qualified support to the Persatuan Tionghoa. (32) The new organization outlined its main purposes as follows: (33)

1) To promote the progress of Indonesia and to cooperate with other nations.
2) To protect the interests of overseas Chinese without sacrificing the interests of the masses.
3) To strive for the principles of democracy.

The leaders of the Persatuan Tionghoa were convinced that only with the cooperation of the entire Chinese community, Peranakan and Totok, could Chinese interests be defended. Therefore, although the organization was made up mostly of Peranakans, it made an effort to

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(32) Sin Po, May 27, 1948.

(33) Sin Po, May 24, 1948.

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win the support of the Totoks as well. It put forward the following proposal as one of its major policies:

> Those Chinese who do not wish to accept Indonesian nationality should be free to select one of their own liking. China and Indonesia should sign a treaty as soon as possible, insuring the peoples of each country residing in the other country the treatment of the most favored nation's national. (34)

In general, however, the Persatuan Tionghoa proposed that Chinese should accept Indonesian nationality, and fully participate in the rights and duties of citizenship. It insisted that the Chinese as a minority should have freedom to preserve their own language and culture, and specifically, that they should be allowed to maintain their own schools.

The Persatuan Tionghoa was accused of being pro-Dutch, and largely because its founder, Thio Thiam Tjong, had been a personal friend and official advisor of van Mook, Lieutenant Governor of the Netherlands Indies during the first years of the revolutionary war. No doubt many other members were also Dutch sympathizers. However, it should be remembered that the Chinese had already found that the policy of the post-war Dutch Government was to favor Indonesian businessmen, and there was no longer reason to believe that Chinese would prosper more under a Dutch than an Indonesian government. In any case, it was now only political realism to accept and cooperate in the establishment of an independent Indonesian government. This was the stated aim of the Persatuan Tionghoa, as was also the complete abolition of colonialism. Within the acceptance of this framework, however, Chinese leaders, including those of the Persatuan Tionghoa, generally favored a federal type of state, in which Chinese would have greater political power in the smaller units rather than a unitary state led by the Republicans of Jogjakarta. (35) As events turned out, however, the federal state established after the Round Table Conference at the end of 1949 was replaced by a unitary state before the end of 1950.

The Round Table Agreement on Citizenship

Four years of bitter struggle between Indonesia and the Netherlands came to an end in August 1949, when Indonesian and Dutch delegations met in a "round table conference" at the Hague. By the beginning of November they had worked out the terms under which Indonesia was to become a sovereign state. These included an agreement on citizenship, which established the active system of obtaining Indonesian citizenship for persons of Dutch descent, and the passive

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(34) Seng Hwo Pao, Batavia, Nov. 11, 1948.

(35) Glover, op. cit., p. 37, citing information obtained by George McT. Kahin in a interview with one of the leaders of the Persatuan Tionghoa, August 6, 1948.

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system for Chinese and others. (36)

The new Republic of the United States of Indonesia included the former Republic of Indonesia, as well as the Dutch-established federal states. With the ratification of the Round Table Agreements by the Republican and various Federal legislatures, the new citizenship agreement became the law of the land. Under its terms, Chinese Peranakans all over Indonesia were given a two-year period (until December 27, 1951) in which they could reject Indonesian citizenship if they wanted to be considered nationals of China. In effect this was the same system which had been applied to Chinese in Republican territory between 1946 and 1948. But this group was now faced with the necessity of choosing between two citizenships for a second time.

As regards persons of Chinese descent, the only major difference between the Act of 1946 and the Round Table Agreements was in the status of persons born abroad but naturalized in the Indies as Dutch subjects. Under the former Act, such persons did not obtain Indonesian nationality, while under the new Agreement, they became Indonesian citizens if they were residing in Indonesia on December 27, 1949.

Ambiguities and Clarifications Concerning Citizenship

In August, 1950, the Provisional Constitution of the new unitary Republic of Indonesia was promulgated. In Article 5 it provided that matters of citizenship and naturalization were to be regulated by law. Article 144 stipulated that pending the promulgation of a new law, Indonesian citizenship would be determined by the provisions of the Round Table Agreement; and that anyone whose nationality was not defined by this agreement, but who had acquired citizenship under the previous law of the Republic, would remain an Indonesian citizen. (37)

Thus the Citizenship Act of 1946, together with its amendments, was to hold for a certain number of persons who had obtained Indonesian citizenship before December 27, 1949--for instance, alien women who had married Indonesians, or foreigners who had become naturalized in that period. This was certainly only a very small group. But the legislation of the Republic (confined as it was to parts of Java and Sumatra) was not generally recognized as effective after the government for the whole of Indonesia was constituted at the end of 1949. Pending the passage of a new citizenship act, then, there was no strictly legal basis for deciding new cases which were not covered by the Round Table Agreements. Mr. Sunario, a Member of Parliament who was to become the Minister of Foreign Affairs, wrote in 1953: "It is not known for certain whether or not the Citizenship Act of 1946 is still in effect, and if it is, to what extent." (38) Another official, head of the Bureau of Minority Affairs, had stated in a radio address in 1951

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(36) See Appendix II.

(37) See Appendix III.

(38) Soenario, Masalah-Masalah Disekitar Soal Warganegara dan Orang Asing, p. 9.

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that the Act on Citizenship was no longer in effect, but referred to it as a clear indication of the "standpoint" of the Government on citizenship matters. (39)

Under such circumstances it is not surprising that there was a good deal of confusion regarding the legal position of the Chinese. In some parts of Java, for instance, local authorities thought that a Peranakan was not to be considered a citizen unless he could produce a certificate of citizenship. In the Bandung area, Chinese born in Indonesia of parents who had never obtained certificates of permanent residence during Dutch times were officially (but mistakenly) considered as Chinese subjects, along with their parents. In Chinese language schools there were many pupils who did not know that they had the status of Indonesian citizens because of their birth in Indonesia and the failure of their foreign-nationality parents to make an official rejection on their behalf. Parents, teachers, and many government officials considered them as foreigners.

In a speech before a Chinese gathering in Surabaja in July, 1954, the Minister of Justice, Djody Gondokusumo, gave what was publicized in the press as a "clarification" or "new interpretation" of citizenship regulations. Actually, five of the categories of citizens which the Minister outlined were derived directly from the Round Table Agreement. Only the category including "alien women married to Indonesians after December 27, 1949, and children born to Indonesian parents after that date" was added to the Round Table provisions, apparently on the basis of the Citizenship Act of 1946. However, the Minister also stated that Chinese claiming Indonesian citizenship need only establish the fact of their birth in Indonesia, and should not be required to prove that their parents had resided continuously in Indonesia for ten years. (40)

In September the Cabinet discussed and officially sanctioned the new interpretation, and this contributed much towards the standardization of official treatment of the problems of citizenship throughout the country.

Draft Citizenship Act of 1954 and Its Opponents

In August, 1953, a coalition Cabinet was formed with Ali Sastroamidjojo as Prime Minister, and the Nationalist Party (PNI) as the major participating party. This Cabinet promised to prepare a draft law on citizenship as quickly as possible, and appointed a committee to advise the Government in this matter. Within a few months the committee had drafted a proposal presumably based largely upon the Act of 1946, which incorporated the passive system of determining citizenship for Peranakans. Instead of presenting this

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(39) Soewahjo Soemodilogo, "Soal-soal disekitar Kewarganegaraan", Siaran Kilat, No. 22, issued by the Ministry of Information, Djakarta, c.1951, pp. 3 and 8.

(40) Times of Indonesia, Djakarta, July 19, 1954.

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draft bill to Parliament, however, the Government let it be known that it did not entirely agree with the draft, and was studying important proposed changes. (41)

Early in 1954 the Government released a revised draft, and in March it was submitted to Parliament. Several features of the new plan, including substitution of a novel active system of opting for the passive system, met strong opposition. After a short time the Government withdrew the draft, explaining that its consideration by Parliament was to be postponed, pending the outcome of negotiations with China on the question of dual citizenship. (42)

Nevertheless, on October 9, 1954, with the authorization of the President, the Minister of Justice officially sent the Government's draft bill back to Parliament, just three weeks before the opening of preliminary negotiations with China. Except for minor changes, the new draft bill was identical to that withdrawn only a few months earlier. We shall here examine only the provisions which affect the status of persons of Chinese descent.

Aside from the naturalization provisions, Article 4 provides that only those foreigners who fulfill all three of the following conditions may obtain Indonesian citizenship: (43)

> 1) He must have been born in Indonesia and have his residence there.
> 2) His father must have been born in Indonesia, and must have resided there continuously for at least ten years either before or after his birth. (This provision applies to his mother, if, at the time of his birth, his parents were not legally married.)
> 3) Within one year after he becomes eighteen years of age, he must go to the nearest Court of Justice and make an official declaration that he desires Indonesian citizenship and repudiates his other citizenship.

These provisions were to apply only to persons born after December 27, 1949. In effect, they would mean that only third generation residents in Indonesia would be recognized as citizens, and then only if they made an official statement. This was an extension of the principle of jus soli unique in the history of citizenship legislation. No doubt anticipating considerable opposition on this point, the Government attached the following explanation to the draft:

> For a country which allows foreigners to become residents in its territory, it is fitting that at a certain time the descendants of those foreigners should be received into the circle of its citizenry. To what

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(41) S. K., "Tentang Kewarganegaraan", Sikap, Djakarta, Vol. VII, No. 40, October 25, 1954, p. 8.

(42) Ibid.

(43) See Appendix IV for full text of Article 4.

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> extent and in what manner jus soli should be applied to persons who are not stateless depends upon the situation prevailing in each respective country.
>
> Considering our aim of achieving a homogeneous People, this Draft does not force foreigners to become citizens. Persons of foreign descent who may be considered to regard Indonesia as their country, upon coming of age, are permitted to declare their desire to be Indonesian citizens and to reject their former nationality.
>
> ...jus soli extended only to the first generation gives not the slightest assurance that persons of foreign descent will regard Indonesia as their native land. If such persons have resided here for generations or if they have no country of origin, it may properly be accepted that they regard Indonesia as their own country. (44)

The reference to stateless persons is of practical significance here, because supporters of the Kuomintang who have recently gone to Indonesia as refugees are accepted as "stateless" by the present Government authorities. Since the draft bill provides that persons born in Indonesia of parents having no nationality would automatically be Indonesian citizens, the children of Kuomintang Chinese might obtain citizenship with no problem of documentation or declaration at all, while Peranakans who have lived in Indonesia for ten generations would experience considerable difficulty in obtaining citizenship. The irony of this situation is highlighted by the fact that Kuomintang Chinese are the least likely to feel a tie to Indonesia, because they are the newest arrivals and because Indonesia recognizes the People's Republic of China rather then the Nationalist Regime of Chiang Kai-shek. While this seeming injustice has been pointed out by the opponents of the bill, it may be assumed that the Ministry of Justice, in framing the draft, had no intention of favoring Kuomintang Chinese. Four prominent members of the latter group were deported by the Ministry of Justice about the same time that the draft bill was being discussed in Parliament.

A more serious objection to the two generation jus soli provision is that, far from assuring loyalty, it would inconvenience and antagonize the very group who would be expected to take advantage of it. A prominent Chinese lawyer, Mr. Gouw Soei Tjiang, wrote:

> Frankly, I do not agree with this (the Government's) position, because these things (loyalties) do not depend upon externals, such as second generation, active choice, and so on, but upon the atmosphere and situation which exists in a given country at a given time. If the atmosphere and situation in a given country are not suitable, an active system for second generation residents, or any other system for residents of any number of generations, will not increase the homogeneity of the citizenry. But

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(44) Unofficial translation.

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> if the atmosphere and situation are suitable, then the first generation, or not necessarily even that, is enough to create homogeneous conditions among the citizenry. (45)

It was the following temporary, or transitional, provision of the draft bill, however, which aroused the most serious opposition:

> Anyone who is already a citizen of Indonesia according to the provisions of Article 144 of the Provisional Constitution shall remain a citizen.
>
> A citizen of Indonesia who has also another nationality, and who does not fulfill the qualifications of descent laid down in Article 4, will lose his Indonesian citizenship if within one year of the coming into effect of this Act he does not make a declaration rejecting his other citizenship. This declaration must be made before the Court of Justice or the representative of the Republic of Indonesia at his place of residence. Declarations for those under eighteen years of age will be made by their parents or legal guardians. (46)

On the one hand, then, the new law would confirm the division of citizenship already carried out under the provisions of the Round Table Agreement. On the other hand, Chinese whose citizenship was thus already confirmed would lose it again unless:

> 1) they could prove that their parents were born in the territory of Indonesia and had resided there for at least ten years continuously, or
> 2) they made an official declaration rejecting Chinese citizenship.

Opponents of the bill were quick to point out the virtual impossiblity of providing satisfactory evidence for the first of these conditions. Civil registration of the Chinese was not initiated in Java until 1919, and in the Outer Islands not until 1926. Furthermore, registration records for many areas had been lost or destroyed during the revolutionary war. Thus very few Peranakans would be able to produce birth certificates for their parents. In some areas, officials had already required that Chinese claiming the privileges of citizenship should produce proof that their parents had resided in Indonesia for ten years continuously, and such proof was found to be extremely difficult to provide.

This being the case, most Peranakans would have to appear at court and make their declaration if they were to avoid losing their Indonesian citizenship. But here the opponents of the bill pointed out the indifference of the majority of Peranakans to legal matters, their general ignorance of the issues involved, and their traditional aversion to contact with government authorities. They maintained that these factors would keep a very large number of Peranakans from taking any action. Thus a sizeable proportion of the Indonesian-born Chinese population--perhaps serveral hundred thousand, it was said--

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(45) Sin Min, Semarang, Nov. 19, 1954, pp. 2-3.

(46) Unofficial translation.

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would lose their Indonesian citizenship by default. Whether or not such a result was expected and desired by the framers of the bill, the opponents of the bill never failed to mention it. Chinese critics emphasized the loss to Indonesia of a potentially valuable sector of the population, while both Chinese and Indonesian opponents stressed the dangers of the much wider foreign jurisdiction and interference which it would involve. The proposed system was often labeled "mass denationalization".

A closing article of the draft bill states: "An Indonesian citizen residing in Indonesia is considered not to have any other citizenship." (47) This, of course, was directed towards the problem of dual nationality. It is evident from the explanations which were attached to the draft that the Government was quite aware that declarations renouncing Chinese citizenship would not actually nullify that citizenship under Chinese law. But for all practical purposes the clause just quoted would nullify China's claim to jurisdiction over Chinese residing in Indonesia who became citizens there, just as the Dutch legislation of 1910 and the Consular Convention had done.

Nevertheless, critics of this clause pointed out that the problem of dual nationality could only be eliminated finally through an agreement with China, and that consideration of this bill on the very eve of negotiations with China was inopportune, if not actually detrimental to the goodwill necessary for such negotiations.

As the new bill did not affect the status of other minorities (Dutch, Eurasian, Arab and Indian), but raised new complications and obstacles for the Chinese community, many Peranakans considered it as a direct attack on their position. The influential Working Committee on Citizenship in Surabaja, claiming to represent all strata of the Chinese community in that city, made a public statement condemning the bill and calling for a return to the spirit of the Act of 1946. (48) A special committee of the widely-organized Peranakan political organization, BAPERKI (Badan Permusjawaratan Kewarganegaraan Indonesia) (49), issued a memorandum criticizing the draft in detail, and opposing its "active system" clauses. (50) The most outspoken opponent of the bill was Siauw Giok Tjhan, Member of Parliament and leading figure in BAPERKI. Speaking of the new transitional clause in a press interview, he expressed the attitude of many Peranakans when he said:

> ...what had already ripened has been made raw again by these provisions. The fruits of nine years of efforts to cultivate the feelings of true citizenship among citizens of foreign descent, especially

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(47) Unofficial translation.

(48) Kuangpo, Semarang, Dec. 18, 1954.

(49) For a discussion of the character of BAPERKI, see pp. 71-72 below

(50) Berita BAPERKI, Djakarta, Vol. I, Nos. 7/8, October-November, 1954, pp. 2-3.

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> citizens of Chinese descent, will be ruined, and the work will have to be started anew. The "minority complex" which we have tried to eliminate will be strengthened. The reason for this is that these provisions will raise again all the former confusion and unrest concerning the question of who, actually, is an Indonesian citizen. (51)

The Minister of Health, Dr. Lie Kiat Teng, also stated his opposition to the bill in a press interview, and maintained that so far as he knew it had never been discussed or approved by the Cabinet. Dr. Lie said that his party, the Islamic Association Party of Indonesia (PSII), would continue to stand for the passive system as embodied in the Act of 1946 (52)

In the weeks that followed, party after party made it clear, through press releases and official spokesmen, that they opposed the bill. These included not only opposition parties--the Masjumi (a major Islamic party), the Socialist Party (PSI), the Catholic Party, and the Protestant Party (Parkindo)--but the following Government-supporting parties as well: the Communist Party (PKI), the Islamic Association Party (PSII), and the Indonesian People's Union (SKI). The PKI and the SKI took the position that they could not vote in favor of the bill before the outcome of the negotiations with China was announced. On the other hand, no party made an official statement in support of the bill. It was generally supposed, however, that at least the Nationalist Party (PNI) and the party of the Minister of Justice (PRN) would back it.

It was estimated that the parties opposing the bill could muster in Parliament at least 112 votes against it if it were put to a vote at this time. (53) This would have been enough to make its defeat almost certain.

The bill was discussed only in sectional meetings of the Parliament, however, and not in full session. It was reported that one section passed a resolution to the effect that the majority of its members were in favor of the Government withdrawing the bill, while another section proposed that consideration of the bill should be postponed until after an agreement with China was reached. (54) In the face of such opposition, the Government decided to withdraw the bill.

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(51) Sin Min, Semarang, Nov. 1,1954.

(52) Sin Min, Nov. 11, 1954.

(53) Star Weekly, Djakarta, Vol. IX, No. 465, Nov. 27, 1954.

(54) Sin Min, Nov. 27, 1954.

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CHAPTER IV

THE DUAL CITIZENSHIP TREATY WITH CHINA

Little information reached the press concerning the diplomatic contacts which led up to negotiations between Indonesia and China on the dual citizenship issue. The negotiations themselves were held in strict secrecy, and the authorities on both sides either denied or refused to confirm press reports and speculations concerning them. The main outlines of the developments leading up to the signing of the treaty, however, are fairly clear.

With the rapid rise of a powerful China under Communist leadership, the various governments of Southeast Asia became anxious concerning the role that their sizeable Chinese minorities might play, and the influence and jurisdiction over them that the Peking Government might attempt to exercise.

The Indonesian Government, therefore, proposed to the Government of the People's Republic of China that the two countries should negotiate a treaty to solve the problem of dual nationality. In early 1954 China agreed, but throughout the first half of that year the two governments could not settle on a date. The Indonesian Government was eager to hold the negotiations as soon as possible, no doubt partly because its own controversial citizenship bill was being delayed in the hope of an early settlement with China. On the other hand, China was in no hurry, and the Geneva Conference seemed to be absorbing the whole attention of its Foreign Ministry.

When Chou En-lai, Prime Minister and concurrently Foreign Minister of the People's Republic of China, visited India in July, 1954, Nehru discussed the question of dual nationality with him, probably at the request of the Indonesian Government. The London Times correspondent in New Delhi reported that Chou assured Nehru that China was ready to give up its claim to the citizenship of overseas Chinese of dual nationality, but this report was denied by Chinese authorities in Djakarta. (55) During Chou's visit to Burma, Prime Minister U Nu also raised the question of the dual nationality of Chinese there.

At the same time, a Draft Constitution was being discussed in China, which was adopted in September. Article 98 of this constitution reads:

> The People's Republic of China protects the proper rights and interests of Chinese residents abroad. And Article 23 provides that the National People's Congress shall include deputies elected by "Chinese residents abroad".

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(55) Sin Min, Semarang, Sept. 8, 1954.

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On September 23, 1954, Chou En-lai gave a report on the work of the Government to the First National People's Congress. His report included these words:

> For our part, we are willing to urge overseas Chinese to respect the laws of the governments and the social customs of the countries in which they live. It is worth pointing out that the question of the nationality of overseas Chinese is one which the reactionary governments of China in the past never tried to solve. This placed overseas Chinese in a difficult situation and often led to discord between China and the countries concerned. To improve this situation, we are prepared to settle this question, and are ready to settle it first with the Southeast Asian countries which have established diplomatic relations with us. (56)

Southeast Asian countries were concerned over these indications of China's increased interest in the Chinese residing in their countries, and at the same time anxious to find out under what conditions China was willing to settle the question of dual nationality. When Ali Sastroamidjojo, Prime Minister of Indonesia, was visiting India in early October, it was reported that he helped Nehru prepare the topics and questions concerning which Nehru would seek information during his forthcoming trip to China. One such question would be: Was China willing to announce to Chinese living abroad, as India had done in the case of her subjects abroad, that they would no longer be able to have dual citizenship? (57) Thus it seems that Nehru may have played an important part in stimulating Chinese authorities to settle the dual nationality question in a manner satisfactory to the Southeast Asia nations.

As the time for direct negotiations between China and Indonesia drew close, two relevant pronouncements came from the Nationalist Chinese Government in Taiwan. On October 25, Chiang Kai-shek himself expressed his hope for the loyal support of the overseas Chinese of Southeast Asia. Speaking to a correspondent of the Singapore Straits Times, he said that the Chinese in the countries of Southeast Asia should take part in the efforts of the Kuomintang to regain mainland China. (58) The next day, after a challenge from India on the subject of citizenship, Kuomintang Ambassador to Canada, Liu Chieh, stated at a United Nations committee meeting that according to present Chinese (Nationalist) law, overseas Chinese are not considered Chinese nationals if they obtain the citizenship of another country. (59) Thus it was clear that the rival Chinese governments were competing not only for the loyalty of overseas Chinese, but also for the goodwill of the governments of Southeast Asia and favorable public opinion the world over.

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(56) People's China, Peking, No. 20, Oct. 16, 1954, p. 24.

(57) Kuangpo, Semarang, Oct. 2, 1954, and Oct. 7, 1954.

(58) Suara Merdeka, Semarang, Oct. 28, 1954.

(59) Kuangpo, Oct. 29, 1954.

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Preliminary negotiations on the Dual Citizenship Treaty finally opened on November 2, and were carried on in Peking until December 23, 1954. On the basis of the work done there, negotiations were continued in Djakarta and Bandung from March 29 to April 20, 1955, at the time of the Asian-African Conference. The head of the Indonesian delegation, Sukardjo Wirjopranoto, was assisted by two lawyers Sahardjo and S. H. Tajibnapis, and a secretariat consisting of Tamtomo, Tjhinhoikwet, A. Muhardjo, and Lie Chuan Sin. The Chinese delegation included Ambassador Huang Chen, Consul General Chao Chung Shih, and Lin Chao Nan.

During the negotiations, Indonesian officials repeatedly reported to the press that the talks were proceeding smoothly in an atmosphere of friendly cooperation, and that there were no disagreements in principle. No other details were given. However, at the beginning of December, the correspondent of the Times of India in Peking reported that it had already been decided that Chinese of dual nationality in Indonesia would be given a year in which to choose one citizenship or the other. Those preferring Indonesian citizenship would be required to make a statement repudiating their Chinese citizenship. (60)

While this did turn out to be the basic principle of the agreement as finally adopted, the Indonesian authorities were unwilling to confirm it at the time. It was essentially the same principle, involving the active system of opting, which was embodied in the Government's draft citizenship bill, and which had already aroused so much opposition. No doubt it was considered wise to postpone further excitement on this issue until after the Asian-African Conference.

Through sources close to the negotiations the present writer learned that the Chinese delegation was originally willing to recognize the status quo as to the citizenship of Chinese in Indonesia. That is, they would have been willing to draw up a treaty in which China would renounce its claim to all Peranakans who had become Indonesian citizens under the Act of 1946 or the Round Table Agreement. It was the Indonesian side which insisted on a new round of opting, this time according to the active system. This was consistent with the Government's desire to have as citizens only those Chinese who would be willing to make an official and public declaration repudiating their Chinese citizenship.

To the Chinese delegation, on the other hand, the merits of the proposed active system and those of the passive system already carried out, may well have appeared to be of approximately equal value. The active system was likely to result in bringing more Chinese under the direct jurisdiction of the Government of the People's Republic of China. But it was sure to disappoint or even antagonize a good many Peranakans who were favorably disposed to the new regime in China.

Faced with advantages and disadvantages in either course, the Chinese side was no doubt willing to accept whichever system was proposed by the Indonesians. Even the generally anti-communist editors of Keng Po reported that the Chinese delegation had "given in" to almost every porposal of the Indonesian delegation. (61)

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(60) Sin Min, Dec. 4, 1954.

(61) Keng Po, Djakarta, April 26, 1955.

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Negotiations were hurried to an end during the first days of the Asian-African Conference, and on April 22, 1955, before the close of the Conference, the treaty was signed by Sunario and Chou En-lai, Foreign Ministers of Indonesia and China.

Provisions of the Treaty on Dual Citizenship

The purpose of the treaty was to eliminate dual citizenship in cases where it exists and to prevent its occurence in the future. Most of its provisions apply to persons who are at the same time citizens of Indonesia and the People's Republic of China. This includes all persons of Chinese descent who acquired Indonesian nationality under the passive systems of the Act of 1946 and the Round Table Agreement. It does not include those who were born in China and were never naturalized as Dutch subjects, or those who rejected Indonesian citizenship during the opting periods of 1946-48 and 1949-51. These latter, being Chinese citizens only, were given no further choice in the matter.

Under the terms of this treaty, (62) adults having the dual nationality of the two countries would be given a period of two years in which to choose the citizenship of one or the other. They would be required either to repudiate Chinese citizenship in a declaration before designated Indonesian authorities, or to repudiate Indonesian citizenship before designated Chinese authorities. For the purpose of registering such declarations, either country could set up temporary offices in various parts of the other country after obtaining permission from the host government.

Persons of dual nationality who neglected to choose one citizenship or the other within the two year period, would automatically acquire only the nationality of their forefathers. Those of dual nationality who were not yet of age would have to choose their citizenship within one year after their eighteenth birthday or their marriage. Before choosing, they would be considered to have only the nationality of their fathers.

In the future, all children born in Indonesia of alien Chinese parents would acquire Chinese citizenship, while those born in China of Indonesian parents would be Indonesian.

A novel feature of the treaty was the absolute equality it would provide between men and women. A choice of citizenship by a husband of dual nationality would not apply to his wife, who, if also of dual nationality, would have to make her own choice. In a marriage between an Indonesian and a Chinese, neither party would automatically acquire the citizenship of the other; they could remain different nationalities, or either one could acquire the citizenship of the other by applying to the proper authorities.

One of the final provisions was that each party should undertake to instruct its own subjects residing in the territory of the other to

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(62) See Appendix V for the text of this treaty.

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follow the local laws and customs, but not to take any part in local politics.

Reactions of Various Parties to the Treaty

The treaty was hailed as a great success by Government-supporting politicians, correspondents, and editors in Indonesia. The central council of the Nationalist Party (PNI) issued a statement declaring their full support. Pointing out that their party is in favor of creating a unified citizenry with no differences according to race, they stated that the present treaty would remove the basis for the continuing existence of minorities. (63)

The Central Committee of the Communist Party (PKI) also issued a supporting statement. Although the treaty was neither complete nor perfect, they said, it would form the basis for a wise and democratic solution of the problem. Admittedly the passive system of options was easier and simpler than the active system provided for in the treaty, but the passive system had neither solved the problem of dual nationality nor the minority problems associated with it. Charging that the fact of dual nationality had been used by certain groups to incite discrimination and bring about racial oppression, the statement continued:

> The elimination of dual nationality will mean also the elimination, or the great reduction, of the factors which continually create tension between Chinese citizens of Indonesia and other citizens....It is certain that an active and unconfused attitude (as would be demonstrated in active options) will be of great help in eliminating the prejudices of that part of the Indonesian people who are victims of the divide-and-rule tactics of the imperialists and their accomplices. (64)

On the other hand, the treaty also met with a great deal of opposition as soon as its text was released. Even many Government supporters criticized various aspects of the treaty. For instance, Dr.Diapari, head of the Indonesian People's Union (SKI), found it far from satisfactory, and proposed consultations among the Government parties to discuss the problems involved. Specifically, he did not approve of changing from a passive to an active system, because of the likelihood that a large number of Chinese would thereby lose their Indonesian citizenship. Dr. Diapari expressed his concern over the possible results of having too many foreigners living in Indonesia. (65)

The opposition parties were, of course, much more outspoken in their criticism of the treaty. Jusuf Wibisono, speaking for the Masjumi,

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(63) Keng Po, May 2, 1955.

(64) As reprinted in the Star Weekly, Djakarta, Vol. 10, No. 490, May 21, 1955, p. 34.

(65) Keng Po, April 30, 1955.

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expressed three major objections: the objection in principle that the treaty was contrary to the Provisional Constitution, the Political Manifesto of 1945, the Citizenship Act of 1946, and the Round Table Agreement of 1949; the moral objection that the treaty would sacrifice to China many Chinese whom the Indonesian Government had hitherto considered as friends; and the practical objection that registration of over a million Chinese would involve tremendous difficulties, complicated further by the likelihood of a good deal of corruption in the process. (66)

The Secretariat of the Indonesia Socialist Party issued a statement rejecting the treaty on grounds similar to those outlined by Dr. Diapari and Mr. Widisono. It maintained that Indonesia should have demanded that China recognize the Indonesian citizenship of Chinese who had accepted it under the passive system, and release them from Chinese citizenship. (67)

The Catholic Party (Partai Katolik) in an official rejection of the treaty, maintained that it was not only unconstitutional, but that it would violate the United Nations' Universal Declaration of Human Rights, which has been accepted by Indonesia, and which guarantees that no person's citizenship may be revoked by any law or treaty. The Catholic Party also opposed the provisions of the treaty which would permit members of one family to have different citizenships, especially husbands and wives. This was considered contrary to moral principles in general and to the principle of family unity in particular. (68)

Similarly, the Protestant Party (Parkindo), the anti-Stalinist communist party (Murba), the Hazairin faction of the Union for a Greater Indonesia (PIR), and other smaller parties went on record against the treaty.

Beyond the objections which they stated publicly, anti-communist politicians were opposing the treaty partly because it would involve the establishment throughout Indonesia of registration offices manned by personnel of the People's Republic of China. It was feared that these might also be used for purposes other than registration.

Reactions of Indonesian Chinese to the Treaty

The feelings of the Indonesian Chinese community towards the treaty were much more complicated than they had been towards the draft citizenship bill just a few months before. While articulate Peranakans had been almost unanimous in opposing the draft, they were not so sure about the treaty. Most of them still disliked the prospect of having to go through another option period, and objected to an active system on the grounds that it would cause a substantial

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(66) Keng Po, April 27, 1955.

(67) Keng Po, April 30, 1955.

(68) Keng Po, May 14, 1955.

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section of their community to lose their Indonesian citizenship. On the other hand, many of the objectionable features of the draft bill were not to be found in the treaty, especially the two generation jus soli provision. Then too, the treaty seemed to promise a final resolution of the thorny problem of dual nationality, whereas no unilateral bill could do so. Finally, one party to the treaty was the People's Republic of China. As will be explained in a later chapter, many of those who most eagerly demand only Indonesian citizenship, are also sympathetic towards Mao Tze-tung's new regime in China and proud of its accomplishments. They are eager to promote good relations between the two countries. It would have been uncomfortable indeed for them to oppose a treaty signed by the Government of the People's Republic of China and by the Indonesian Government which had been most friendly towards that country to date.

Thus many Chinese viewed the treaty with mixed feelings. Those who supported it admitted its weaknesses. Those who opposed it did so cautiously, and with many good words about the intentions of the contracting parties. Many preferred to take no stand at all. A popular solution was to support the treaty, while advocating radical changes in its practical execution.

Let us take, for example, the pro-Peking Semarang newspaper, Sin Min. This paper had published many news articles and reports of speeches attacking the draft citizenship act of 1954, and although its policy was generally to support the Government, it had criticized the bill editorially. On the treaty issue, however, it took no editorial stand, but published reports of speeches by both the supporters and the more cautious opponents of the treaty. Its nearest approach to taking a position was in a column written by one of its Djakarta correspondents headed: "Find a simple way to carry out the Chou-Sunario Treaty."

In this column the writer raised no objection to the treaty. But he drew attention to the importance of what he called the "psychological factor" in the following words:

> ...the feelings of those who have already clearly chosen Indonesian citizenship and who have shown their readiness to serve the Country and the People of Indonesia, must not be offended or injured.
>
> ...And in the execution of the Chou-Sunario treaty, in our opinion, a simple way can still be found to eradicate the impression that the Government is intentionally making the position of Indonesian citizens of Chinese descent more difficult. (69)

The "simple way" proposed by this columnist was to recognize as Indonesian citizens without dual nationality all those persons of Chinese descent who have served as Cabinet Ministers, Members of Parliament, and government employees, as well as those who have been registered as voters and gone to the polls. This would release a very large proportion of the Peranakan population from the

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(69) Sin Min, Semarang, May 12, 1955.

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neccesity of making another option, and would thus eliminate one of the major objections to the treaty. So far as the present writer is aware, this was the first time that this proposal appeared in the press. It was to be taken up seriously by the Government later on.

The anti-communist Kuangpo, another Semarang newspaper, which generally supports the Government, took a clear but discreet stand against the treaty. In addition to objecting to the expected denationalization of many passive citizens of Chinese descent, an editorial in this paper also emphasized the psychological factor, as follows:

> We who regard the problem of choosing Indonesian citizenship not from considerations of profit and loss, but entirely on the basis of a realization that by force of nature we are sons of Indonesia who for several generations have had no legal connection with China whatsover--we feel rather disappointed that in order to defend our citizenship we shall have to go through another formality. We are not disappointed because of the formality as such, but because we feel that the formality is not necessary for us, and that we have no ties with the outside world which need to be cut off by going through another formality. (70)

The two most important Peranakan newspapers in Djakarta took opposite sides on this issue, as on most others. The Sin Po, a pro-Peking paper, generally favored the treaty. The Keng Po, which favored neither the Communists nor the Kuomintang in China politics, but generally with the opposition parties in Indonesia at that time (Masjumi, PSI, etc.), vigorously opposed the treaty. The Keng Po suggested editorially that revoking the Indonesian citizenship of Peranakans who failed to repudiate Chinese citizenship would create a serious problem of "displaced persons". (71) Two weeks later, Mr. Yap Thiam Hin, a leading figure in Chinese Protestants circles and an officer of BAPERKI, gave an even more alarming picture of the possible consequences of the treaty. The Keng Po reported:

> Mr. Yap...stated his opinion that the methods proposed in the treaty would have grave social consequences, which could even endanger the stability and security of Indonesia itself. He believed that 80% of the people of Chinese descent, who had already become Indonesian citizens, would now be "uprooted" like displaced persons, because without knowing it they would become foreigners or stateless persons if the treaty were ratified. Their livelihood, judging from the fact that even as citizens it had been interfered with and made difficult, would become even harder, and this might raise criminality, etc. Where would they be sent--those hundreds of thousands of farmers in Tangerang, Bekasi, Bangka, Kalimantan, etc. who, as foreigners or stateless persons would no longer be able to cultivate the soil because of the difficulty of getting land or because their right to rent land would have been snatched away? (72)

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(70) Kuangpo, Semarang, April 27, 1955.

(71) Keng Po, Djakarta, April 26, 1955.

(72) Keng Po, May 9, 1955.

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The majority of members of BAPERKI, however, took a more moderate and realistic view of the treaty, no doubt partly because of a general orientation more sympathetic both to the new regime in China and to the Government parties in Indonesia. BAPERKI issued a statement (73) in which it cautiously advances a number of critical "impressions" of the treaty: that it seemed intended to reduce the number of Indonesian citizens of Chinese descent; that the fact that it could be abrogated by either party after twenty years might give citizens of Chinese descent a doubtful status which could serve as a continuing basis for discrimination; that the treaty might nullify the efforts of the Indonesian Government to make good citizens of its subjects of foreign descent; and that it might undermine public and international faith in the legal foundations of the Government, since it was contrary to the constitution and the law to date. Instead of opposing the treaty, however, the BAPERKI statement called upon the Government to interpret and carry it out in such a way as to guarantee the continued Indonesian citizenship of all persons who had already acquired it.

The influential Working Committee on Citizenship in Surabaja issued a stronger statement outlining similar objections to the treaty. It included a warning about the dangers of "international interference" if the number of Chinese subjects in Indonesia should become too great. (This was indicative of a more critical attitude towards the Peking regime than that of BAPERKI.) Finally, it reported that by a majority vote the Committee had decided to oppose the treaty, at least so long as its objectionable features were not removed by any subsequent exchange of notes or official clarifications. (74)

Typical of those most favorably disposed towards the treaty was Dr. Tjoa Sik Ien, who had represented Indonesia at the United Nations at a time when the Republic, hard-pressed by Dutch forces, was struggling for world recognition and support. Today he is one of the influential Peranakan leaders who are most sympathetic toward the new regime in China. Dr. Tjoa had been opposed to the active system, but personal discussions with Indonesian and Chinese authorities after the treaty was signed convinced him of its desirability as a method of minimizing prejudice and discrimination against Peranakan citizens. In a public speech and a statement to the press Dr. Tjoa analyzed the treaty in detail, pointing out its strengths and weaknesses. He maintained, however, that talk of displaced persons and statelessness was premature, and insisted upon reserving final judgment until official clarifications had been given, particularly of the question of who should be considered to have dual nationality. (75)

The most outstanding of the cautious opponents of the treaty was Siauw Giok Tjhan, Member of Parliament, and head of BAPERKI. Although Siauw ardently identifies himself with Indonesia, he is an

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(73) Keng Po, April 29, 1955.

(74) Kuangpo, Semarang, May 21, 1955.

(75) Sin Min, Semarang, April 29, 1955, and May 17, 1955.

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admirer of Mao Tze-tung's regime and an avowed enemy of the Kuomintang Chinese in Indonesia. In an interview with the press, he listed eleven shortcomings of the treaty, including many which have been mentioned above, and expressed his hope that the Indonesian Government would establish the principle that all of its citizens of Chinese descent should retain their Indonesian citizenship. (76)

While differing on the merits of the treaty itself, Peranakans were unanimous in their fear that the signing of the treaty might raise uncertainties about their rights as citizens, at least until the end of the two-year option period. On May 17, 1955, the periodical Utusan National published a report that civil servants and officials connected with agrarian affairs had stopped all land transactions involving Chinese, pending further instructions as to the status of citizens of dual nationality. For some time there had been a loosening of regulations restricting the purchase and ownership of land by citizens of Chinese descent, but officials took the signing of the treaty as an indication that Chinese of dual nationality might be regarded as foreigners. (77)

Of even greater concern to many Peranakan citizens was the question as to whether they would still be allowed to vote in the coming elections. Various newspapers and public figures, especially those of the Opposition, had pointed out the possibility that Chinese of dual nationality might vote in Indonesia's national elections and then opt for Chinese citizenship under the provisions of the treaty. Opposition elements were concerned about such persons having the right to vote not only because it seemed unfair, but also because many of them might vote for the Indonesian Communist Party (PKI). In any case, Peranakan Chinese feared that they might be denied the right to vote on the grounds that their citizenship status would not be certain until the end of the option period provided for in the treaty.

Peranakan Chinese, therefore, were united in their desire for the Government to issue a directive guaranteeing the continuation of their full rights as citizens, in spite of the uncertainties raised by the treaty. Siauw Giok Tjhan, in parliamentary questions to the Cabinet, urged the Government to do so. (78)

Exchange of Notes Concerning the Treaty

On June 3, 1955, during Prime Minister Ali Sastroamidjojo's visit to Peking, an exchange of notes concerning the Dual Citizenship Treaty took place. Signed by the Prime Ministers of the two countries, this document represents a supplement which would be ratified and would come into effect along with the treaty itself.

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(76) Keng Po, April 28, 1955.

(77) Sin Min, May 25, 1955.

(78) Ibid.

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The content of the notes made it immediately apparent that the two Governments were well aware of the opposition the treaty had aroused in various groups, and now intended to modify it in such a way as to remove certain objections. It had become doubtful whether the treaty could be accepted by the Indonesian Parliament, and in any case both governments wanted to have the goodwill of the Peranakan Chinese.

The first paragraph of the document restates the purposes of the treaty, while another provides for a Joint Committee to be set up in Djakarta for the purpose of discussing and planning its execution. The other three paragraphs represent interpretations and elaborations of the treaty.

As we have seen, Indonesian citizens of Chinese descent were afraid that the prospect of another option period and the possibility that the treaty might be abrogated after twenty years would give an uncertainty to their status which might result in their receiving less than their full rights as citizens. Two paragraphs of the notes were intended to settle this problem. One provides that once a person has chosen his citizenship under the provisions of the treaty, he will never be required to choose again even after the twenty-year term of the treaty is over. The other provides that before the end of the two-year option period the present status of persons of dual nationality will not change until they make their choice.

The most remarkable provision of the notes, however, was Paragraph 2, which reads as follows:

> The Government of the People's Republic of China and the Government of the Republic of Indonesia agree that among those who are at the same time citizens of Indonesia and of the People's Republic of China there is a certain group who may be considered to have only one citizenship and not to have dual citizenship, because, in the opinion of the Government of the Republic of Indonesia, their social and political position demonstrates that they have spontaneously (in an implicit manner) renounced the citizenship of the People's Republic of China.
>
> Persons included in the above-mentioned group, because they have only one citizenship, are not required to choose their citizenship under the provisions of the dual nationality treaty. If they so desire, a certificate stating their position may be given to such persons. (79)

When the text of the notes was released, this provision aroused a storm of comment and speculation as to who would or should be included among those paradoxical persons of dual nationality having only one nationality. Newspapers went to their "informed sources" and "sources near to the Cabinet" and found out that before the

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(79) Unofficial translation from the Indonesian text.

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Prime Minister left for China the Cabinet had discussed this problem, probably at the insistence of the Minister of Health, Lie Kiat Teng, who flatly refused to submit himself to another option procedure. The sources agreed that it had been decided that Chinese-descent Cabinet Ministers, Members of Parliament, and members of the Police and Armed Forces would be released from the obligation of opting again. Beyond this, most sources agreed that all other government employees would also be exempted, while one source went so far as to mention all registered voters of Chinese descent. (80) None of these reports, however, was confirmed by the Government, and no further clarification was made.

Opponents of a new round of options immediately saw in this new provision the possibility of converting the active system of the treaty into a passive one. Referring to the words "in the opinion of the Government of the Republic of Indonesia" in Paragraph 2 of the notes, Siauw Giok Tjhan maintained that this meant that China was giving the Indonesian Government complete freedom to determine who among the dual nationals should be considered to have Indonesian citizenship alone. He proposed that the Indonesian Parliament, when considering the bill, should pass an amendment on the subject, and suggested that the definition of those who would automatically have only Indonesian citizenship without further option should be as wide as possible, so that it would, in practice, include all those who were already citizens under the passive system of the Round Table Agreement. (81)

A few days later the Indonesian Socialist Party (PSI) issued a statement incorporating the same suggestion. The Government must take this opportunity, it said, to declare that all persons of Chinese descent who are already citizens according to the Provisional Constitution should not be considered to have dual nationality and should therefore not be required to repudiate Chinese citizenship. The statement closed with the assertion that "for only a certain group among those of Chinese descent (Ministers, Members of Parliament, etc.) to be freed from the obligation of opting again would be in poor taste and might be considered as an invitation to the leaders of the Peranakan community to sacrifice the fate of their group to their own personal interests. (82) This statement gained the support of the editors of the Semarang paper Kuangpo, and no doubt also of a majority of the former opponents of the treaty.

Up to the time of its resignation on July 24, 1955, the Cabinet took no further action on the treaty or on the new issues raised by the exchange of notes. The new Cabinet which took office on August 8 was based on a coalition consisting almost entirely of parties which had opposed the treaty. With national parliamentary elections less than two months away, political parties were busy with campaigning, and the Government generally attended only to what might be considered "interim" affairs. Neither the Cabinet nor Parliament was likely to initiate consideration of the Dual Citizenship Treaty until the

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(80) Keng Po, June 16, 1955, and Sin Min, May 27, 1955.

(81) Keng Po, June 16, 1955.

(82) Keng Po, June 20, 1955.

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formation of a new Government on the basis of the newly-elected Parliament.

Conclusions about the Dual Citizenship Treaty

The failure of the treaty to gain the immediate approval of a majority in Parliament, the strength of the arguments put forward by its critics, and the somewhat paradoxical way in which the exchange of notes attempted to compromise with the opposition, should not lead us to conclude that the efforts of the Ali Sastroamidjojo Government in the matter were a farce or a failure, as some have claimed. The treaty was, indeed, a historic achievement. For the first time, China was relinquishing her traditional claim that all persons of Chinese descent remain Chinese citizens even when they acquire another citizenship. Other countries with a Chinese minority problem, such as Burma, might also seek treaties with China, following the precedent of this treaty.

The treaty was a success also in that the Indonesian Government, through careful diplomacy and protracted negotiation, was able to achieve virtually all of its aims. Although the system of options incorporated in the treaty was widely opposed, it would eliminate the thorny legal and jurisdictional problem of dual nationality--a goal sought by all groups.

It should be pointed out, too, that many of the objections raised against the treaty were either exaggerated or groundless. For instance, the treaty would not create a group of stateless or displaced persons. Those who became Chinese subjects by default would be no more stateless or displaced than the already large group of foreign Chinese in Indonesia. Then too, the treaty was attacked by one of its critics because it allowed persons who had already chosen Chinese citizenship to have another opportunity of choosing. Other critics, however, attacked the bill on the grounds that it did not. Actually, since the group in question had already lost their Indonesian citizenship, they were not included among the dual nationals to whom the treaty gave the right of another option. This would seem reasonable.

As we have seen, one of the major arguments against the treaty was that its active system would "denationalize" a large group of Peranakans who failed to make any choice. These would be the "little people", the workers and farmers and small shopkeepers, the illiterate and uninformed, the people who for generations had lived in the villages and byways of Indonesia. The opponents of the treaty estimated the size of this group as anywhere from a "majority" to 80% of the Peranakan community, and implied that all or most of them would lose their citizenship without their knowledge or agreement.

The present writer believes this argument to be vastly overstated. Since the war years there has been a significant shift of the Chinese population away from villages and into towns and cities. Today only a tiny proportion of Chinese live in localities where there are less than two hundred other Chinese. Even in small towns there is usually at least one Chinese community organization and often a school. And village Chinese invariably have extensive

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commercial, social, and family contacts with Chinese of larger centers. There are few Chinese families who do not have at least one literate member.

These facts suggest that even a moderate campaign, through posters, press, schools, and Chinese organizations, would reach the vast majority of Peranakans with the basic facts about a new opting period. And among those who felt they had a stake in Indonesian citizenship, few would fail to opt for it. Certainly there would be a large number who would do nothing. But we may assume that a large proportion of them would be persons who were knowingly taking the easiest way to acquire Chinese citizenship, while most of the rest would be persons who, although not particularly interested in Chinese citizenship, at least knew that they were acquiring it by their passivity. Thus it is doubtful whether the active system would result in a large group of people losing their Indonesian citizenship "unknowingly" or"unwillingly".

A much more valid objection to the active system was that it would tend to alienate, rather than to attract the Peranakan population. To many Indonesian Chinese it seemed that in asking them to make another option, this time actively, the Government was just "playing with them" or"trying to make things difficult for them". Although this attitude was perhaps unwarranted, it was to be expected, and it was certainly a factor to be accounted for in weighing the pros and cons of the active system.

Another objection was that the treaty was unconstitutional in that it would revoke the citizenship of non-opters and children of persons choosing Chinese nationality. This criticism appears to be well founded. The Provisional Constitution asserts that those who are already citizens shall be so at least until the promulgation of a new citizenship law. This difficulty could be overcome, however, if the Government would present to Parliament a citizenship bill consistent with the treaty before the latter is discussed.

Article X of the treaty allows either partner in a marriage between a Chinese and an Indonesian to acquire the citizenship of the other. The treaty as it stands, however, contains no other provision for voluntary naturalization, either for foreign Chinese born in Indonesia or for Chinese immigrants. Lack of a specific provision to this effect may reflect the desire of the first Ali Sastroamidjojo Government to discourage naturalization. This desire had already been demonstrated in the Government's Draft Citizenship Act, which prescribed a naturalization fee of 3,000 rupiahs (about $260, a sum equivalent to the annual base pay of a government clerk). In the future, if Parliament should be in favor of trying to reduce the number of foreign Chinese residing in Indonesia by opening the opportunity of acquiring Indonesian citizenship to as many as possible, this feature of the treaty would be an obstacle. It could only be overcome by an amendment or interpretation agreed to by China, specifically providing that Chinese citizenship would be lost by persons naturalized in Indonesia. In this case, the new citizenship law of Indonesia would probably offer naturalization to all foreigners who were born in Indonesia thereafter, or who resided there for a certain period of time.

The Dual Citizenship Treaty, if ratified, would do nothing to clarify the status of pro-Kuomintang Chinese. As we have seen,

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members of this group who are not Indonesian citizens are generally considered "stateless" by government agencies. They naturally prefer this to being considered citizens of the People's Republic of China--which is the only alternative in a country which does not recognize the government of Chiang Kai-shek. Pro-Kuomintang Chinese who were born in Indonesia did not reject Indonesian citizenship during the 1949-51 option period, because they feared that to do so might put them under the jurisdiction of Communist Chinese consuls. Similarly, the Dual Citizenship Treaty would not give them an opportunity to reject Indonesian citizenship in favor of Nationalist Chinese citizenship. If the treaty is ratified, pro-Kuomintang Peranakans will no doubt repudiate Chinese citizenship in favor of Indonesian, for if they remain inactive as before, they run the risk of coming under the jurisdiction of Peking consuls. However, given the present policy of the Taipeh government, they may be assured that they will be accepted as Chinese in Formosa if they choose to go there, even if they are obliged to accept Indonesian citizenship in the meantime.

Finally, it is true that to be carried out effectively the active system would require a tremendous amount of effort and money. The training of personnel, the disseminating of information, the registration of all persons of dual nationality, the checking of identities, and the recording of options throughout the archipelago would be a prodigious job, and would require a large financial outlay.

With regard to the future of the treaty, there are three possibilities:

1) The new Parliament may pass the treaty and notes as they stand, exempting only police, military, and government officials and employees from its provisions. This would involve the disadvantages of the active system mentioned above, but it would also have its merits. Proof of citizenship would be greatly facilitated: a person of Chinese descent would only have to show his certificate of repudiation of Chinese citizenship, or, in other cases, some evidence that he had been a government official or employee in a specified period. Under the passive system he would have to prove at least that he was born in Indonesia, and that he had never repudiated Indonesian citizenship.

While the active system would disappoint or antagonize many Peranakans, especially if a select few were exempted from its provisions, it would undoubtedly improve the attitude of government officials and the Indonesian public in general towards Chinese Indonesian citizens.

2) The treaty may be renegotiated with China, in order to incorporate the passive, rather than the active system. However, while the Chinese Government may have no objection to the passive system, it may well be reluctant to renegotiate a treaty which has been publicized around the world as an example of the peaceful resolution of international problems. Indonesia, too, under whatever cabinet, might find it embarrassing to ask for renegotiation. If the majority in Parliament is in favor of the passive system, however, this would be the simplest and most practical solution.

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3) If Parliament favors the passive system but either the Chinese or the Indonesian Government prefers not to renegotiate, the treaty may be ratified by Parliament with the proviso that all persons of Chinese descent who are already Indonesian citizens shall be considered not to have dual nationality and shall be exempted from the obligation to opt again. This may well turn out to be the compromise most satisfactory to all. It is a somewhat awkward compromise, however, as it raises the question: If all Indonesian citizens are considered not to have dual nationality, to whom then does the major part of the treaty apply? Who are the persons who will be required to choose their citizenship again?

In answering these questions, the Indonesian Government may take the position that those Indonesian citizens of Chinese descent who have social or psychological ties to China, as indicated by an expressed desire to become a Chinese citizen only, shall be considered to have dual nationality and shall be allowed to repudiate their Indonesian citizenship. In the interests of reciprocity,it is conceivable that those Chinese citizens who possess the qualifications for Indonesian citizenship but who have repudiated that citizenship during a past option period may also be considered as having dual nationality entitling them to opt again. In practice, such an arrangement would allow anyone who was not satisfied with his past option to change it during the new period. The main point of the treaty would still be the renunciation by China of all claims to the citizenship of Indonesian Chinese who choose to adopt Indonesian citizenship.

Of the major parties who are to be represented in the new Parliament, only the Nahdlatul Ulama, an orthodox Islamic party, has given no indication of its stand on the treaty or on the question of passive as against active options. Yet if other parties maintain their positions, it will be the vote of the Nahdlatul Ulama which will decide the issue one way or the other. If it favors the active system, along with the Communists and Nationalists, the first possibility outlined above will probably materialize. If, on the other hand, it favors the passive system, as do the other religious parties and the Socialists, either the second or third course will be taken.

This historical outline of the national status of the Chinese in Indonesia must therefore close on a note of complete uncertainty.

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CHAPTER V

DEMOGRAPHY OF CHINESE CITIZENSHIP

Immigration and Population

When the Dutch arrived in the Indies at the beginning of the seventeenth century, they found settlements of Chinese traders here and there throughout the islands. Under the rule of the Dutch East India Company, the Chinese prospered, and their community grew fairly rapidly. During his administration of Java from 1811 to 1816, Sir Stamford Raffles estimated that there were nearly 100,000 Chinese in Java and Madura. By 1900 this number had increased to about 277,000, and in the following thirty years it more than doubled, reaching 582,000 in 1930. The Chinese population in the Outer Islands was increasing at an equally fast rate, and the total Chinese population for the Indies was enumerated at 1,233,000 in 1930, the year of the last complete census. (83)

Since Chinese women did not emigrate to the Indies in significant numbers until after World War I, the increase in the Chinese population was due partly to large-scale immigration, a major part of which was indentured plantation labor, and partly to the fact that from the beginning immigrants had taken Indonesian wives and raised their children as Chinese. Thus there came to exist two Chinese communities: the Totoks, or recent immigrants, and the Peranakans, who were born in Indonesia and were usually the children or the descendents of mixed marriages. Although the distinction between these two groups is based chiefly upon birthplace, the Indies-born children to Totoks are often considered as Totoks if they continue to use the Chinese language and adhere to a distinctly Chinese way of life as distinguished from an Indies-Chinese way of life. Because most Peranakans have at least one mixed-marriage among their ancestors, the name often bears the connotation of "mixed-blood". Roughly, however, the two terms may be used to distinguish China-born and Indies-born Chinese.

As we have seen, the Netherlands Citizenship Act of 1910 claimed as Dutch subjects all Chinese who were born in the Indies of domiciled parents. Thus the 1930 census figures for foreign-born and Indies-born Chinese give us an approximate idea not only of the numbers of Totoks and Peranakans, but also of foreigners and subjects. In that year there were about 750,000 Indies-born Chinese, and 450,000 Chinese immigrants. (84) This means that almost two-thirds of the Chinese living in the Indies were Dutch subjects.

Taking into account actual and probable immigration figures and birth and death rates, the present writer estimates that there were some 2,100,000 Chinese in Indonesia in 1950, of whom about 1,500,000, or over 70% were born there. The foreign-born Chinese population, according to the same estimate, was about 600,000. Since 1950 no significant amount of Chinese immigration into Indonesia has been

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(83) Purcell, op. cit., pp. 443 and 449.

(84) Ibid., p. 444.

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permitted, and the percentage of Totoks, as compared with that of Peranakans, has been decreasing at the rate of about one percent per year.

Options for Chinese Citizenship

A good deal of mystery surrounds the question of how many Chinese gave up their Indonesian citizenship during the option periods of 1946-48 and 1949-51. The present writer was unable to obtain any figures or reliable estimates of the results of the options under the Act of 1946. Final figures for the 1949-51 period have not yet been released. Even at the end of 1954, the Courts in many areas had not yet finished "processing" the declarations of repudiation of Indonesian citizenship made before them.

Unofficial reports give a wide range of estimates. An officer of BAPERKI has claimed that not more than 10% of the Peranakan Community could have chosen Chinese citizenship. In reporting the preliminary negotiations between Indonesia and China concerning dual citizenship, the correspondent of Times of India obtained the estimate in Peking that out of about 2,000,000 Chinese in Indonesia, only 800,000 were Indonesian citizens. (85) These figures must have been based on the assumption that from 35% to 40% of the Indonesian-born Chinese had rejected Indonesian citizenship or lost it through the rejections of their parents or husbands. Government sources in Indonesia, on the other hand, have given unofficial estimates of about 30%.

The Government has published official lists of persons who have repudiated Indonesian citizenship, but these are as yet far from complete. Up until 1954 they included only 24,192 Chinese names. (86) Unofficial repudiation figures for various localities have appeared in the press, however. By comparing these with population statistics from various sources, the present writer estimates the following local percentages of Indonesian-born Chinese who have lost their Indonesian citizenship through repudiations: Djakarta, 25%; Jogjakarta, 25%; Surakarta, 20%; and Semarang, 10%. (87)

Towards the end of 1954, all foreigners residing in Indonesia were registered by local immigration authorities. By subtracting our estimate of the number of foreign-born Chinese living in Indonesia in 1954 from the approximate number of foreign Chinese registered in that year, we calculate that the number of Chinese who had lost Indonesian citizenship through repudiations must have been between 250,000 and 350,000. Thus the proportion of Peranakans all over Indonesia who chose Chinese citizenship in the 1949-51 option period was most probably between 17% and 25%. And, if our estimates are correct, from 40% to 45%

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(85) Sin Min, Semarang, Dec. 4, 1954.

(86) From an unpublished study on Indonesian citizenship by A. van Marle.

(87) These estimates are based upon figures from various newspaper and government reports, and from van Marle's unpublished study.

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of the Chinese living in Indonesia today are Chinese subjects.

There were a little over 300 Chinese in all Indonesia who, in rejecting Indonesian citizenship, chose to remain Netherlands subjects rather than Chinese subjects. (88)

Almost all of the figures given in this section are subject to substantial error, either because they are based partly upon guesses, or because the original methods of enumeration were far from precise. Within a very short time, however, much more accurate statistics will be available. The results of the nation-wide registration for the general elections, once tabulated, will provide census-type population figures for Indonesian citizens. The alien registration figures are now available, and we may look forward to the publication of the final option statistics.

(88) From van Marle's unpublished study.

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CHAPTER VI

GOVERNMENT MEASURES AFFECTING THE POSITION OF FOREIGN CHINESE IN INDONESIA

Alien Control Measures

In a series of provisions based on the United Nations' Universal Declaration of Human Rights, the Provisional Constitution of the Republic of Indonesia guarantees to all persons living in Indonesia, including foreigners, a wide measure of rights and freedoms. Article 8, for instance, provides that "all persons within the territory of the State are entitled to equal protection of person and property", and other provisions guarantee fundamental legal rights, freedom of movement and residence, freedom of opinion and expression, the right to join trade unions and to strike, and equal protection against any discrimination. Article 33 allows limitation of these rights only by laws "exclusively for the purpose of securing the indispensable recognition and respect for the rights and freedoms of others and to comply with the just requirements of public order, morality, and welfare in a democratic community".

There is a flourishing Chinese-language press in Indonesia, with many newspapers and periodicals owned and staffed largely by foreign Chinese. The great majority of the teachers and roughly one-half of the pupils in about 1,000 Chinese-language schools are also foreign Chinese. And in every large city there are numerous Chinese organizations whose members are mostly or exclusively alien. All of these activities of Chinese nationals have been subject to very little supervision and control, mostly because of the great difficulty of obtaining personnel familiar with the Chinese community and the Chinese language. However, Government authorities regard the foreign Chinese with great suspicion and intend to reduce their political influence (whether Peking- or Taiwan-oriented) and economic power as much as possible. Therefore, control measures are being increased as fast as they can be enforced, or perhaps even faster.

New immigration laws, passed in 1950, virtually prohibited any further Chinese immigration. Only a token quota, and persons invited by the Government, such as technicians, were to be admitted. Nevertheless, it is generally believed that clandestine immigration, especially of well-to-do pro-Kuomintang refugees, has been going on in fairly large numbers. Not a few such persons have been discovered and deported.

Partly as a check on illegal immigrants, and partly as a means of closer supervision over all foreigners, Alien Control Regulation PP45 was promulgated by the Government in 1954. This established an Alien Control Bureau under the Police Department. All foreigners were required to register with local branches of this bureau within a certain period. The regulation included also the following provisions for the supervision of the movements of aliens: upon changing his residence, a foreigner must report to the police and receive from them an official letter which he must submit to the police at his new place of residence; upon moving, a foreigner must also report to the nearest Immigration Office, and to the civil authorities at both his old and

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new residences; upon travelling outside his place of residence for more than thirty days, a foreigner must report to the police and receive a travel certificate; hotels must keep a separate register for alien guests, and must require aliens to fill out two copies of report forms, which are to be submitted to the police daily; anyone entertaining a foreigner (whether a member of the family or not) in his home for one or more nights must report to the police within twenty-four hours.

In 1954, also the Alien Resistration Regulation PP32 required that all aliens register with the nearest Immigration Offices, and thereafter report all births, deaths, marriages, divorces, changes of occupation, and changes of address to the same office. In the following year, a provisional law stipulated that immigrants must renew their Entrance Permits at fixed intervals during a period of fifteen years, whereupon they must apply for a Permanent Residence Permit. A foreigner who has been in the country for fifteen years or more most also obtain a Certificate of Residence from the Justice Department, after payment of a fee of 500 rupiahs (over $40), plus 300 rupiahs for his wife and for each child. This amounted to a rather stiff head tax on the foreign population.

Beyond these general controls, the Government is determined to keep foreigners from taking part in, or trying to influence Indonesian politics. In this connection, any action or attitude which is related to the "life of the state", or which is intended to influence it is considered to be political. (89) The Constitution reserves for citizens the right to take part in government, and allows the Government to restrict the freedoms of foreigners (or citizens) in the interests of the security or welfare of the state. Government authorities have repeatedly warned aliens to refrain from all political activity.

Considering the strong political currents in the Chinese community today, and their potential effect, not only upon Indonesian citizens of Chinese descent, but also upon the nation as a whole, the Government has endeavored to curb political activities in the Chinese community. For instance, in 1952, a special department of the Ministry of Education was established to regulate and supervise foreign schools, most of which are Chinese. In trying to eliminate political teachings, it issues periodic lists of proscribed books and texts which may not be used in Chinese schools. Most of these are books published in Communist China.

In October 1954, the Justice Department deported four prominent Kuomintang Chinese on the grounds that their activities were endangering the welfare of the nation. The exact charges against these men were not made public. Government opponents charged that corruption was involved, while Government supporters alleged that the deported persons had been involved in a plot to oust the Government parties and force the resignation of the President. Either or both of these explanations may have had some basis in reality, but it seems equally plausible that the Government's action was at least in part due to the fact that leading Kuomintang businessmen had cornered the rubber market in order to prevent the sale of rubber to Communist China under the terms of the Indonesia-China trade agreement.

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(39) Soenario, op. cit., p. 19

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About the same time that the Justice Department was moving against Kuomintang leaders, the Military Police arrested three leftist Chinese. As a result of these moves, alien Chinese, especially on the Kuomintang side, became much more cautious about indicating their political orientation in public.

Restrictions on the Economic Activities of Alien Chinese

In the economic sphere, the first move of the Government was to put an end to the remittances which Chinese had been sending to their families in China. This policy was in part dictated by economic necessities. Because of the difficult economic position of Indonesia after the war years, the supply of foreign exchange was very limited, and the Government had to insist that all available credit in foreign currencies should be utilized in ways beneficial to the home economy. In addition, the prohibiting of remittances to China was based upon the understandable conviction that the profits made by foreign businessmen in Indonesia should be spent or invested in Indonesia, and not transferred abroad.

Under each successive cabinet, policies concerning the economic position of the Chinese were different in detail and degree of effectiveness. But all were based upon the desire to build up an Indonesian middle class which would come to have a position of economic welfare and power equal to a greater than that of the Chinese. Under Iskaq Tjokrohadisurjo, Minister of Economic Affairs in the Ali Sastroamidjojo Cabinet, this policy was implemented with more stringent regulations than ever before.

In the first place, foreign credit was available to businessmen only through the Ministry of Economic Affairs, and Iskaq extended the privileges accorded to Indonesians, as opposed to Chinese, in this field. Foreign exchange is of crucial importance to almost all large-scale business enterprises in Indonesia because it is the only medium for the procurement of goods from abroad--either capital goods to equip and maintain productive enterprises, or consumer goods for sale to the general public. Thus control over the allocation of foreign credit gave the Government wide powers over the fate of the various sectors of the business community. Iskaq announced that concerns owned by aliens would receive only 15% of the available foreign exchange, and that only by turning over 50% of their capital and profits to native Indonesian business partners could foreign Chinese firms avoid this limitation. This represented a drastic reduction in the opportunities open to foreign Chinese capital, which had hitherto played a dominant role in handling imports from other Asian nations.

The second means of reducing the importance of foreign Chinese in the economy was to exclude them from certain lines of activity. Previous cabinets had outlined certain economic activities which would be reserved for government development alone, and others that would be reserved for citizens. However, no serious steps had been taken to oust foreign Chinese from fields in which they were already entrenched.

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Under Iskaq, the policy of excluding foreign Chinese from important new fields was continued. For instance, in its program to establish new industries with imported machines, equipment, and technical aid, the Government invited the participation only of citizens and foreigners having "national capital". The term "national capital" was not concretely defined, and the federation of the Chinese Sianghwee organizations proposed that all Chinese capital be included, since none of the profits of Chinese capital could be transferred abroad. In practice, however, the term was interpreted to exclude most foreign Chinese. In Central Java, for instance, government aid in establishing industries was confined entirely to citizens, and alien Chinese businessmen could obtain no foreign credits for this purpose.

Iskaq's policy was extended also to the exclusion of foreign Chinese from lines of business where they were already active. In 1954 and 1955 licenses for the importation of textiles were granted only to concerns or combines owned wholly or mostly by citizens. This left a great many Chinese textile wholesalers with empty shelves. By Government Regulations PP42 and PP60 of 1954, foreigners were forbidden to own or even to hold shares in rice mills. This meant that about a dozen large rice mills owned by alien Chinese in Central Java, and an even greater number in East Java and elsewhere had to be sold or rented to "national" concerns, while many foreign Chinese had to sell their individual interests in a good many others.

As a result of these and similar measures, there was a considerable slump in the business activity of the foreign Chinese. A certain number of aliens re-invested their capital in small-scale manufacturing not requiring equipment from abroad, in the building of theaters, hotels, and residences, and in the handling, processing and trading of local products. Others adopted a wait-and-see attitude, while putting their capital into real estate, jewelry, gold, and other non-productive savings. Some accepted native Indonesian business partners, at least in name. A regrettably large number, however, were able to find officials who could be bribed not to apply the restricting regulations in particular cases, or "national" firms whose sole business was to get import licenses from the Government and sell them (illegally) to foreign firms who could not get them otherwise. The extent of this kind of corruption and manipulation was a serious limitation on the effectiveness of the whole policy.

Nevertheless, it seems likely that the economic activity of foreign Chinese will be increasingly curtailed. The Indonesian Chamber of Commerce has repeatedly called for the elimination of aliens from all retail trade. And Iskaq was only expressing frankly the inner feelings of many Indonesian nationalists when he stated in a public meeting:

> We must fight against the capital of foreigners, and we must make every effort to expel them from Indonesia and put Indonesian citizens in their place. If necessary their expulsion must be forced, so that we ourselves can operate their enterprises. (90)

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(90) Suara Merdeka, Sept. 27, 1954.

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CHAPTER VII

THE POSITION OF INDONESIAN CITIZENS OF CHINESE DESCENT

Government Policy Towards Chinese-Descent Citizens

In its Political Manifesto of November 1, 1945, the Government of the Republic of Indonesia declared:

> In our internal policy we intend to implement the sovereignty of our people by putting into effect citizenship regulations which will in the shortest possible time encourage all groups of European and foreign Asian descent to become true Indonesians, that is, Indonesians who love democracy and their native country. (91)

These words are continually quoted on all sides as the foundation of Indonesia's policy toward her foreign-descent minorities. It is generally agreed that the only way to achieve this aim is to treat minorities with absolute equality and without discrimination, and thus to encourage them to accept Indonesia wholeheartedly as their own country. The term "homogeneous" has been universally adopted to epitomize the kind of nation and society that should be striven for as an ideal.

In recent years the Government has interpreted these broad principles to mean that the Chinese minority should be completely assimilated into the general population, not only legally, but socially, psychologically, and culturally as well. It is hoped that the Chinese can gradually be led to drop all of their distinguishing characteristics and thus to become one with the majority group in thought, word, and deed. In this "melting pot" process, Indonesian society and culture would be enriched by contributions from the Chinese, but ultimately persons of Chinese descent would be no more characteristically Chinese than the rest of the population.

In order to implement these purposes, a Bureau of Minorities Affairs, usually known as "UPBA" (the initials of its original name), was established as a section of the Ministry of Home Affairs. Minority Affairs offices were also established under all provincial, regency, and municipal governments. It was the task of this agency to formulate policy for minority affairs, and to instruct or advise all other government agencies in this sphere. The central office has three sections, which deal respectively with the Arab, Eurasian, and Chinese minorities. The latter section is considered to be facing the most difficult problems.

Legal Position of Indonesian Citizens of Chinese Descent

Citizens of Chinese descent have, of course, the freedoms and rights which we have cited above as prerogatives of alien Chinese, in

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(91) Unofficial translation.

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addition to all other rights guaranteed by the Provisional Constitution to the citizenry in general. Like other citizens, they are entitled to take part in government, and have the right to work and to receive an education. Article 25 provides that "the authorities shall not attach any advantages or disadvantages to the fact that citizens belong to a particular group of the population", while Article 7 states that "all are entitled to equal protection against any discrimination and against the incitement to such discrimination". (92) Finally, Article 58 guarantees that the Chinese minority shall have at least nine seats in the House of Representatives, and that this quota shall be made up by appointment if not attained by election.

As a result of the historic division and prejudices between the Indonesians and Chinese, however, citizens of Chinese descent were frequently not accorded equal treatment with other citizens. Totoks and Peranakans alike were considered as undesirable aliens by many people, even by government officials, and regulations intended for foreigners were often applied to citizens of Chinese descent. Partly as a solution to this problem, the Ministry of Home Affairs decided to hold a general registration of all citizens of foreign descent, and to issue to each one a certificate of citizenship which could be shown in support of a claim to any of the rights of a citizen. A few days after this intention was announced, the Minister of Justice wrote a letter to the Minister of Home Affairs in which he maintained that for a government department to institute such a registration without an act of parliament was unlawful. (93) Various Peranakan spokesmen also raised serious objections to the proposed registration. The head of the Bureau of Minority Affairs then made a public statement in which he maintained that the jurisdictional competence of his Ministry in this matter was quite properly derived from the Round Table Agreements ratified by Parliament, and from the practice of the former Dutch regime. But he also announced that the plan would be withdrawn, and that the proposed certificates of citizenship would be issued only to those who requested them. (94)

Very few Chinese requested them. In Central Java, which has a Peranakan population of over 150,000, only 8,884 certificates were issued in almost two years. BAPERKI took a strong stand against the certificates. Claiming that they had no legal foundation and that they represented a form of discrimination which would increase the "minority complex" of citizens of Chinese descent, BAPERKI spokesmen declared that they would only make the minority problem even more difficult to solve. (95) In a series of parliamentary questions to

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(92) Official translation.

(93) Berita BAPERKI, Djakarta, Vol.I, No. 3, June 26, 1954, p.4.

(94) Soewahjo Soemodilogo, Sedikit tentang So'al "Tanda Warga Negara", (statement issued by the Bureau of Minority Affairs), Djakarta, Jan. 15, 1953.

(95) Berita BAPERKI, Djakarta, Vol. I, Nos. 7/8, Ocotober-November, 1954, p. 4.

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the Ministers of Justice and Home Affairs, Siauw Giok Tjhan asked why they should not be abolished altogether. (96)

Although officials of the Bureau of Minority Affairs made it clear that citizens of foreign descent were not required to obtain citizenship certificates, various agencies in both central and local governments began to demand them as proof of citizenship. Chinese who did not have such a certificate were often treated as foreigners.

Many hotels, wary of the strict provisions of the Alien Control Act, refused accommodation to Chinese unless they could show either a foreign passport or the citizenship certificate. The Immigration Department in Surabaja, the Police in Wonosobo, and local officials in certain other places undertook to register as aliens all Chinese, including professed citizens who did not have these certificates. Immigration offices also required the certificate, among other documents, from Chinese requesting passports.

Chinese who applied to government offices for various permits and privileges, such as foreign credits or recognition as "national enterprises", were often refused unless they could show a citizenship certificate. And in a few localities, in spite of specific instructions to the contrary, the committee in charge of registering qualified voters refused to register Chinese who could not show the certificate.

Many of the misapplications of the regulations were rectified. Specific instructions were sent out from Djakarta and other headquarters to assure that no citizens were registered as aliens. Officials of the Minority Affairs Bureau informed various agencies that the certificate of citizenship should not be required, but that other documents would suffice, such as a birth certificate plus a letter from the appropriate Court of Justice affirming that the bearer had not rejected Indonesian citizenship.

Nevertheless, each rectification was made only after BAPERKI leaders or other Peranakan spokesmen investigated cases and took specific complaints to the proper authorities. This reinforced the impression of many citizens of Chinese descent that it would always be necessary to struggle for their rights as citizens--an attitude which is not conducive to harmonious minority-majority relations.

In the course of the controversy over the citizenship certificates, however, a new precedent was established. In connection with the Alien Control Act, the Bureau of Minority Affairs issued a circular letter informing local authorities all over Indonesia that in cases where prospective guests claim but cannot prove citizenship, hotels should record them as citizens, though adding a note that this is according to their own profession only. (97) In the future the Government will have to weigh the relative merits of accepting personal profession as evidence of citizenship, as against requiring documentary proofs. The latter better assures the exclusion of aliens from privileges reserved for citizens, but tends to alienate the feelings of citizens of foreign descent.

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(96) Ibid.

(97) Sin Min, Semarang, Dec. 2, 1954.

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Education of Citizens of Chinese Descent

Although no exact figures are available, it appears that more than one-half of the children of Peranakans go to Chinese-language schools, another large fraction go to Catholic and Prostestant schools, and only a minority attend government schools. This means that the segregated school system established by the Dutch and even more strongly enforced by the Japanese has been continued to a large extent in the post-war period.

This situation is considered highly undesirable by the Government. In the Chinese schools the pupils do learn the Indonesian language, but spend more time on Chinese. History, geography, and social studies are often concerned more with China than with Indonesia. Furthermore, the friendships, attitudes, and loyalties which a child develops in Chinese-language schools are not conducive to good Indonesian citizenship. Government authorities, therefore, have repeatedly declared that it is not fitting for citizens to attend foreign schools, and one of the duties of the Inspectorate of Education for Foreigners is to encourage the transfer of Chinese Indonesian citizens to government schools. However, there has been little incentive to push this program, because, in spite of remarkable progress in the expansion of the public school system, the number of government schools is still far from adequate even to fulfill the needs of the indigenous population.

As another approach to this problem, the Department of Education has established several Experimental Elementary Schools especially for Indonesian citizens of foreign descent. In schools of this kind for the children of Peranakans, the Chinese language is taught as a second language, and courses include material on Chinese history and culture. Although it is as yet too early to evaluate the success of these schools, several difficulties are already apparent. For instance, they do not have sufficient financial resources to enable them to assure a standard of teaching equal to that in many Chinese schools.

The issue of foreign schools was dramatically brought into the open in July of 1954, when the Djakarta Municipal Council unamiously passed a resolution urging the Government to prohibit Indonesian citizens from attending foreign schools and to convert foreign schools to national schools in cases where the proportion of pupils of Indonesian citizenship exceeded 25%. The originator of this motion, Takdir Alisjahbana, is an outstanding literary figure and a member of the Socialist Party (PSI). In presenting his motion, he stated that some 200,000 Indonesian citizens of Chinese descent were attending foreign schools, and emphasized the disadvantages to Indonesia of this system.

This event created a good deal of consternation in the Peranakan community, partly because most of them opposed the substance of the motion, but also because they feared that it would give a false or prejudicial impression of their position. It might be commonly deduced, for instance, that Peranakans are, as a group, more loyal to China than to Indonesia. The fact that a large number of Peranakan children (perhaps as many as 50,000) (98) do attend

(98) M. Hutasoit, Compulsory Education in Indonesia, (a UNESCO publication printed in the Netherlands), 1954, p. 81.

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government schools was not mentioned. Also overlooked were some of the most important reasons why there were so many in Chinese schools. Government schools were overcrowded, and Chinese had often met with resistance or obstructions when trying to have their children admitted to them. Furthermore, many of the Chinese schools were able to maintain higher standards than government schools, because of greater financial resources for salaries, equipment, buildings and so on.

There are a certain number of nationalist-minded Peranakans who want their children to have a purely Chinese education. Another group, perhaps equally large, wants only to give their children the best education they can afford, regardless of whether the orientation is Chinese, Dutch, religious, or Indonesian nationalist. The majority, however, would probably prefer an education in which language and probably curriculum would be adjusted to life in Indonesia, but which would also include courses giving a general knowledge of China's cultural heritage, including language, literature, history, and philosophy.

In a public statement concerning Takdir Alisjahbana's motion, BAPERKI defended the constitutional rights of citizens to a free choice of education, and of minority groups to the perpetuation of their own cultures. (99)

In May, 1955, BAPERKI held a special conference to discuss education and culture. In a public statement embodying its decisions, the conference urged the Government to speed up the expansion and improvement of the public school system, to increase its efforts to prevent discriminatory practices in the schools, to eliminate prejudicial materials from textbooks and teaching materials, and to offer Chinese and other Asian languages in public schools. The conference further proposed that until such time as the schools can meet the educational needs of the whole population, the Government should give as much aid as possible to private schools, and should reject all proposals to exclude citizens from foreign schools. The conference went on record against all schools conducted exclusively for specific groups, including both foreign Chinese schools and the Government's experimental schools for Chinese. Finally, it was decided that BAPERKI itself should establish, or cooperate in establishing, private Indonesian-language schools open to all, and should gather funds for teacher-training, advanced scholarships, and city dormitories for students from towns where no secondary schooling is available. (100)

At the present time, most citizens of Chinese descent probably have no objection to the fact that the experimental schools are exclusively for minority persons. As a matter of fact, the experimental school in Pangkalpinang, Bangka, was for some time operated with the active support and cooperation of the local branch of BAPERKI. The Government did, however, make a mistake in establishing these schools under the direction of the Inspectorate of Foreign Schools. This was

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(99) Berita BAPERKI, Vol. I, No. 4, July 26, 1954, pp. 2-3.

(100) Kuangpo, Semarang, June 1, 1955.

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similar to the earlier mistake of making the Bureau of Minority Affairs responsible for both citizen and foreign Chinese. Such measures give the impression that the Government regards citizens of Chinese descent as foreigners, or as only halfway citizens at best. It is likely that the Government did not foresee their psychological effect upon the citizen group. Because of such mistakes as these, the proposal has been made in various quarters that a committee of minority group representatives should be established to advise the Government with regard to minority affairs. Such an advisory body could at least inform the Government as to the probable reactions of minority groups to various proposed policies.

Economic Measures Concerning Citizens of Chinese Descent

As we have seen, under Iskaq Tjokrohadisurjo the Ministry of Economic Affairs undertook a vigorous policy intended to reduce the importance of Chinese in the economy of Indonesia. The program was not confined to restrictions upon foreign Chinese. Citizens of Chinese descent were also subject to considerable limitation in their economic opportunities.

The Government's position on this matter was that a program intended to build up an Indonesian entrepreneurial class could not be called discriminatory. The aim was to create a "harmonious" middle class in which Chinese and Indonesians would cooperate on an equal basis and for the common welfare. In the past, Indonesians had not taken their rightful place in business enterprise because of tradition and because of restrictions placed upon them by the colonial regime. As a result the economy had come to be controlled entirely by non-Indonesians, and the Indonesians themselves were known as a "nation of coolies and a coolie among nations". Under such circumstances, it was only fitting that the Government should do everything in its power to enable Indonesians to acquire the qualities and attributes (including capital) of entrepreneurs. (101)

The Ministry of Economic Affairs, therefore, proposed that Chinese entrepreneurs, of whatever citizenship, should find Indonesian business partners, and make them co-directors and joint-owners of their firms. The statutes of such firms should guarantee that at least fifty percent of the company's shares should be owned by native Indonesians. In most cases, however, the Indonesian partner would not have sufficient initial capital, and therefore should be given one half of the company's shares at the outset, with the understanding that he would gradually pay for them out of his share of the profits. Furthermore, existing Chinese firms should reorganize their management staff in such a way as to allow the participation of native Indonesians, and Chinese-owned factories should offer facilities for training Indonesian technicians. In these ways the Chinese business community was called upon to aid the Government's program of creating a middle class in which Indonesians would play their just part.

The program was to be voluntary, but in practice the Government had considerable power to enforce it. Iskaq, the Minister of

(101) Times of Indonesia, Djakarta, June 28, 1954.

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Economic Affairs, announced that foreign credits were to be divided as follows: 15% to foreign concerns, 15% to "non-indigenous" Indonesian concerns (that is, Peranakan concerns), and 70% to "national" concerns. The privileged category of "national" concerns included firms in which up to 50% of the capital was owned by foreigners or citizens of foreign descent. In connection with every economic opportunity which the Ministry of Economic Affairs made available to private businesses--credit facilities, import licenses, wholesale rights, foreign exchange, and so on--applicants were required to give information on the ownership of their firms, and priorities were given to those in which native Indonesian capital played the largest part.

As in the case of foreign-Chinese businessmen, citizens of Chinese descent found their enterprises hard hit by the new program, and they reacted in the same variety of ways. Some found new outlets for their capital in fields not dependent on imports and foreign exchange, and others put their capital largely into non-productive savings, in the hope that a change of Government would bring better times. And a certain number resorted to bribery or the illegal buying of licenses from Indonesian "front" enterprises. However, a fairly large number did establish new firms jointly-owned with Indonesian partners.

Beyond encouraging the joint-ownership of new and existing firms, the Ministry of Economic Affairs stimulated and aided the establishment of independent native-Indonesian enterprises. In May, 1954, Iskaq issued a circular urging local authorities to canalize industries into the hands of native Indonesian entrepreneurs. In some cases this was done at the expense of the Chinese. For instance, in West Borneo, where coconut-oil factories were entirely in the hands of foreign and foreign-descent Chinese, one-half of these enterprises were turned over to native Indonesian entrepreneurs, and the Head of the provincial Department of Industry stated that the production of rubber, soap, and other commodities would also be transferred in due time. (102)

In June, 1954, the Government issued Regulation PP42, concerning the control of rice mills. According to Article 10 of this decree, "persons having a citizenship other than Indonesian citizenship" were prohibited from ownership, part-ownership, or even shareholding in rice-milling enterprises. Such persons were required to sell or rent their entire rice-mill interests to native Indonesian entrepreneurs within a period of nine months.

In Java, the main rice-producing island of Indonesia, there were 508 rice-mills in 1954. About 400 of these were owned by citizens of Chinese descent, and the rest divided among foreigners and native Indonesian owners. The question arose as to whether the prohibition of ownership was intended to apply only to foreigners, or also to Chinese-descent citizens of Indonesia. Technically, since the latter were still also Chinese citizens under Chinese law, they did "have a citizenship other than Indonesian". If the regulation were not intended to apply to them, the simple word "foreign" would have been used instead of the complicated and ambiguous longer phrase. It seemed certain that the Government intended to eliminate all persons

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(102) Times of Indonesia, July 19, 1954.

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of Chinese descent from this field of economic activity.

The regulation received vigorous criticism from the Chinese press, and BAPERKI mobilized a campaign against it. The Catholic Party issued a public statement strongly condemning the regulation as a form of discrimination, and politicians of other parties expressed their disapproval. Either because the Government was impressed by the extent of the opposition, or because the plan proved to be impracticable, Iskaq finally announced in September that the prohibition was not intended to apply to Chinese-descent citizens, but only to foreigners.

The uproar caused by Regulation PP42 therefore came to a sudden end, for few would deny the Government's right to exclude foreign owners from the rice mills, But the affair left its scars, for it reinforced the suspicions and fears of the Chinese community with regard to the intentions of the Government.

A large number of Chinese have gradually come to believe that, in spite of its protestations to the contrary, the Government intends to discriminate against them whether they are Indonesian citizens or not. In addition to the policies outlined above, one other important law leads them to this conviction. The Dutch agrarian law of 1870 which prohibits the alienation of agricultural land to persons of foreign descent has been perpetuated by the Indonesian Government. This means that with few exceptions Indonesian citizens of Chinese descent cannot buy farm land today. Most Chinese do not care to buy such land, and many admit that without the law a highly undesirable problem of Chinese landlordism might arise. Nevertheless, they consider the law to be a touchstone of Government attitude. If the Government were really non-discrimintory, they say, it would protect the farmer from the danger of losing his land to native Indonesian landlords as well as to Chinese.

In reply to this objection, Government authorities maintian that it takes a long time to change a whole system of laws, especially where there is a shortage of legal experts and a large number of urgent legal and legislative problems, as in Indonesia. Therefore, they say, discriminatory laws inherited from Dutch times should not be blamed on the present Government; and as for the measures initiated by the Government, their purpose is not to discriminate, but to bring about a more just distribution of wealth and income among all groups of the population.

Political Parties and the Minority Question

Since the end of 1953, the Government's minority policy, and its attitude on various minority issues have been primarily a reflection of the position of the major Government party during this period, the Nationalist Party (PNI). Although the Government-supporting parties had much the same outlook, they did not join the PNI in taking public responsibility for Government minorities policy. Spokesmen for the PNI, including Iskaq and other Government officials of that party, publicly explained and defended the economic regulations, the citizenship certificates, and other measures unpopular with the Chinese. It is probable that their arguments and attitudes obtained a good deal of approval, even among

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Government opponents who were publicly more favorable to the Chinese minority.

The Indonesian Communist Party (PKI), although generally supporting the PNI-led cabinet, occasionally expressed its disagreement on minorities policy. To the PKI, Indonesian citizens of Chinese descent were to be considered a national force necessary to Indonesia in its struggle against imperialist capital. Therefore, there was no reason to try to substitute native Indonesians for citizens of Chinese descent in various positions; but, on the contrary, the Government should also protect the latter against the competition of the big European companies. (103)

In August, 1954, the central council of the Catholic Party issued a public appeal for the recognition of equal rights for all citizens regardless of religion, race, or locality. Among its specific recommendations were the following: The state should not discriminate between native and foreign-descent citizens in economic matters, such as the allocation of licenses, recognition of import firms, industrial development, and so on. All schools must be open to any Indonesian citizen without exception. Appointments to any type of position should be based solely upon ability, and not upon native origin. The discriminatory colonial agrarian law should be abrogated. (104)

Although explicitly interested primarily in the welfare of the Arab minority, the modernist Islamic party Masjumi issued a statement in April, 1955, calling for the immediate elimination of all discriminatory government measures such as travel permits and citizenship certificates. It also urged its members to do everything in their power to avert anything which might be considered discriminatory in social life and interrelationships between groups. (105)

The Socialist Party (PSI) opposed the minorities policy of the Government on the grounds that it was a violation of the principle of absolute equality of rights for all citizens. The Government's economic measures, they said, had created a class of economic parasites instead of a "national middle class". Worse yet, the Government's efforts had only made the minority problem more difficult. One Socialist writer described the situation as follows:

> Indonesians, who were treated as a minority by the Dutch dominant group before the revolution, have now become the dominant group themselves. And this new dominant group, which holds political power, wants to use its political position to achieve a preeminent position in social and economic fields as well.

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(103) This is the position stated by P.K.I. leader Sudjito at a mass rally in Surabaya on July 4, 1954, as reported in Keng Po, Djakarta, July 6, 1954.

(104) Sin Min, Semarang, Aug. 24, 1954.

(105) Kuangpo, Semarang, April 15, 1955.

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> Thus the Government is stimulated to carry out discrimination against groups of citizens who are not considered to be pure Indonesians. The weaker the Government, the greater is its tendency to yield to popular prejudice, and especially when, in reality, such sentiments find approval in the Government's own inner feelings. As a result, devious methods and legal artifices are found by which to carry out discriminatory practices against the minority, which increasingly feels itself to be treated unjustly.
>
> The reaction on the side of the minority will certainly be to unite itself in minority-type organizations, to increase mutual cooperation, and to struggle against discrimination. This reaction will raise further prejudice on the side of the majority, and will be considered as grounds for increasing discrimination. Thus occurs a mutual division and discord which has no end and which greatly worsens the situation. (106)

Thus the opposition parties were able to point out many injustices and undesirable results arising from the Government's minorities policy. How different the general policy might have been under a cabinet comprised of the opposition parties, however, is open to question. The certificates of citizenship condemned by the Masjumi were originally initiated in a Home Affairs Ministry headed by a prominent member of the Masjumi. Under a Socialist Minister, the Economic Affairs Ministry had also planned measures to give special aid to the disadvantaged native Indonesian group. And the proposal to prohibit citizens of foreign descent from attending foreign schools, which was originated by a member of the PSI, did more to alienate the Chinese minority than the Government's educational policies had done.

The fact is that all Indonesian parties favor equality and justice for minorities, and believe that, in order to speed the assimilation process towards a "homogeneous" society, policy should be directed towards winning their loyalty. On the other hand, all parties favor some kind of special measures to remedy the weak economic position of the majority, and none are completely free from historic anti-Chinese prejudices. Thus government policy towards minorities, under any cabinet, will be a compromise between a desire to treat them with equality and a desire to restrict them in such a way as to promote long-range economic equality for the majority.

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(106) S.K., "Tentang Kewarganegaraan", Sikap, Vol. VII, No. 41, Nov. 1, 1954, p. 2.

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CHAPTER VIII

INDONESIAN CHINESE ATTITUDES TOWARDS CITIZENSHIP

Government Expectations

In a radio speech to all foreigners during the option period 1949-51, the Head of the Bureau of Minorities Affairs said, in part:

> ....those who intend to choose Indonesian citizenship must wholeheartedly love the country and the people that they are about to choose, because it is love for the country and its people that must be the primary basis and most important element in deciding to choose or to reject in this case. More rational calculations also should not be neglected. But such considerations must not be made basic. (107)

A spokesman of the Natioalist Party (PNI), in a public speech before a Peranakan group, maintained that citizenship cannot mean mere residence in a certain country based upon considerations of personal interest, but must also involve responsibilities, especially the responsibility to do everything possible to serve the interests of the nations. (108)

Chinese Motives in Choosing Indonesian Citizenship

While Indonesian nationalists would have liked to have Chinese choose Indonesian citizenship only for idealistic reasons, we must assume that in the great majority of cases the motives were otherwise. Divisions and prejudices dating from Dutch times, and fears arising out of the tragedies of revolutionary times left few Chinese with reason to be enthusiastic about the new Indonesia.

Nevertheless, almost all Peranakans regarded Indonesia as their home. Most of them had spent their entire lives there, and had naturally come to love their surroundings as well as their way of life there. For sentimental reasons, many would have liked to "see" China again, or even to die there. But very few had any desire to go back to China to live. They knew that the people and their ways there would be unfamiliar to them, and that living conditions would be harder. Furthermore, returning to China was out of the question for most of them because they could not speak Chinese. So the choice before Peranakans was whether to be a citizen or a foreigner in Indonesia.

There was reason to believe that citizenship would involve better relations with the Indonesian Government and people, and better assurances of legal rights and safeguards than could be expected under foreign status. Stringent measures had already been introduced against foreign businesses. But although general discrimination still existed in many cases, such as land ownership, the announced Government policy

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(107) Soewahjo Soemodilogo, "Soal-Soal disekitar Kewarganegaraan", Siaran Kilat, No. 22, issued by the Ministry of Information, Djakarta, c.1951, p. 5.

(108) Suara Merdeka, Semarang, Sept. 27, 1954.

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towards foreign-descent citizens was favorable. And the Provisional Constitution included clear guarantees of equality and freedom for minorities. On the other hand, the Embassy of the People's Republic of China, which was established in Djakarta more than a year before the end of the option period, showed signs of being more interested in winning the goodwill of the Indonesian Government and the people in general than in defending the commercial and legal rights of special groups of Indonesian Chinese.

Finally, although it was not often mentioned publicly, a good many Peranakans no doubt realized that even in accepting Indonesian citizenship they would not be forfeiting Chinese citizenship. If conditions should demand drastic action, therefore, they might hope to obtain the intervention and protection of the Chinese government.

Thus the situation during the option period was such that the self-interests of the Peranakan community, though not entirely clear, appeared to lie in accepting Indonesian citizenship. In the case of those who chose Chinese citizenship, emotional attachments must have outweighed personal interest, except among a small number who intended ultimately to return to China. However, the fact that self-interest was the major motive in choosing Indonesian citizenship should not be considered a condemnation of the Chinese. The history of their position in Indonesia, as we have seen, had given them little reason to be enthusiastic citizens. And it must be remembered that, in spite of this, there was a small but significant number of Chinese who wholeheartedly identified themselves with the revolutionary cause and with the new nation.

The Question of Good Citizenship

Chinese who have chosen to become Indonesian citizens have many of the attributes of good citizenship as well as certain shortcomings. As mentioned above, they are emotionally tied to the country and to their way of life there. They often express the feeling that, for better or for worse, their destiny lies with Indonesia. Thus they already have one of the indispensable ingredients of patriotism.

The Chinese community in Indonesia has a generally good record for law-abidingness. Its delinquency and crime rates are very low, and the community is usually self-disciplined and orderly. On the other hand, in the unusual economic conditions of the past few years, there has been among Chinese an alarming amount of violation or evasion of Government financial and economic regulations. While the proportion of those who are willing to use dishonest methods is probably about the same among other businessmen in Indonesia today, the Chinese are under the heaviest economic restrictions, and are therefore more frequently guilty of business irregularities.

The Chinese have always shown a good deal of public spirit. They have responded fairly generously to appeals for contributions to various government and nationalist projects, such as the building of national monuments, municipal stadiums, and so on. Their clinics and hospitals serve a large number of Indonesians as well as Chinese. Their contributions to the relief of victims of floods and volcanic eruptions, and to other charitable causes outside the

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Chinese community have always been substantial. While it is true that such contributions are motivated partly by the desire to assuage prejudice against them as a minority, they also represent an extension of the traditional Chinese feelings of communal responsibilities for those in distress.

The Provisional Constitution states that every citizen has the right and duty to take part in national defense. If the Indonesian Army should call for volunteer enlistments, there would be little response from Chinese. The military life is traditionally abhorrent to them. In 1912, in spite of a great community enthusiasm over the recent establishment of a Republican Government in China, the Indies Chinese turned a cold shoulder to the request of the new Government for recruits for its navy. (109) A few years later, when it appeared that the Netherlands Indies might have to defend itself in World War I, a civil defense movement obtained virtually no support from the Chinese. (110) And the obligation to fulfill military service if required was one of the conditions of individual assimilation to European legal status which made such assimilation unpopular among the Chinese. However, the reluctance of Chinese to serve in military forces is not now a problem, as there is no need for enlistments to the Indonesian Armed Forces at the present time.

Tradition and precedent indicate also that the majority of Chinese-descent citizens will be slow to accept their responsibilities to vote and to participate in the political life of the nation.

The Question of Loyalty

Among Indonesian Nationalists there is a tendency to question whether the Chinese who have adopted Indonesian citizenship are really loyal to Indonesia. On national holidays they see the red Chinese flag flying alongside the Indonesian flag in front of many shops and residences. Chinese newspapers in the Indonesian language carry frequent articles about China, mostly favorable to the new regime. Most such newspapers, as well as most Chinese organizations and business concerns, carry Chinese names, no matter how pro-Indonesian they claim to be. Chinese schools seem to have pictures of Mao Tse-tung or Sun Yat-sen hanging on every wall. Bookstores are full of translations from Chinese literature, books about China, and comic-books depicting the exploits of Chinese heroes. And on the national holidays of the Peking and Taiwan regimes, October 1 and 10 respectively, there are great rival celebrations in the Chinese community, with decorations, flags, meetings, speeches, and sports events.

On the other hand, Chinese eager to defend the loyalty of Peranakans claim that these manifestations of Chinese nationalism arise almost entirely from the foreign Chinese community, that the Indonesian-language Chinese papers carry very little more news about China than many non-Chinese papers, and that an interest in Chinese culture indicated nothing about loyalty.

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(109) Boekoe Peringetan 1907-1937 Tiong Hwa Siang Hwee Semarang, Semarang, 1937, p. 8.

(110) Liem Thian Joe, Riwajat Semarang, Semarang, c. 1933, pp. 232f.

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The truth about the orientation of the Indonesian Chinese lies somewhere between these two views. Loyalties are, of course, extremely difficult to assess, and the present writer is well aware that his own conclusions are highly speculative and impressionistic. However, rather than omitting them altogether, or stating them in such general terms as to avoid all possibility of error, the writer will give them in as concrete form as possible, in the hope that they will help the interested reader to come to his own conclusions by comparisons with the statements of other observers.

In trying to get a realistic view of this problem, it will be helpful to distinguish between various kinds of nationalism, and to try to estimate to what extent different groups are characterized by each. For the purposes of this analysis, the present writer will make his own definitions or what appear to him to be three different types of loyalty or nationalism. These three types are not mutually exclusive, and may be combined in the outlook of one person. However, each may also be found alone; therefore separate definitions are justified.

1) Political Nationalism is the self-identification of an individual with a nation state. The individual supports the government system of the state, adopts its official ideology, and tends to be willing to sacrifice personal interests to national ones.

2) Cultural Nationalism is the self-identification of an individual with the cultural tradition of a nation or people. The individual generally tries to perpetuate the language, literature, philosophy, religion, customs and habits which he believes to be characteristic of his people. Although he may respect other cultures, he has a strong preference for his own. Political divisions within the area of the national culture may be of no concern to him.

3) Racial Nationalism is the self-identification of an individual with what he believes to be a certain racial group. The individual is keenly aware of his membership in this racial group, and ascribes to it certain characteristics, mostly favorable. Although he may respect other races, he prefers his own. He tends to restrict his social relations to it, and to disapprove of intermarriages with persons outside of it. Political and cultural divisions within his racial group may be of no concern to him.

The Chinese nationalist movement which we have described in previous chapters created a good many political nationalists among the Indies-born Chinese. Perhaps as many as half of all Peranakans considered the Nationalist Government of China as their government during the thirties and forties. And no doubt the majority of Peranakan young people who went to Chinese schools adopted the ideology of Sun Yat-sen's San Min Chu I, or Three Principles of the People. The civil war in China and the establishment of rival regimes in Peking and Taiwan, however, divided and partly dispelled political nationalism in the Peranakan group. A small and diminishing number remained loyal to the Kuomintang Government. Probably a greater number, disapproving of communism and disillusioned with the Kuomintang, gave up political nationalism. Although these were likely to remain cultural nationalists, this was no bar to their developing political loyalty to Indonesia.

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Perhaps the largest sector of the former political nationalists--say, one-quarter of the total Peranakan population--transferred their loyalty to the People's Republic of China. Since the greater part of the 1949-51 option period was after Indonesia's recognition of the Peking Government, it may be assumed that virtually all of the Chinese who rejected Indonesian citizenship belonged to this group. However, not all of the pro-Peking Peranakans rejected Indonesian citizenship. If our estimates are approximately correct, among those who remained Indonesian citizens about 5% to 10% are politically oriented to Communist China. In any case, it seems likely that this percentage is lower than the 15½% of all Indonesian voters who supported the Communist Party of Indonesia (PKI) in the recent national elections.

The extent of political nationalism in the Chinese community is often over-estimated because it is confused with cultural and racial nationalism, which are still very widely prevalent. Racial nationalism can produce pride where it does not produce allegiance; thus there are a great many Indonesian Chinese who take pride in the social, economic, and military achievements of the Chinese people under the new regime. And cultural nationalism can produce interest where it does not produce political loyalty; therefore the classical and modern books, magazines, and art reproductions coming out of Communist China are quite popular among Indonesian Chinese. Yet the majority of racial and cultural nationalists would not feel any obligation to follow any instructions the Chinese Government might give to its citizens abroad, nor would they be willing to contribute money to any project of that Government. As businessmen and traders, they are not at all attracted to the ideology of communism, and many of them are strongly opposed to it.

Let us now look at the national orientations of various groups among the Indonesian Chinese, beginning with what we shall call the "passivists". This group, comprising the majority of the Chinese community, is largely made up of shopkeepers, petty traders, and employers of various factories and businesses. Most of these people are a-political: they believe that it is not wise to get "mixed up" in politics. They intend to be law-abiding Indonesian citizens, but they have no particular feelings of loyalty either to the Indonesian or to the Chinese Government. Cultural nationalism, though common among them, is diminishing slowly. Most of them can speak no more than a few words of Chinese. Western and modernist influences are modifying their family system, and ancestor worship is dying out. Racial nationalism, however, is still relatively strong in this group.

A much smaller yet significant group of "passivists" is made up of disillusioned intellectuals. The idealism and modern ideas of these people had to some extent broken down their racial nationalism, while their Western education had made inroads on their cultural nationalism. Originally they identified themselves with the revolution, or at least placed high hopes in the future of the Indonesian Republic. But the hard realities of the post-revolutionary period have disappointed them, especially the fact that they have not been treated with full equality. Since their Western outlook precludes loyalty to Communist China, they have no strong national allegiance.

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We come now to the "participationists". This group includes the majority of the formal and informal leaders of the Indonesian Chinese community, most newspaper editors and correspondents, a large section of the more well-to-do businessmen, and a representation from other groups as well. Motivated to some extent by broad idealism, but more often mainly by minority group interests, these people have decided to participate actively in Indonesian politics and citizenship. There are a few among them who are politically loyal primarily to the Peking Government, and to the Indonesian Government only in so far as the two loyalties do not conflict. The majority, however, are non-communist or anti-communist, and give no allegiance to China. President Sukarno's Pantjasila, the official ideology of the Indonesian state, is congenial to their way of thinking, and they like Indonesia's form of government. On the other hand, their feelings towards any particular Administration tend to depend largely upon its policy towards the Chinese. And there is a good deal of racial and cultural nationalism among them.

Finally, there are the "assimilationists". This is perhaps the smallest group. Assimilationists are found at all levels of the Chinese community, but chiefly among those who have attended Dutch- or Indonesian-language schools. The fundamental belief of this group is that the Chinese community must endeavor to merge itself into the society and culture of the majority of Indonesian citizens as rapidly as possible. Some assimilationists are would-be Chinese racial or cultural nationalists who believe that the only way for Chinese to survive in the new society is to give up their "Chineseness". Others are those who have already identified wholeheartedly with the Indonesian people and have no Chinese nationalist tendencies. Both agree that the "participationists", by defending the rights and perpetuating the distinctness of their own group, only increase the prejudices of the majority and make the minority problem even more difficult to solve. The assimilationists believe that instead of trying to improve their position through their own organizations, Chinese-descent citizens should join and work through the political parties of the majority. Many are already doing so.

Trends in Citizenship Attitudes of the Chinese Minority

In this survey of the citizenship attitudes of Chinese-descent Indonesian citizens today, we have found only a very small number who are primarily loyal to either the Peking or the Taiwan Government. On the other hand, although the great majority accept the jurisdiction of the Indonesian Government, we have found little wholehearted allegiance to it. Various circumstances lead the present writer to conclude, however, that political loyalty to Indonesia is increasing, however slowly.

First let us consider the recent history of Chinese minority group organization. When the Persatuan Tionghoa was formed in 1948, its whole emphasis was on defending the position of the Chinese minority. Although the membership was almost entirely Peranakan, they believed in the necessity of unity within the entire Chinese community, and defended the right of Totoks to treatment as favorable

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as that given to the subjects of any other foreign country. Their defense of the right of minorities to preserve their own language and culture and to maintain their own schools was an indication of strong cultural nationalism.

Not long afterwards, the Persatuan Tionghoa was reorganized as a political party, the "Partai Democrat Tionghoa Indonesia", or the Democratic Party of Indonesian Chinese. Its major mission was to achieve equal rights for Indonesian citizens of Chinese descent and to oppose discrimination. Thus it was wholly what we have called "participationist". But this party received little support from the Chinese community, and was able to establish only about twenty branches in six years. The main reason for this was the traditional political apathy of the Chinese. But there was a growing feeling among Chinese leaders that the minority group could not improve its position through an organization which was exclusively Chinese and worked solely for the interests of the minority.

As a result, a conference of representatives from the Partai Democrat Tionghoa Indonesia and several other Chinese minority organizations met in Djakarta in March, 1954, to establish a new political organization with broader aims. Thus BAPERKI (Badan Permusjawaratan, Kewanganegaraan Indonesia) came into existence, and the previous parties and organizations were officially disbanded. Literally translated, BAPERKI's full name means "Consultative Body on Indonesian Citizenship". This name was intended to indicate that it was not just another political party, nor an exclusively Chinese organization. In terms of our analysis, it was an attempt to unite participationists and assimilationists in one organization.

BAPERKI was still participationist in that it was primarily a minority group organization which would struggle against all forms of discrimination, and would put up its own candidates for the new parliament. On the other hand, it represented a certain shift of opinion and practice towards the assimilationist point of view. Membership was opened to persons of all national origins, and a few non-Chinese did participate. The chairman of the Surakarta branch, for instance, was a native Indonesian. Then too, it included a number of Chinese assimilationists who were already active members of major political parties and supported their candidacy in the national elections. While working for the achievement of the rights of citizenship, the new organization also stressed the fulfillment of its duties and the incorporation of the minority group into the general body politic.

BAPERKI's stand on education is an example of the attempt to combine "participationism" and "assimilationism". On the one hand, it proposed that minority group citizens should be allowed to send their children to foreign schools, at least for the time being, and that the Chinese language (and other Asian languages) should be offered in the government schools. On the other hand, it opposed all exclusive schools, and proposed to help in building up a national school system in which children of Indonesian and Chinese descent would learn to be good Indonesian citizens in the same classrooms.

In spite of these compromises with "assimilationism", BAPERKI did not go far enough to suit most assimilationists. Even within

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BAPERKI the issue was far from settled. The large Surabaja branch split over the question of whether the organization should run its own candidates for election. Many considered that the constitutional guarantee of a certain number of parliamentary seats for minority group members tended to perpetuate rather than to alleviate the minority problem. And the 1955 BAPERKI conference on education and culture did not reach any conclusion as to whether a minority group should aim to perpetuate and develop its own culture, or shake it off in favor of the majority culture. There are Chinese cultural nationalists in BAPERKI, as well as assimilationists.

Aside from political organizations, there has also been a growing number of Chinese social, recreational, and sports organizations which have rejected their former exclusiveness and opened their membership to non-Chinese. The habits of segregation are strong, however, and only the smallest start towards organizational integration has been made.

Another indication that the orientation of Chinese-descent citizens is turning more and more away from China may be seen in the growing number of Chinese who are joining Christian churches. In the city of Semarang, for instance, where there were very few Chinese Christians three decades ago, almost 10% of the Chinese population is now either Catholic or Protestant, and the rate of increase has considerably accelerated in the past few years. For these people, joining a church is a sure indication of the absence of political loyalty to Communist China. Although Chinese Christians may be cultural or racial nationalists, they are not likely to be political nationalists.

While the Catholic church is broadly tolerant of cultural differences, the Protestant church has a stronger tendency to draw its Chinese converts away from cultural nationalism. Chinese Christians may remain "passivists" with regard to Indonesian citizenship, but their churches place a steady pressure upon them to become politically active by supporting the Protestant and Catholic political parties. These two parties are the best examples of Chinese-Indonesian political cooperation to date. On the other hand, while there are many individual assimilationists among Chinese Christians, the policy of the churches is not assimilationist. Unlike the Catholic Church, the Chinese and Indonesian Protestant Churches are entirely separate. But even in the Catholic Church the lay organizations are segregated.

Loyalties of the Foreign Chinese

There are a large number of foreign Chinese who give their enthusiastic allegiance to one of the two rival Chinese regimes. The majority of Chinese schools promote loyalty to one government or the other, with flags, emblems, pictures, songs, and textbooks attuned to this purpose. It is estimated that in the four years 1951-54 some 12,000 students left Indonesia for China, with no expectation of ever returning. Most Totok associations, including those supposedly based only on local or provincial place of origin in China, give their allegiance to either Mao Tse-tung or Chiang Kai-shek. Thus there are strong political currents in the foreign Chinese community. And although the contest between Communist and

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Kuomintang supporters is still vigorous, the latter seem to be gradually losing out.

On the other hand, in assessing the potential role of the foreign Chinese community, it must be remembered that, as in the case of their Peranakan cousins, the majority of foreign Chinese take no interest in politics and are little inclined towards communism. Most recognize either Peking or the Taiwan Government as their own, and hope for protection from it; but even among former nationalists there are many who reject both. Almost all foreign Chinese are, of course, racial and cultural nationalists.

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CHAPTER IX

CONCLUSIONS AND PROSPECTS

Future National Status of Chinese in Indonesia

One of the tasks facing the new parliament will be to take action on the Dual Nationality Treaty with China. But Parliament will not be able to discuss the treaty without deciding, either beforehand or at the same time, what principles of citizenship are to be incorporated into Indonesia's own law. If the new cabinet favors the treaty, it will have to present Parliament with a draft citizenship bill adjusted to the treaty provisions. If the new cabinet decides to ask Parliament to reject the treaty, however, it will propose a citizenship law along different lines, and will probably seek a new agreement with China.

In any case, the major issue will be whether to institute a new round of active options, or whether to recognize the passive system as already carried out. If the latter course is preferred, the treaty will have to be rejected or reinterpreted as described in Chapter IV above, and the new citizenship law will be based on the Act of 1946 and the Round Table Agreement. In this case the division of citizenship among the Chinese in Indonesia will remain as it is today--about two-fifths foreigners and three-fifths citizens.

On the other hand, if the active system as provided for in the treaty is carried out, a new group of Indonesian Chinese will reject Indonesian citizenship. This would include many of those who, in accepting Indonesian citizenship during the previous option periods, did so only because it did not involve losing their Chinese citizenship. Now that choosing one would mean losing the other, they might decide to give up Indonesian citizenship. Others, influenced by Peking propaganda or disillusioned by inequalities in Indonesia, might have changed their loyalties since choosing Indonesian citizenship. On the other hand, there would be a certain number who would regret having rejected Indonesian citizenship during the previous option period. The greater the restrictions placed upon foreigners in the meantime, the greater this number would be. But unless Indonesia should obtain China's consent to a special interpretation of the treaty, these people would not be entitled to the right of changing their option in favor of Indonesian citizenship. The ratification of the treaty as it stands, therefore, might result in the increase of Indonesia's foreign Chinese population to over a million persons, or almost 50% of all Chinese residing in Indonesia.

Furthermore, since the treaty provides that the children of alien Chinese are to be Chinese subjects even though born in Indonesia, the proportion of foreigners in the Chinese community would remain high. This proportion would decline only to the extent that it was decreased by the voluntary emigration of students and older people back to China, or by the forced expulsion of a part of this group. A further decline might be encouraged by an interpretation

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of the treaty opening the way for naturalization of foreign Chinese residents of Indonesia.

Position of the Foreign Chinese

The foreign Chinese residing in Indonesia hold a strong position in the internal economy and predominate in Indonesia's trade with other Asian countries. With their own press, schools, and organizations, they form a community fairly distinct even from the Peranakan community. Although a large proportion of them are a-political, a great many are loyal followers of either the Peking or the Taiwan Government. Until recently the Indonesian Government has exercised little supervision or control over them, but regulatory and restrictive measures are increasing. Government policy is directed towards reducing their economic power and potential political influence.

Because of the economic and political position of the foreign Chinese, most Indonesian nationalists would like to reduce their numbers. One proposal is to do this by increasing economic restrictions to the point of forcing a large number of them to leave the country. But this probably can not be done so long as Indonesia maintains her policy of friendhsip towards China, as it would be likely to arouse firm opposition from the Chinese Government.

Another proposal is that the foreign Chinese, or at least their sons and grandsons, should be "Indonesianized". This would be done by increasing the restrictions against foreigners on the one hand, and by instituting liberal naturalization and citizenship laws on the other. However , as we have seen, this policy would involve either rejecting the Dual Citizenship Treaty, or obtaining China's consent to an interpretation which would extend the right of opting against Chinese citizenship to persons who are born in Indonesia, or who apply for naturalization there, after the treaty comes into effect.

Whether Government policy is aimed primarily at expelling the foreign Chinese or at making them into citizens, Indonesia is destined to have a large alien Chinese population for many years to come.

Position of Citizens of Chinese Descent

Indonesian citizens of Chinese descent form a community largely separate from both the native Indonesians and the foreign Chinese. Side by side with the latter, however, they dominate the entire internal economy of Indonesia. A very small proportion of this community is primarily loyal to one or the other of the two rival Chinese Governments. The majority recognize the jurisdiction of the Indonesian Government, but feel little loyalty towards it. There is an increasing number, however, who identify themselves politically with Indonesia and intend to carry out the responsibilities and win the rights of full citizenship. There is also a number who believe in complete assimilation into Indonesian society and culture. The great majority, however, are Chinese racial and cultural nationalists, even though not political nationalists.

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Most Western sociologists would say that racial and cultural group feelings in a minority group are not necessarily imcompatible with loyalty to a new nation. Theoretically, according to this opinion, the Indonesian Government could win the allegiance of its Chinese-descent citizens without first breaking down their racial and cultural nationalism. Presumably this would be done through a policy of attraction based upon equal treatment for the Chinese minority and a generous attitude towards them. An attack on their cultural and racial feelings would be expected to reduce the chances of winning their allegiance.

But it is not only allegiance which the Indonesian people want from the Chinese minority. In practice, the Government must take into account other demands as well. As we have seen, native Indonesians want to share in economic well-being on a basis equal with the Chinese. They demand a leveling process which will guarantee a more just and equitable distribution of income and property. Then too, they want the Chinese to give up their superiority attitudes, their social exclusiveness, and their distinctive ways. They want total assimilation.

The Government, therefore, tries to reconcile three aims in its minority policy: allegiance, assimilation, and economic leveling. But measures intended to bring about the latter tend to jeopardize the former two, and attempts to speed assimilation tend to alienate loyalty. There is no ideal policy; any attempted solution will have shortcomings. This is especially true because so many irrational factors and deep prejudices are involved. Thus we can expect only slow progress, with many mistakes and setbacks, in the efforts of the Government and the minority to solve the problem--at least so long as assimilation and economic leveling remain major aims of minority policy. In any case, the first step in the solution of this problem will be the elimination of dual citizenship.

Technically, since the Dual Citizenship Treaty has not yet been ratified, Indonesian-born Chinese still hold two nationalities. Which nationality takes precedence seems to depend upon the feelings of each individual involved. Any Indonesian Chinese traveling to Communist China, for instance, is treated as a Chinese or as a foreigner according to his own desires: if he considers himself to be Indonesian, all the regulations governing the treatment of foreigners are applied to him; but if he feels himself to be Chinese, he is treated as such. And in Indonesia, a Chinese-descent Member of Parliament, Tony Wen, has explained to the press that, never having considered himself to be anything but an Indonesian, he will not feel obligated to make an option if an active system is instituted for the determination of citizenship. On the question of who would have to make an option, he said:

> ...the problem depends upon the feelings of the persons concerned--whether or not they still feel themselves to have another citizenship besides that of Indonesia. (111)

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(111) Star Weekly, Djakarta, Vol. IX, No. 465, Nov. 27, 1954.

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Thus,in spite of six citizenship laws and four international agreements, the status of Indonesian-born Chinese is about where it was fifty years ago when the venerable leaders of the Tiong Hoa Hwe Koan said that it depended "upon the opinion of the man himself".

But with a new representative parliament convening in Indonesia this year, it is perhaps not over-optimistic to say that the citizenship problem is on the verge of settlement.

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APPENDIX I

Summary of the main provisions of the Indonesian Citizenship Act of 1946 (Act No. 3/1946):

1. Citizens of Indonesia are:

   a. Descendants, through both parents, of the original inhabitants of the territory of Indonesia.
   b. Persons not belonging to the group mentioned above, but with one parent who does, who were born and have their residence in Indonesia; and persons not belonging to the group mentioned above, but who were born in the territory of Indonesia and have resided there for the last five years continuously; provided that such persons do not reject Indonesian citizenship on the grounds of being citizens of another country.
   c. Persons who have gained citizenship through naturalization.
   d. Legitimate, legally-recognized, or adopted children whose parents are Indonesian citizens.

2. A woman's citizenship follows that of her husband as long as she is married. Upon the death of her husband or her divorce from him, she may regain her former citizenship by making an official declaration to the proper authorities.

3. The obtaining or losing of Indonesian citizenship by a man or a widow applies also to his or her unmarried children under twenty-one years of age. However, the children of a woman whose citizenship changes because of a second marriage retain their former citizenship.

4. Persons in category 1.b. above who wish to reject Indonesian citizenship must submit a formal declaration, along with supporting personal documents, to the Justice Department (through their local Court of Justice) within one year after this act comes into effect (April 10, 1946 to April 10, 1947--but later extended to August 17, 1948).

5. Persons who are at least twenty-one years of age or who are married, and who have resided continuously in Indonesia for five years and are able to speak Indonesian may apply for naturalization. Among the facts that they must be able to document is the following: that the laws of their former country constitute no obstacle to this naturalization.

6. When a child who has lost or obtained Indonesian citizenship as a result of the naturalization of his father or mother reaches the age of twenty-one or before that age is married, he may reject his new citizenship within the one year following, and thus retain his former citizenship.

7. Indonesian citizenship is lost:

   a. if the citizenship of another country is obtained, or
   b. if one becomes a soldier or a government employee of another country without the previous consent of the President of Indonesia.

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APPENDIX II

Excerpt from the Round Table Agreement concerning the Assignment of Citizens (November, 1949): (1)

Article 5

Persons who, immediately before the transfer of sovereignty, are of age and are Netherlands subjects of foreign-origin-non-Netherlanders (uitheemse Nederlandse onderdanen-niet-Nederlanders) and who were born in Indonesia or reside in the Republic of the United States of Indonesia shall acquire Indonesian nationality but may, within the time limit therefore stipulated, reject Indonesian nationality.

If, immediately before the transfer of sovereignty, such persons had no other nationality than the Netherlands nationality, they shall regain Netherland nationality.

If, immediately before the transfer of sovereignty, such persons possessed simultaneously another nationality, they shall, when rejecting Indonesian nationality, regain Netherlands nationality only on the strength of a statement made by them to that effect.

(1) United Nations Commission for Indonesia, Appendices to the Special Report to the Security Council on the Round Table Conference, United Nations Security Council publication S/1417/Add. 1, 14 November 1949, p. 84.

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APPENDIX III

Excerpt from the Provisional Constitution of the Republic of Indonesia (Act No. 7, Gazette No. 37, August, 1950):

Article 144

Pending the promulgation of the regulations on citizenship by the law referred to in paragraph 1 of Article 5, all persons who have acquired Indonesian nationality according to or on the basis of the Agreement on the division of citizens, attached to the Agreement of Transfer, and those whose nationality has not been determined by said Agreement and who on 27th December, 1949, had acquired Indonesian citizenship according to the law of the Republic of Indonesia prevailing on that date, shall be citizens of the Republic of Indonesia.

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APPENDIX IV

Excerpt from the Draft Citizenship Act of 1954 (2) (unofficial translation):

Article 4

A foreigner born and having his residence in the territory of the Republic of Indonesia whose father or mother, in accordance with the specifications of Article 1 paragraph a, was also born in the territory of the Republic of Indonesia and at the time of his birth or later resided continuously in the territory of the Republic of Indonesia for a period exceeding ten years, obtains Indonesian citizenship if and when he mades a declaration that he desires Indonesian citizenship and rejects his other citizenship.

This declaration must be made within one year after the person concerned becomes eighteen years of age, at the Court of Justice of his place of residence.

(2) The full text of the draft act and its accompanying explanations may be found in Berita BAPERKI, Djakarta, Vol. I, Nos. 7/8, October-November, 1954, pp. 9-13.

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APPENDIX V

AGREEMENT ON THE ISSUE OF DUAL NATIONALITY BETWEEN THE REPUBLIC OF INDONESIA AND THE PEOPLE'S REPUBLIC OF CHINA* (Translation)

The Government of the Republic of Indonesia and the Government of the People's Republic of China, on the basis of the principles of equality, of mutual benefit, and of non-interference in domestic policies of each other's country; desirous of settling in the best possible way and through friendly cooperation the dual nationality of persons who have at the same time the citizenship of the Republic of Indonesia and of the People's Republic of China, decide to enter into this agreement and have for this purpose appointed their plenipotentiaries:

The Government of the Republic of Indonesia:
H. E. SUNARIO,
Foreign Minister;
and
The Government of the People's Republic of China:
H. E. CHOU EN-LAI,
Foreign Minister,

who, after having communicated to each other their full powers and found them in good and due form, agree to the following provisions:

Article I

The contracting parties agree that anybody who at the same time has the citizenship of the Republic of Indonesia and of the People's Republic of China shall choose between the two citizenships on the basis of his or her own will.

A married woman with a dual nationality shall also choose one of the two citizenships, on the basis of the will of the person concerned.

Article II

Anybody having dual nationality as mentioned under Article I, who is already of age at the time this agreement comes into force, shall choose one of the two citizenships in two years' time after ratification presumably.

Persons considered of age under this agreement are those who are full eighteen years of age, or those who are not yet full eighteen but already married.

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* Text as given in Asian-African Conference: Speeches and Communiques, Ministry of Information. Republic of Indonesia (Mimeo., Djakarta, May, 1955).

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Article III

Anybody with dual nationality as mentioned under Article I who wishes to retain his or her Indonesian citizenship shall state his or her desire to abandon the citizenship of the People's Republic of China to the officers of the Republic of Indonesia in charge. After having expressed this desire the person is considered to have chosen the citizenship of the Republic of Indonesia on his or her own will.

Anybody with dual nationality as mentioned under Article I who desires to retain the citizenship of the People's Republic of China shall state his or her desire to abandon the Indonesian citizenship to the officers of the People's Republic of China in charge. After having stated this desire the person is considered to have chosen the citizenship of the People's Republic of China on his or her own will.

Officers of the Republic of Indonesia in charge are: in the Republic of Indonesia: officers appointed by the Government of the Republic of Indonesia, in the People's Republic of China: the Embassy of the Republic of Indonesia and the Consulates of the Republic of Indonesia in the People's Republic of China--if they exist--and temporary offices which on the basis of their being needed are established by the Embassy or Consulates concerned and staffed by their officers. For the establishment of the temporary offices the agreement of the Government of the People's Republic of China shall be obtained.

Officers of the People's Republic of China in charge are: in the People's Republic of China: officers appointed by the Government of the People's Republic of China, in the Republic of Indonesia: the Embassy of the People's Republic of China and the Consulates of the People's Republic of China in the Republic of Indonesia, and temporary offices which on the basis of their being needed are established by the Embassy or Consulates concerned and staffed by their officers. For the establishment of the temporary offices the agreement of the Government of the Republic of Indonesia shall be obtained.

To facilitate persons with dual nationality to choose their citizenship the two contracting parties promise to agree to a simple expression of the desire.

Provisions for choosing the citizenship laid down under this Article basically also apply to persons with dual nationality as mentioned under Article I residing outside the territory of the Republic of Indonesia and the People's Republic of China.

Article IV

The two contracting parties agree that anybody with dual nationality as mentioned under Article I who has chosen the citizenship of the Republic of Indonesia according to the provisions of this agreement shall automatically lose the citizenship of the People's Republic of China, and that anybody with dual nationality as mentioned under Article I who has chosen the citizenship of the People's Republic of China according to the

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provisions of this agreement shall automatically lose the citizenship of the Republic of Indonesia.

Article V

The two contracting parties hereby agree that anybody with dual nationality as mentioned under Article I who does not express the choice of citizenship within two years as stipulated under Article II shall be considered to have chosen the citizenship of the Republic of Indonesia when his or her father's side is of Indonesian descent, and shall be considered to have chosen the citizenship of the People's Republic of China when his or her father's side is of Chinese descent.

When the person concerned has no legal relation with his or her father or when the father's citizenship is unknown, the person shall be considered to have chosen the citizenship of the Republic of Indonesia when his or her mother from the father's side is of Indonesian descent, and the person shall be considered to have chosen the citizenship of the People's Republic of China when his or her mother from the father's side is of Chinese descent.

Article VI

Anybody with dual nationality as mentioned under Article I who is not yet of age at the time the agreement comes into force, shall choose his or her citizenship within one year after coming to age.

While still under age, the person concerned shall be considered to have the citizenship of his or her parents' choice or of his or her father's choice according to the provisions of this agreement.

When the person concerned has no legal relation with his or her father or when his or her father has died before declaring his choice of citizenship within the stipulated period or when his or her father's citizenship is unknown, the person shall be considered to have the citizenship of his or her mother's choice according to the provisions of this agreement.

When the person concerned after coming to age has not chosen his or her citizenship within the period as stipulated under this Article, he or she shall be considered voluntarily to have chosen the citizenship hitherto adopted while still under age.

Article VII

Anybody with dual nationality as mentioned under Article I who has adopted the citizenship of the Republic of Indonesia and has lost the citizenship of the People's Republic of China, shall automatically lose his or her citizenship of the Republic of Indonesia when such a person, after leaving the territory of the Republic of Indonesia, has established permanent residence outside the territory of the Republic of Indonesia and has regained the citizenship of the People's Republic of China on his or her own will.

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Anybody with dual nationality as stipulated under Article I who has adopted the citizenship of the People's Republic of China and has lost his or her citizenship of the Republic of Indonesia, shall automatically lose his or her citizenship of the People's Republic of China when the person, after leaving the territory of the People's Republic of China, has established permanent residence outside the territory of the People's Republic of China and has regained the citizenship of the Republic of Indonesia on his or her own will.

Article VIII

Children born within the territory of the People's Republic of China possess the citizenship of the Republic of Indonesia as from the dates of their births when their parents or only their father possess the citizenship of the Republic of Indonesia.

Children born within the territory of the Republic of Indonesia possess the citizenship of the People's Republic of China as from the dates of their births when their parents or only their father possess the citizenship of the People's Republic of China.

Article IX

A child, citizen of the People's Republic of China, legally adopted by a citizen of the Republic of Indonesia while still under five years of age, shall by virtue of this be considered a citizen of the Republic of Indonesia and shall lose his citizenship of the People's Republic of China.

A child, citizen of the Republic of Indonesia, legally adopted by a citizen of the People's Republic of China while still under five years of age, shall by virtue of this be considered a citizen of the People's Republic of China and shall lose his citizenship of the Republic of Indonesia.

Article X

When a citizen of the Republic of Indonesia marries a citizen of the People's Republic of China, each respectively shall retain his or her citizenship before the marriage unless one of them by his or her own will applies and obtains citizenship of the other. When he or she obtains the citizenship of the other, automatically he or she shall lose his or her original citizenship.

Application for citizenship as mentioned above shall be made to the legal authorities of the country concerned.

Article XI

The two contracting parties agree in the interest of the welfare of their respective citizens residing in the country of the other contracting party, to urge the party's respective citizens residing in the country of the other contracting party, namely, the citizens of the Republic of Indonesia residing in the territory of the People's Republic of China and citizens of the People's Republic of China residing in the territory of the Republic of Indonesia, to abide by the laws and customs of the State in which they reside and not to

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participate in political activities of the country in which they reside.

The two contracting parties agree to give mutual protection according to the laws of the respective country, to the legal rights and interests of the respective citizens residing in the country of each contracting party.

Article XII

The two contracting parties agree that exchange of mind between the two parties shall be made regarding questions of implementation which are not provided in this agreement.

Article XIII

The two contracting parties agree that any disagreement arising out of the interpretation and implementation of the agreement shall be settled through negotiation between the two contracting parties.

Article XIV

This agreement shall be ratified by the two contracting parties in accordance with their respective constitutions and shall come into force as from the day of exchange of the instruments of ratification which shall take place in Peking.

This agreement shall be in force for the duration of twenty years and shall continue to be in force unless one of the contracting parties desires to annul it. Such desire shall be notified in writing to the other contracting party, following which the agreement shall expire within one year after the notification is made.

IN WITNESS WHEREOF, the plenipotentiaries have signed this agreement and have affixed thereto their respective seals.

Done in duplicate in Bandung, on April 22nd, 1955, in the Indonesian and Chinese languages, both texts being equally valid.

For the Republic of Indonesia,

/s/ Sunario
Foreign Minister

For the People's Republic of China,

/s/ Chou En-lai
Foreign Minister

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APPENDIX VI

SPEECHES DELIVERED AT THE SIGNING OF THE TREATY OF DUAL NATIONALITY BETWEEN THE REPUBLIC OF INDONESIA AND THE PEOPLE'S REPUBLIC OF CHINA.*

Dr. Sunario, Foreign Minister , Rebublic of Indonesia:

Your Excellency, the Foreign Minister of the People's Republic of China,

May I first, in the name of my Government of the Republic of Indonesia, express happiness at the fact that agreement has been reached between our Government and Your Excellency's Government as regards a settlement of the question of dual nationality between our two States. The reaching of agreement is clear from the signing of the text of the Treaty just now.

The signing of this Treaty is an event of the greatest importance not only for our State and People but also for the State and People of Your Excellency.

For is it not true that this Treaty opens up the possibility of putting an end to a situation which has gone on for years and years, but which we now regard as no longer fitting?

Our Government is happy too because this signing has come at the very time of the holding of the Asian-African Conference, which is also an event of historic importance in the relations between the States of Asia and Africa.

Everything can go smoothly when an atmosphere of neighbourliness prevails, which it is to be hoped will always prevail between the State of the Republic of Indonesia and the State of the People's Republic of China.

Thank you.

Mr. Chou En-lai, Foreign Minister, People's Republic of China:

Your Excellency our respected Minister for Foreign Affairs
Dr. Sunario,
Gentlemen,

It is a great privilege for me to sign today on behalf of the People's Republic of China "The Treaty between the People's Republic of China and the the Republic of Indonesia concerning the question of Dual Nationality". Allow me to extend on behalf of the Government of the People's Republic of China our sincere congratulations to the Government of the Republic of Indonesia and to Your Excellency Foreign Minister Sunario.

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* Text as given in Asian-African Conference: Speeches and Communiques, Ministry of Information. Republic of Indonesia (Mimeo., Djakarta, May, 1955).

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The Republic of Indonesia and our country have always maintained good neighbourly relations. Our two countries have always respected and have been friendly to each other. The question of dual nationality is a question left to us by the past. Now it is reasonably settled through friendly negotiations between the People's Republic of China and the Republic of Indonesia in accordance with the principles of equality, mutual benefit and mutual respect.

We know that some other countries are likewise concerned about this question. It is of great significance that this question is solved during the time of the Asian-African Conference. This is another good example of solving difficult questions between us Asian and African countries in a spirit of friendly negotiation.

I guarantee that the Government of the People's Republic of China will firmly carry out the Treaty signed today. I hope that persons of Chinese origin with dual nationality as a result of past history will, after making their choice of nationality in accordance with their own will, strictly abide by the letter and spirit of this Treaty and increase their sense of responsibility towards the country the nationality of which they have chosen. I hope that persons who choose either the nationality of the People's Republic of China or the nationality of the Republic of Indonesia will join their efforts in promoting friendly and neighbourly relations between the People's Republic of China and the Republic of Indonesia.

I congratulate the ever strengthening of the friendly relations between the People's Republic of China and the Republic of Indonesia!

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