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Forced Assimilation and Development: The Chinese-Indonesians
under Soeharto's New Order (1965-1998)

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Abstract

Chinese Indonesians are an ethnic minority who have settled in Indonesia since at least the 15th century who comprise 1.2% of the Indonesian population. From 1965-1998, Chinese-Indonesians became subject to various assimilationist laws under the rationale that this ethnic minority had failed to integrate into Indonesian society. Under Soeharto's administration, Chinese-Indonesians had to give up their political and cultural rights, although they were allowed to participate widely in the economic sector.

This desk-based research studied assimilationist laws and their impact on the 'development' of Chinese-Indonesians by studying various laws and through the use of an online questionnaire to a sample of Chinese-Indonesians. At first glance, this ethnic group can be classified as 'developed' at least economically, however when investigated further, systemic political and cultural exclusion has harmed their full human development. The case of Chinese-Indonesians reflects Amartya Sen's argument in *Development as Freedom* (1999), that wealth is only one aspect of human development. However care should be taken when considering the Chinese-Indonesian case. Generalisations should not be made about the harms that can result from assimilation policies as they were formulated during the Cold War. Assimilation is still important but should not be coercive and ensure multiple identities (such as ethnic and national identity) can coexist. This research report also uses right to development as framework. It concludes that the right to development may not be inclusive to Chinese-Indonesians' situations because it still narrow down development as 'growth'.

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List of Abbreviations

ASPERTINA	<i>Asosiasi Peranakan Tionghoa Indonesia</i> (The Association of Peranakan Tionghoa Indonesia)
BAPERKI	Consultative Body for Indonesian Citizens
GDP	Gross Domestic Product
HDI	Human Development Index
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on The Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IMF	International Monetary Fund
INTI	<i>Perhimpunan Indonesia Tionghoa</i> (The Chinese Indonesian Association)
MATAKIN	<i>Majelis Tinggi Agama Khonghucu</i> (The Supreme Council for Confucian Religion in Indonesia)
MDGs	Millennium Development Goals
PITI	<i>Persatuan Islam Tionghoa Indonesia</i> (The Chinese-Indonesian Islamic Association)
PSMTI	<i>Paguyuban Sosial Marga Tionghoa Indonesia</i> (The Chinese Indonesian Clan Social Association)
PSTI	Paguyuban suku Tionghoa Indonesia
RBA	Right-based approaches
SBKRI	<i>Surat Bukti Kewarganegaraan Republik Indonesia</i> (The Certificate of Indonesian citizenship)
SNB	<i>Solidaritas Nusa Bangsa</i> (The Solidarity of the Nation-State)
UDHR	Universal Declaration of Human Rights
UNCHR	United Nations Commission on Human Rights
UNDP	United Nations Development Programme
UNDRD	United Nations Declaration on the Right to Development
UN	United Nations
WB	World Bank

Chapter 1: Introduction

1.1. Introduction

Chinese Indonesians are an ethnic minority that currently comprise 1.2% of the Indonesian population, following the settlement of the first Chinese in Indonesia in the 15th century. Despite their long presence in the Indonesian archipelago, the Chinese Indonesians were considered to be 'Alien Nationals' and were a target of numerous assimilationist laws during the period of the New Order (1965-1998). These laws forced the Chinese Indonesians to assimilate and to give up their identity, cultural and political rights (Suryadinata, 1976). However, Chinese-Indonesians in contemporary Indonesia are stereotyped as an established middle class and as being wealthier than average Indonesians, and as a result have become the source of jealousy from native Indonesians (Nonini, 2006). Their political, social, and cultural rights have also become compromised. It is now common for Chinese-Indonesians to not speak any Chinese language or practice their cultural heritage. This raises the question which is explored in this research report: to what extent have assimilation policies shaped the perceptions of development for Chinese-Indonesians in the context of 'Development as Freedom' (Sen, 1999).

1.2. Research justification

The status of Chinese-Indonesians has been researched by several academics. Purdey (1999) explored the anti-Chinese violence in Indonesia in 1998, and how Chinese-Indonesians felt insecure with their economic privileges and few political rights. Budiman (2005) concluded that following the end of the new order Chinese-Indonesians were still cautious about their new freedom, and were still unsure about the extent they should express their Chinese-ness. Dawis (2009) researched the identity of Chinese-Indonesians during the period of the New Order (1965 to 1998) and how the Chinese-Indonesians tried to re-imagine their identity by viewing Chinese popular movies produced in Hong Kong or Mainland China. Suhandinata (2009) reviewed the identity and the role of Chinese-Indonesians after 1998 and found that Chinese Indonesians were still reluctant to manifest their identities.

What these contemporary studies of Chinese-Indonesians have in common is that they have not explored the Chinese-Indonesian issues from the perspective of development, but have confined the discussion to issues of political-sociology, without reviewing *what* Chinese-

Indonesians truly wanted or feel about their development. Past studies have assumed that the Chinese-Indonesian community is already developed because they are middle class, without considering how potential cultural alienation has possibly impacted on their full development.

The assimilation policies under the New Order could be perceived as a development policy to ‘empower’ the Chinese-Indonesians to integrate faster into the society and as a means to guarantee safe political access and prevent interethnic conflicts (Dieleman, Koning, Post, 2010, p. 60); however, there is room for debate as these policies were imposed unilaterally without any real participatory process to find out *what* Chinese-Indonesians really wanted. The effect of this is that the Chinese-Indonesians associate wealth as an absolute need for security, a perception reflected in the findings of Nonini (2006) who found that some Chinese-Indonesians in Australia feared the loss of the perceptions associated with the wealthy status they enjoyed in Indonesia. I anticipate that the older generation who were traumatized by the assimilationist laws will have different perceptions from the younger generation who grew up during the period of the New Order without questioning the cultural repression. It is possible that some Chinese-Indonesians are not too concerned about the loss of their political and cultural rights, as long as they are economically developed. However, this has not been explored thoroughly from a development studies perspective.

The background to my interest in the above topic is due to my mixed ancestry of a Chinese father and Dutch-Chinese-Indonesian mother. As a child I never questioned why I was never taught any Chinese language or why my family had celebrated Chinese New Year discreetly. Until 13 May 1998, I assumed that I had no other identity other than being *Indonesian*. In 1998 when I witnessed atrocities against Chinese-Indonesians, I was just 12 years old. I was shocked and traumatized because of this event. This background both motivated my interest in this topic, and made it difficult to be academically neutral. For example, at the beginning of writing this research report, I wrote under the title ‘Anti-Chinese Indonesian Laws’. However, I realized my bias and ‘toned’ it down to make the title more neutral. I am hoping that, through the study I will have a better understanding of Chinese-Indonesians’ situation from the perspective of development studies.

1.3. Objective of the research

The main objective of this research is to explore *‘In what ways have the assimilationist*

laws during the period of the New Order (1965-1998) shaped the right to development for Chinese Indonesians? I have used ‘Development as Freedom’, ‘Right to Development’, and the Rights-based Approach’, to critically discuss the ‘development’ state of the Chinese-Indonesians. Under this context, assimilationist policies are viewed as a ‘development’ policy. The aim of the study is to investigate whether the Chinese-Indonesians are satisfied with their current state of development, as collectively they are being stereotyped as middle class. I also wanted to see how the assimilationist policy has impacted the perceptions of the development of ethnic minorities that lose their cultural rights but live as ‘middle class’. From an economic perspective, Chinese-Indonesians may be economically developed, although there is room for debate because assimilation policies can be also perceived as a tool of political oppression. Therefore, this situation may limit their ‘development’ by Sen’s (1999) ‘development as freedom’

1.4. Research questions

The objectives and research questions for this research are as follows:

To investigate the influence of assimilationist laws on Chinese-Indonesians

- What assimilationist laws were legislated in Indonesia?
- What were the positive and negative impacts of these laws in the context of the development of Chinese-Indonesians?
- What do Chinese-Indonesians think about the assimilationist laws?

To explore real-life experiences of the Chinese-Indonesians that experienced living under the New Order

- How did these assimilationist laws affect the daily lives of Chinese-Indonesians in terms of political, economic, cultural rights, and relationship with indigenous Indonesians?
- How did these laws impact on Chinese-Indonesians sense of identity and well-being?

To explore how the assimilationist laws shaped the perception of development of Chinese-Indonesians

- What rights of development other than wealth have and have not been fulfilled because of the assimilation policies?

- Are Chinese-Indonesians interested in being more assertive in claiming their political, economic, cultural rights, as means of achieving their full human development

1.5. Research Methodology

The methodology of this research report comprises literature review, document analysis and online questionnaire. The report combines primary data (collected by the researcher) and secondary data (collected by others). It utilises a combination of quantitative and qualitative data, although the data collection is mainly qualitative.

Qualitative research refers the meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions of things, popular qualitative research includes textual and document analysis (Berg, 2007). According to O’leary, qualitative research is ‘subjective, value-laden, biased, and accepts multiple realities through the study of a small number of cases’ (p. 99). It is also rich and holistic and offers more than a snapshot as it focuses on lived experience, placed in its context (Tracy, 2013, p. 5). Qualitative data is comprised of words and/or images not numerically coded for analysis (O’ Leary, 2004, p. 11). In this study, the qualitative data includes literature, online documents, and the textual responses to a survey.

In contrast, quantitative research is described as an objective search for singular truths. It relies on hypotheses, variables, and is usually large-scale, counting and measuring things (Berg, 2007, p. 3). Quantitative research begins by establishing a set of pre-existing variables and methods (Silverman, 2000) and aims to objectively report reality. Governments tend to favour quantitative methods because it mimics the research of its own agencies and they usually want quick answers based on reliable variables (Silverman, 2000). Quantitative research leads to the use of a set of procedures to define, count and analyse its variables.

The methods used by qualitative researchers demonstrate beliefs that the qualitative method can provide a deeper understanding of social phenomenon than a purely quantitative data for example, inner experiences, language, cultural meaning, social interactions (Silverman, 2000). This is shown in Table 1:

Table 1		
<i>Methods of Qualitative Research</i>		
<u>Method</u>	<u>Features</u>	<u>Claim</u>
Observation	Extended periods of contact	understanding of subcultures
Textual Analysis	Attention to organization and use of such material	understanding of language and other sign systems
Interviews / Questionnaire	relatively unstructured and open-ended	understanding experience
Transcripts	precise transcripts of naturally occurring interactions	understanding how interaction is organized

Source: Adapted from Silverman (2000)

Silverman’s table does not include qualitative questionnaires, but I have added them here as my questionnaire utilized open-ended questions where respondents were able to write what they experienced, thus increasing the quality of data. As Silverman (2000) points out, qualitative research is stronger on descriptive narrative than on statistical tables. The weakness of qualitative research is the subjectivity, as it depends on the interpretation of the researcher which can be biased from one to another (Silverman, 2000). Despite this the qualitative approach is more useful for this study. As will be noted in the next section the focus of this research is on specific people’s experience, something which is intangible and cannot be represented by statistics.

1.6. Methods for this Study

This research report seeks to explore the influence of assimilationist laws on Chinese-Indonesians and their real-life experiences during the period of the New Order. As noted above this cannot easily be quantified, the methods are primarily qualitative. However, as Chinese-Indonesians are commonly perceived as rich middle class, this research also gathers some quantitative data such as possession of financial assets (cash, property), education level, in order to investigate the level of "development" of Chinese-Indonesians in economic terms.

As this research is limited to desk-based research, the interview is replaced with an online questionnaire where the respondents were asked certain sets of closed answer questions but open-ended questions were included in order to increase the quality of the

findings (see Appendix 1). The survey therefore gives two sets of data. First is qualitative data that contains the knowledge, and experiences of Chinese-Indonesians related to experiences during assimilationist period. The other is quantitative data which consists of economic data such as financial assets. The two sets of data are compared and juxtaposed to find correlations which ultimately answer one of the questions underlying the research goals of this research report: whether income is the only "development" goal for Chinese-Indonesians.

The data was collected using an online survey questionnaire (written in Bahasa Indonesian, see original and translated version in Appendix) as many as Chinese-Indonesians live in Indonesian major cities and can access computers and the internet. A questionnaire was dispatched to the respondents by using Survey Monkey to capture a snapshot data of Chinese Indonesian people. This data is necessary to provide snapshot data of Chinese Indonesian middle class wealth in order to explore the stereotype of the 'rich middle class'. However it is important to note that this research is limited in that it may only represent the middle class, urbanized Chinese-Indonesians as computer and internet access are considered as luxuries in Indonesia and therefore the survey cannot represent Chinese-Indonesians who live in rural areas and who are economically poorer. The survey comprises of 27 questions, and carefully divided into particular themes relevant to the research objectives (which are put on the left row). The questions number one to seven asks about demographic background, questions nine and ten ask about state administration, questions eleven to fourteen ask about their culture and beliefs. Questions fifteen to eighteen ask about wealth, question nineteen to twenty seven ask about socio-political freedom.

I used purposive sampling to recruit the respondents. In a purposive sample, researchers use their special knowledge or expertise about some groups or selected subjects who represent this population (Berg, 2007, p. 44). For this research I targeted Chinese-Indonesians who lived during the New Order period as they were the group most affected by assimilationist laws. I am a member of various Chinese-Indonesian social groups on the internet (mainly Facebook) that consist of various demographics, including those who lived through the New Order. I initially began recruiting

participants through the Facebook Page *Tionghoa Indonesia*¹ which has 180,000 members. I chose this site it has the most active members from the online community. I posted the link to the survey in the Facebook group and allowed anyone who was interested to fill the survey. In addition to the Facebook group, I also posted a public status on my Facebook profile and set it to public and tagged the Chinese-Indonesian people from my Facebook friend list and they tagged their other friends. I also paid for a Facebook advertisement to increase the exposure. By the end of the survey most of the respondents came from a public status I made on my Facebook profile instead of *Tionghoa Indonesia* group. The online survey was expected to gather at least 10 respondents of Chinese Indonesians, however I had 60 respondents by the end of the survey by mid-September, all of whom met the demographic criteria. This study was not intended to provide complete representation of Chinese-Indonesians as it only collected very small amount of data, however, the quality of the findings is increased as 60 respondents answered the questionnaire.

The secondary data collected for the analysis consisted of the numerous laws that were issued by the Indonesian government and which targeted Chinese Indonesians in order to to answer another of the objectives of my research question “**To investigate the influence of assimilationist laws on the Chinese-Indonesians**”. The aim “**To explore real-life experiences of the Chinese Indonesian that lived in the period of New Order**” and “**To explore how the assimilationist laws shaped the perception of development to Chinese-Indonesians**” was mainly analyzed by using respondents’ answers (see Table 2).

Table 2		
<i>Research Methods</i>		
<u>Question</u>	<u>Source</u>	<u>Method</u>
What assimilationist laws were legislated in Indonesia that minimized Chinese-Indonesian cultural practices?	Literature (journal, books, regulations)	Literature Review Document Analysis
What were the positive and	Literature (journal,	Literature Review

¹ <https://www.facebook.com/TiongHoa.Indonesia>

negative impacts of these laws in context of development of Chinese-Indonesians?	books, regulations) Key respondents	Questionnaire
What do the Chinese-Indonesians think about the assimilationist laws?	Literature (journal, books) Key respondents Blogs	Literature Review , Questionnaire
How did these assimilationist laws affect daily lives of Chinese-Indonesians in terms of political, economic, cultural rights, and relationship with indigenous Indonesians?	Literature (journal, books, blogs) Key respondents	Literature Review, Questionnaire
How did these laws impact on Chinese-Indonesians in sense of identity and well-being?	Literature (journal, books, blogs) Key respondents	Literature Review, Questionnaire
What rights of development other than wealth have and have not been fulfilled due to assimilation?	Literature (journal, books) Key respondents	Literature Review Questionnaire
Are Chinese-Indonesians interested to be more assertive to claim their political, economic, cultural rights as way to achieve full development?	Literature (journal, books) Key respondents	Literature Review, Questionnaire

1.7. Ethical considerations

Ethical issues are one of the most important factors for my research project. Ethical issues should be part of the consideration from the start until the final result of the research project. Prior to my research I completed the Development Studies in-house

ethics process. This included meeting with my supervisor and another staff member to discuss ethical issues that may appear during my field research. The outcome of this process was that my research was considered low risk. I complied with the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants of Massey University and completed a low risk notification for this research.

As O'Leary (2004) notes, researchers have significant power, as they are educated. Their power is derived from being in a position to conduct research; power that comes from being in a position of control and authority (p. 43). Because the research was done through literature review and an online questionnaire, power-relations were not a major issue. I also minimized my bias by formulating the questions in a neutral tone. I also included few open-ended questions so the process could be more qualitative.

I also followed the major ethical principles including minimizing the risk of harm, protecting anonymity and confidentiality, avoiding deceptive practices, and providing the right to withdraw (O'Leary, 2004) In order to address this I provided the participants with information about the research. This information was provided on the first page of the Survey Monkey I used to collect the questionnaire. Participants had to read and click a consent button to indicate they had read these before commencing the survey (see appendix for the original and translated version), in order to ensure they have a full understanding of their requested involvement in a research project and any potential risks.

I was careful to try and avoid deception, and was honest with participants so they were fully aware of the purpose of the research (Herzog, 1996, p. 269). I used my Facebook profile only to recruit participants and directing them to the link of the online questionnaire and did not go to participants personal Facebook pages to collect their data. I assured my participants that my research is done only for academic purposes. I guaranteed their confidentiality, in order to do this I used pseudonyms during data transcriptions, analysis and report-writing. I will also contact them through email after the research is done and ask if they are interested to read the result.

I am aware of my identity as Chinese-Indonesian. I am also part of third generation Chinese who lived during the New Order and was alienated from Chinese culture, but

was aware of the risk of overidentification - a state of projecting one's own concerns onto the people being studied and defending their values, beliefs, and practices rather than studying them (Woods, 1979, as cited in Dawis, 2009). As noted in the beginning of the chapter, I did not frame the assimilation policies which is framed as anti-Chinese Indonesian policies and constructed it from a neutral, academic view point.

1.8. Research Report Outline

The first chapter introduces the study, discusses a brief background, research justification, general aim, and the research questions that are answered by this research report. Chinese-Indonesians are rarely discussed in development studies literature as a case study. Their situation is unique because they have economic privilege in Indonesian society with better education and living standards, yet they have been historically oppressed both culturally and politically from the period of 1965-1998 under Soeharto's New Order. This research aimed to investigate how assimilationist policies shaped the right to development of Chinese-Indonesians, whether they are satisfied with their 'development' or not.

The second chapter examines theoretical approaches that will be utilized in this research report. This chapter deconstructs the definition of development from modernization theory to Amartya Sen's 'Development as Freedom' (1999) which will be used as definition of 'development' in this research report. This chapter links the concept of development with right to development in order to understand why the violation of political and cultural rights harms development. This chapter discusses the emergence of rights-based approach to understand the empowerment of Chinese-Indonesians through the ratification of international laws. Afterward, it discusses the theoretical framework and how assimilation policy can shape the development of an ethnic minority, and gives a brief explanation of how a coercive assimilation policy can be 'guised' as a development policy.

The third chapter discusses a context of assimilation policy in Indonesia. This chapter discusses the colonial root of racial segregation that occurred during the Dutch colonial period and how it subsequently affected ethnic relations in Indonesia following the transfer of sovereignty in 1949. This chapter concludes that the assimilationist policies attack three pillars of Chinese-Indonesian society: Chinese language, education, and

organizations, but gave economic freedom to Chinese-Indonesians.

The fourth chapter discusses the research findings. An online questionnaire was dispatched from 8 August to 14 September 2014; consisting of about 30 questions written in Bahasa Indonesia and purposely looked for samples from Chinese-Indonesian people. The chapter concludes that most of the respondents found the assimilationist policies have violated their rights, they feel alienated from their culture and lived in fear during the New Order period.

The fifth chapter connects the theoretical framework, context analysis and research findings. that were discussed on the previous chapters, in particular the with context analysis in the third chapter, and research findings in the fourth chapter. This chapter concludes that the assimilation policy may have harmed the Chinese-Indonesians' wellbeing and human development although this research should not be generalized as an immigrant minorities should have a certain degree of assimilation with their host country. Ideally, multiple identities (national and ethnic identity) can coexist.

Chapter 2: Literature Review

2.1. Introduction

This chapter sets out the theoretical framework used in this research report. First, I elaborate approaches to economic development since the end of the cold war. The past development approaches have been dominated by top-down economic approaches and have alienated people. This led to the emergence of post-development discourses and the deconstruction of development, including the idea that development should not only focus on wealth but also be linked with freedom.

The second section discusses the three generations of human rights and how the right to development and right-based approach evolved from various international human rights laws. The adoption of right to development provides a framework for citizens to claim their development rights, although it is yet to be enforceable by international law.

The third section discusses the complexity of assimilation and whether assimilation could be considered as a policy to empower minority groups. This section argues that while assimilation can bring political stability, it may sacrifice one aspect of development and come at the expense of marginalizing certain minority groups.

2.2. Deconstruction of Development: From Modernization to Freedom

Development has been long associated with economic growth and wealth. Industrialization and investment were assumed to have a trickle-down effect. In the long term, it was believed that economic growth would help the poor populations to improve their situations (Hamm, 2001, p. 1010). This belief was underpinned by the success of the ‘development’ of post-war Europe that experienced the highest economic growth in its history (Cowen & Shenton, 1995).

This approach was termed modernization theory, and in the 1950s-60s, it was the dominant development paradigm. It was assumed that developing countries will become developed if they followed the paths that were used by the Europeans (Cowen & Shenton, 1995). However, this paradigm was criticized as it displaced local histories, and associated non-western wisdom as ‘backwardness’ (Gubser, 2012). Seers (1972 as cited in Gubser, 2012) argued that modernization theory actually increased inequality

and viewed poverty reduction as the primary aim of development. He argued that history cannot be treated as one universal template in development policies as different countries have different experiences compared to the developed western countries (p. 1802).

In the 1970s, the development paradigm shifted to the basic needs approach as a response to this criticism and the failure of modernization theory which advocated economic growth but did little to alleviate poverty in many developing countries. The basic needs approach advocated the redistribution of marginal profits and focused on the need to ensure that people have access to basic goods and services such as health services, basic education, and clean water (Gubser, 2012). However, this approach was controversial because there were concerns regarding whether basic fulfillment should become the sole objective of development. There was also the problem of how to define what basic needs really are, since human needs also include non-material needs such as access to work and participation (Stewart, 1989)

From the 1980s to mid-1990s, neoliberalism became the prominent paradigm promoted by Western countries and international financial institutions such as the International Monetary Fund (IMF) and the World Bank (WB) (Marangos, 2012). Neoliberalism advocates free market fundamentalism. Under the neoliberal system, the role of the state is minimized. The market is assumed to be perfect and will increase efficiency as competition is maximized under deregulation, Tariffs are also eliminated to increase competitiveness in local markets (Harvey, 2005). However, the neoliberal policies in many cases, caused economies to overheat due to lax regulation. For example, the East Asian Crisis of 1998 crippled the economies of Thailand, South Korea, and Indonesia due to the deregulation of the financial sector. Neoliberalism is also criticized for increasing inequality in society, and destroying cultural heritage (Brown, 2003).

The similarity between the previous and current dominant development models, exemplified by modernization theory, basic needs approach and neoliberalism, is that they were imposed by developed, industrial countries and placed too much emphasis on economic indicators such as Gross Domestic Product (GDP) (Harvie, Slater, Philp & Wheatley 2009). These approaches confine development as a fixed set of numbers, and alienated the importance of human development. Social, psychological, spiritual needs

need to be considered as part of genuine development. (O'Brien, 1975; Tulpule, 1996). Other scholars such as Alkire (2002) argued that 'human development' has multiple dimensions. Full human development should be in 'matters public and private, economic and social and political and spiritual' (p. 182). Oversimplifying development in term of income per capita is not true development, as economic wealth is just one dimension of full development.

The negative effects of the neoliberal approach triggered discourses to make people the focus of development. This shift triggered the rise of several indicators to measure human development, for example, in 1990 the United Nations Development Programme (UNDP) produced the Human Development Index (HDI) indicator. The HDI is designed to measure development of human quality based on life expectancy, education and income (Anand & Sen, 1994).

One important idea which has emerged from these discussions of development was the importance of freedom as early as 1941. Fromm (1941) (as cited in Frediani, 2007, p. 99) argues that full freedom is the sum of both passive freedom (such as freedom from coercion, freedom of profession, and freedom of travel) and active freedom (such as freedom to have resources, a good education and health care system, decent and secure income from work). However, it was Sen (1999) who synthesized and popularized both of the concepts where he equates development as freedom. Sen (1999, p. 3) argues that development is "a process of expanding the real freedoms that people enjoy". In Sen's approach, income and wealth are important elements in human development as they expand people's freedom to access the market and are a significant contribution to development. However, wealth is not the real essence of human development. Sen (1999) notes that, the association of development with income per capita narrows down development and produces policies that only aim to promote economic growth.

Sen (1999) also notes that development should be linked to various set freedoms such as political freedoms, social opportunities, and economic facilities. When these conditions are not fulfilled, it is considered as unfreedom and human beings will not achieve true development. To be fully developed means the removal of major sources of unfreedoms such as "poverty, tyranny, poor economic opportunities, systematic social deprivation,

neglect of public facilities as well as intolerance or overactivity of repressive states" (p. 3).

The concept of development as freedom has had a wide impact in redefining development as freedom as it makes humans as the central subject of development. Sen received the Nobel laureate for his publication of development as freedom and expanded human rights discourse with ethics and economics. According to Vizard (2005), Sen challenged the exclusion of poverty from the characterization of fundamental freedom and human rights. Development as freedom has shifted development to focus on human rights concerns; it introduces ideas that development is linked to a set of freedoms which reinforce each other. Freedom becomes the primary objective and the principal means of development (Sen, 2006)

As development is a comprehensive process, it goes beyond economy and aims at "constant improvement" to cover other aspects such as social, cultural and political fields which will improve human well-being. Development is no longer limited to economic indicators and should be participatory, fair, and equitable (Sangupta, 2004, p. 180).

Development as freedom has been translated into development policies that treat human rights with the utmost importance and which see securing development as a legal right. For example, the critique of the neoliberal approach in the 1990s triggered the World Bank to consider development as freedom from poverty and other socio-economic deprivations in their projects (Frediani, 2007, p. 136). However, Frediani (2007) suggested that these changes do not mean a radical shift from their previous approach, but merely "applying their market-oriented ideology to new dimensions" (p. 142). In his case study of housing in Brazil, Frediani (2007, p. 149) found that World Bank projects have also considered freedom-related problems in their projects although there is disconnection between official policy and content: projects still emphasis on market-based development.

As development as freedom gained prominence starting from 1999, there was also rising advocacy of the 'right to development' which blurs the distinction between human rights and development. While development as freedom was conceptualized decades

after the right to development, Chimmi (2008) states that there is a striking parallel between Sen's vision of development and contemporary international law (CIL) discourse on development. The two have parallels in the sense that they advocate to include human rights as part of development, not only economic development such as economic growth. Thus, the principles and norms of international laws are aligned with “development as freedom”.

Sen (1999) states that the idea of universal human rights has been criticized as being western-driven this criticism has been used to provide justification for authoritarian regimes in some Asian countries, who argue that the western definition of human right does not cognate with "Asian values". However, the justifications also usually came from authorities that are in power instead of independent, politically-neutral historians (Sen, 1999, p. 231). This is discussed further in the next section.

2.3. From Human Rights to 'Right to Development'

According to Marks (2004), there are three generations of human rights. The first generation consists of civil and political rights, which translates as freedom from state oppression. These are secured in international laws such as Universal Declaration of Human Rights in 1948. The second generation consists of economic, social, and cultural rights which secure citizens the right to be treated equally, to be employed, to have housing, affordable health care, social security, and unemployment benefits. Second generation rights are secured by the International Covenant on Economic, Social, and Cultural Rights (1966). The third generation consists of rights to secure development, environment, humanitarian assistance, peace, communication, and common heritage (p. 138).

In 1948, the United Nations produced the Universal Declaration of Human Rights (UDHR) which urges all nations to respect rights and freedom. However these rights are in the civil and political realm. The right to development was briefly mentioned in article 22:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic,

social and cultural rights indispensable for his dignity and the free development of his personality (UN, 1948).

In practice, the Universal Declaration of Human Rights caused controversy as it clashed with local values of its member states. For example, Saudi Arabia abstained due to its disagreement with article 18 that secures right to change religion or belief and article 9 that guarantees social security (Abiad, 2008, pp 62). It is also non-binding due to its status as a General Assembly resolution.

Although briefly mentioned, the right to development was not part of the Universal Declaration on Human Rights, nor in the International Covenant on Civil and Political (ICCPR)Rights, nor in the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Marks, 2004). The right to development was not elaborated further upon and the international treaties did not consider development of human beings as part of human rights (Marks, 2004). This situation started to change with the rapid increase in the number of developing countries in the UN in the 1950s and 1960s (Uvin, 2007). During the first half of the 1970s, developing countries used their majority voices in the UN to create a push for reforms in the global political economy. The *right to development* was adopted as a resolution by the General Assembly in 1986 (Uvin, 2007, p. 598). The right to development is defined as:

an inalienable human right by virtue of which every human person and all people are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized (UNDRD, 1986).

The right to development synthesized the concept of human rights and cultural rights and treated them as part of development of human beings. Whelan (2010) argued that in the context of right to development, human rights are equal to economic social and cultural rights. This suggests that civil and political rights are individual rights and economic, social, and cultural rights are collective rights.

Despite the objections from developed countries such as the United States to recognize right to development as a human right, the idea of the right to development was

readopted unanimously in the 1993 World Conference on Human Rights in Vienna. Ferguson (2011) argued that there are various reasons why states signed these treaties even though it may be not aligned to their national interest. Some countries signed human right treaties because the fear of repercussion from peers in the international community by giving economic sanctions and, in some cases, states signed due to peer pressure from other states. In addition, states are not explicitly forced to participate in human right regimes even after signing the treaties.

According to Whelan (2010) there were also problems with defining who has obligations to fulfil the rights. The United Nations Commission on Human Rights (UNCHR) stated that the "right to development imposes obligations of the international community, former colonial powers, transnational corporation, and national governments to make human rights an integral component in all development projects" (p. 170). However development projects were not mentioned in the declaration [of the right to development] and the definition of development was left vague and open ended. Further, the declaration itself did not mention any explicit reference to transnational corporations or formal colonial powers (Whelan, 2010).

The right to development challenged the previous dominant paradigms that associate development with economic growth but disregard human rights, as it blurs the distinction between development and human rights. While the right to development was influential in popularizing the convergence between human rights and development, it has not played a significant role in international development policy debates. This is due to its roots in *dependency theory*² (which called for fairer redistribution of resources from north to south), and because as it was the result of general assembly resolution and therefore non-binding (Ferguson, 2011, 7).

Whelan (2010) argued that when examined further, the right to development added very little to the realization of human rights and created confusion during the drafting process due to the ambiguous concept of development which could be used as political leverage by developing countries to secure financial aid to developed countries that used to be

² Dependency theory is a group of critical theories that became prominent in 1960s. The theories argued that the relationship between the first and third world countries is unequal and leads to dependency in political and economic relationships.

colonial powers (p. 173). As such the right to development was considered very political. For example, the United States objected to the resolution and counter-argued that the right to development could be used by developing countries to secure entitlements to resources such as aid which is a matter of sovereign decision and should not be passed under guise of advancing humans' right to development (Marks, 2004, p. 143).

According to Bunn (2012), the right to development has met the conditions to become recognized internationally as a new human right, however a review of legal sources show that states cannot be held legally accountable for its implementation (p. 128). According to article 38(1) of the statute of International Court of Justice (ICJ), a resolution of general assembly does not constitute an international law (p. 129). The legal foundation for the right to development has to be sought in other legal documents such as Bill of Human Rights, covenants on civil and political rights, and economic, social and cultural rights or any customary international laws³ (Kirchmeier, 2006). The right to development is also 'problematic' as, in a sense, it is not clearly defined, because the right to development stipulates that the international community is responsible for protecting development rights of citizens from their own corrupt states, thus, it triggers issues of sovereignty (Kirchmeier, 2006). The right to development is therefore very difficult to implement as it can be interpreted as 'right to everything' which allows states or individuals from any countries to (legally) sue rich nations for fulfillment of their development rights (Kirchmeier, 2006).

Bunn (2012) suggests that the right to development could become a 'soft law' where it is generally accepted but not legally binding (p. 138) because the language in UNDRD itself is 'soft' for example, using conditional 'should' instead of imperative 'shall' in fulfilling obligations. However a general assembly resolution can be treated as binding if the right to development becomes a customary international law and, under such a construction, the UNDRD could be considered as a binding international law. Bunn (2012) argues that international actors such as OECD, the World Bank, and the WTO play an important role in the realization of right to development and, if these agencies adopt the right to development, their practices could become source of soft law, and become source of inspiration in development projects worldwide.

³ According to article 38(1) of the statute of ICJ, Customary international law is evidence of a general practice accepted as law for example, the prohibition of genocide, torture, and slavery.

However, the right to development is conceptually still ambiguous because the term has been used in UN documents such as article 8 of MDGs (Millennium Development Goal ⁴ that mentioned the ‘global partnership for development’, although this interpretation is very narrow (Kirchmeier, 2006). The right to development, in the context of the MDGs, is criticized for simplifying the right to development itself, because they require countries to provide quantifiable targets. Donors have incorporated the term of right to development as well. For example, Germany interpreted the right to development as ‘growth with equity’ without any legal obligation in relations with any individual state (Kirchmeier, 2006). The United States supports the right to development to enhance individual’s rights, and creating a partnership to replace donor-client relationship, although it rejects right to development as a legally binding instrument (Kirchmeier, 2006). China also used the term of right to development during its meeting with the UNCHR, although it put more emphasis on unfair international rules and aid based on mutual respect (Kirchmeier, 2006). During the 18th session of the United Nations Human Rights Council (UNHRC), the Indonesia delegation viewed development as ‘global partnership in providing opportunities toward human wellbeing in such as a way to guarantee citizens’ freedom from want and the fear of deprivation and to allow them to live in dignity’, and translated the right to development as policies that are pro-growth, pro-job, and pro-poor and aligned with sustainable development (OHCHR, 2011).

The different perceptions of the right to development based on examples mentioned highlighted the weakness of Right to Development. Different countries have different opinions regarding how it should be implemented and they simplified the right to development into a matter of aid management. For example, Srilanka stated that the current debates on the Right to Development overemphasise national responsibility instead of the international dimension, thus reflecting the reluctance of developed countries to implement the right to development as a legally binding instrument to fulfil individual rights (OHCHR, 2011). The next section discusses how the concept of the right to development is changing the development paradigm through the emergence of rights-based approaches to development.

⁴ Millennium Development Goal eight international development goals initiated by the UN to eradicate extreme poverty by 2015 (UN, 2000)

2.4. The Emergence of Right-Based Approaches

In the 1990s, practitioners of development began to focus on human rights. They advocated for the inclusion of human rights in development policies, which led to the popularization of right-based approaches (RBAs) (Gready and Ensor, 2005). The RBAs to development are approaches that promote transformation of power relations among development actors. RBAs identify two groups of stakeholders: the right holders (identified as people whose human rights are not fulfilled), and duty-bearers (institutions such as states that are obligated to fulfil the rights) (reference). This approach aims to strengthen the duty bearers and empower the rights-holders. RBAs also view poverty as being caused by incompetent and corrupt governments and built on the success and failures of past approaches, including the right to development (Cornwall & Nyambu-Musembi, 2004; Pogge: 2008, p. 28; Ferguson: 2011, p. 7).

According to Sengupta (2004), the difference between RBAs and the right to development is as follows:

A rights based process of development is not the same thing as the right to development. Any process of development, or for that matter any activity, can be rights based, if it is carried out in a manner consistent with human rights standards. When that process of development can be and is claimed as a right, it can be the object of the right to development. There may be several different ways a country can develop. Only some of these ways may be rights based; that is, conforming to the standards of human rights and consistent with the definition of development given in the Declaration [on the Right to Development] (p. 11)

A RBA adds a normative framework to guide development projects. By framing development with normative values, development assistance will be carried out with an ethical and moral dimension, which the neo-liberal development model lacks. (Cornwall & Nyambu-Musembi, 2004). Citizens will have stronger foundations to claim their rights from the states, as it is stipulated by norms that are backed by international law (Cornwall & Nyambu-Musembi, 2004, p. 1416) RBAs call for resources to be shared more equally, securing the rights of disfranchised people to access these resources. It makes the development process become explicitly political as needs can be met by

charitable intentions, but rights are based on legal obligations. RBAs view the state as the principal duty bearer and the state is expected to respect citizens' rights within its jurisdiction. However, the international community also has a responsibility to protect universal human rights. Thus, RBAs can be used to legitimize a more progressive approach to development (Uvin, 2004, p. 163, cited in Gready, 2008).

RBAs promote social transformation by empowering people to exercise their rights and influence any decision making which impacts their lives and aligning development projects with international human rights standard (Schmitz, 2011, p. 3). Domestic governance is strengthened by capacity building, which assists governments to identify and fulfil its responsibilities to citizens in its jurisdictions. It translates universal principles, laws and declarations into concrete actions (UNDP, 2006, p. 16).

RBAs serve as an opportunity to reflect on power dynamics in international development and to question the ethics of development (Cornwall & Nyambu-Musembi, 2004, p. 1418). RBAs reframe development as an entitlement, secured by political and legal contract with the state and other key actors. As Gready (2008, p. 737-744) elaborates, RBAs added practical values in four dimensions:

- *Laws*. RBAs could contribute directly and enable individual organisations to bring cases to court to secure their economic and social rights
- *The State*. RBAs resituate the state as responsible actor for development as it has the most important role in the delivery of its citizens' human rights and has an oversight role, rendering non-actors accountable.
- *Accountability*. RBAs make a distinctive contribution to the globalization of responsibility and reforge discourse regarding accountability.
- *Re-politicizing development*. RBAs provides an opportunity to re-politicise concepts such as participation which have been domesticated by the neo-liberal mainstream and institutions such as the World Bank.

The success of RBAs could be large in scale and affect many lives, as they involve the government and therefore affect all citizens under a country's jurisdiction (Gready & Ensor, 2005). However, the current views of RBAs have little direct reference to culture or community. There is also need to emphasise and acknowledge the need to consider

rights in local context, since rights can be threatening if the concept is unusual or inappropriate to the society (Gready & Ensor, 2005). This means RBAs must be adapted to the local context because the universal values of human rights may not be applicable to certain cultures, although most proponents of RBAs acknowledge that as there is a risk that oppression is justified through cultural law and that cultural tolerance should not become a cloak for oppression and injustice within the immigrant and minority communities (Kukathas, 1992).

2.5. Assimilation as a Development Policy or as an Obstacle to Full Development?

Doczy (1969, as cited in Iadicola, 1981) defines assimilation as the "process whereby a person who joins that group becomes less distinguishable from the other members of the group with respect to his group-relevant knowledge and skills, appearance, behavior, norms and mutual acceptance" (p. 193). According to Iadicola (1981), assimilation is a one-sided process where a person from a minority group "acquires the attitudes and conforms to the expectations of the dominant group" (p. 193). Kymlicka (2007) argues that historically, an assimilationist approach was enforced to homogenize multiple identities for nation-states. A subordination of ethnic minorities is justified in the interest of making a national state secure even at the cost of eradicating minority cultures.

The rights of minorities were discussed in the International Labour Organization's convention No. 107 on the Protection and Integration of Indigenous and Tribal Populations, which was adopted in 1957. In particular, article 3 states that:

So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations (ILO, 1957)

Kymlicka (2007) argued that the article does not suggest the states to have a duty to recognize minorities [indigenous communities] to self-govern or accommodate their pre-existing cultural, legal, political institutions, and traditions rather, the goal was to assimilate with pre-existing institutions of the nation state. The historical context of the 1957 convention was the Cold War. Multiculturalism was interpreted to be dangerous

for stability of country and nation-building, thus assimilation model was more desirable for stability regardless the fact that it may have violated human rights (Claude, 1955, in Kymlicka, 2007).

The assimilationist approach began to be gradually replaced by a multicultural model in the 1980s as international laws started to adopt measures that gave indigenous and minority people more autonomy. This is apparent in state policies where there is a widespread adoption of religious and cultural accommodation for ethnic minorities, or even recognition of language rights for national minorities (Kymlicka, 2007; Kymlicka, 2008). The rise of such a multicultural model is visible on the recognition of different identity: it is now common for an immigrant to express their ethnic identity in public and not as a source of shame, although it can vary case by case and do not go beyond symbolic recognition (Moodley, 1972 in Kymlicka, 2007). The rights of minorities are now considered as an inseparable part of human rights frameworks. States that persist with an assimilationist model are constantly being criticized for human rights violations (Kymlicka, 2007).

In a positive scenario, assimilation enables previously marginalized groups with different mother languages to access markets they had previously been unable to access due to the inability to assimilate with the dominant groups or establish a separate common identity. In the case of the United States, assimilation of European-descent Americans helped the construction of "white" race and American identity (Guibernau & Rex, 2010; Ferber, 1999). In a negative scenario, assimilation policies led to coercive assimilation to create a homogeneous identity. Minorities were coercively assimilated, and forced to adopt the language, religion and customs of the majority, treated as aliens, subjected to physical segregation, economic discrimination, and denied political rights, as experienced by Black Americans (Kymlicka, 2010, in Guibernau & Rex, 2010)

Manique (1992) argues that assimilation policies are a violation of cultural rights as assimilation hides the actual rights. Under assimilation, minority groups may be prohibited and discouraged from speaking their mother language, which is a fundamental right to express freedom. Governments and society are obliged to ensure citizens have a right to speak their mother language (p. 91). A mother language is a marker of identity and a proxy for ethnicity, and many international human rights

documents now explicitly prohibit discrimination based on language (Rubio-Marin, 2003).

May (2011) argues that the international community is ambivalent on the recognition of group-based rights such as language rights. This is reflected in international law. The reference to ethnic and national minorities were deleted from the final version of the Universal Declaration of Human Rights (UDHR) as this is based on the argument that minority group rights are incompatible with national and international interests. No additional rights were given to protect minority rights other than the generalist approach. For example, article 27 of International Covenant on Civil and Political Rights (ICCPR)⁵ states that:

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language (ICCPR, 1966)

May (2011) argues that the clause “In those states in which ethnic, religious or linguistic minorities exist” is problematic because the states first **have to recognize minorities exist** before being given such rights. In many cases this clause allows states to simply deny minorities exist within their jurisdiction. Measurements of rights are dependent on what are perceived as appropriate by nation states, thus the adoption of minority protection is done to a minimum level. An example is the Rohingya Muslim minority in Myanmar which is not recognized as a minority group within Myanmar, thus they are denied basic rights. In theory, there are international laws that promote the minority rights such as the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic or Religious Minorities, which was adopted in December 1992. However according to Preece (1998, cited in May, 2011) these laws are products of accommodative approach to minorities in post-Cold war Era, although there are some significant changes such as the recognition of language rights as an essential part of human rights.

⁵ The International Covenant on Civil and Political Rights is a multilateral treaty that was adopted by the United Nations General Assembly in 1966, and has been in force since 1976. It is a treaty that calls on states to respect civil and political rights (UN, 1966). The right to development draws its legal foundation from ICCPR (Kirchmeier, 2006)

Donnelly (as cited in Manique, 1992, p. 83) argues that development and human rights must complement and mutually reinforce each other. Compromise and trade-offs might occur. However, this is often harmful to both development and human rights. Sacrificing certain rights (such as the freedom of expression in order to achieve political stability) for economic growth is not a way to achieve full development as wealth and income is just another aspect of development (Manique, 1992).

Bashir (2008) argued that in the traditional model, ethno-cultural diversity was seen as a threat to political stability, and therefore ethnic minorities became subject to assimilation laws that marginalized them. Historical injustices stemmed from oppressive social practices that operated over a long period of time and created structures that systematically oppress them. Young (1990, cited in Bashir, 2008) states there are five faces of oppression: exploitation, marginalization, powerlessness, cultural imperialism, and violence. These five faces will be discussed further later in this research report, in relation to the case study of Chinese-Indonesians. Bashir (2008) states that historical oppression leaves a stigma that persists even after material reparations or compensations are made. Bashir (2008) suggests that it is important for the governments to confront the past, acknowledge injustices, take responsibility and to offer an apology for past injustices.

2.6. Assimilation as a "Development" Policy in Indonesia

Furnivall (1939) found that in the Dutch East Indies (pre-independent Indonesia) different ethnic groups lived side by side but interacted with each other only in the market place. This brought questions about whether a multicultural society would encourage tight-knit communal morality or a society that is characterized by total exploitation among the groups (Guibernau & Rex, 2010). In the context of Chinese-Indonesians during the New Order, the government of Indonesia used coercive assimilation to oppress activity that is considered "inappropriate" to the local culture. On 6 December 1967, President Soeharto issued Presidential Instruction No. 14/1967 (Inpres No. 14/1967) on Chinese Religion, Beliefs, and Traditions which banned the practice of Chinese Beliefs based on notion that:

Religion, beliefs and custom of the Chinese people in Indonesia that centered on

their ancestor's country, and their manifestation, could give abnormal psychological, mental, and moral effect toward Indonesian citizens and discourage the assimilation process, therefore, it has to be regulated (author's translation)

The presidential instruction also derived its justification from the constitution, which led to the abuse of power. It was not until 2008 that Indonesia finally ratified the International Convention on The Elimination of All Forms of Racial Discrimination (ICERD) (1965) which resulted in Law No. 40/2008 which secures the rights of its citizens from racial discrimination.

Chinese-Indonesians are rarely mentioned as a case in development studies. This is possibly stems from the stereotype that Chinese Indonesians are middle class and assumed to be developed already. However when investigated further, Chinese-Indonesians have grown up to be a passive minority group in Indonesia, and generally ambivalent about asserting their rights, including cultural rights. For example, while it is common for immigrants to speak their heritage language at home, the situation in Indonesia is different, as Chinese-Indonesian parents only teach their children to speak Bahasa Indonesia instead of the Chinese language. In some cases, they feel they are being alienated from their Mandarin-speaking family and have an inferiority complex, even ashamed being ethnically Chinese but unable to speak Chinese (Dawis, 2009). This discussion is expanded further in chapter 4.

2.7. Conclusion

This chapter has discussed the theoretical framework that will be utilized in this research report. Development has been long associated with economic growth and increased wealth under the dominance of neo-liberalism. However this paradigm has been challenged by the concept of development as freedom, where development is not only defined by tangible indicators but also freedom for a human beings to maximise their potential.

Assimilation was justified during the cold war because multiculturalism was considered as a threat to nation-building. Assimilation can therefore be harmful to development as it forces ethnic minorities to give up their cultural identity, although this approach has been discouraged, as many nations now embrace multiculturalism. Full development in

the context of development as freedom means everyone should have the freedom to practice their culture without oppression. This is further supported by the declaration of the right to development which incorporates economic, social, cultural and political development as fundamental freedom and necessary for development. While the right to development is yet to be fully realized as enforceable human rights, it has triggered rights-based approach where development projects are consistent with human rights standard.

In the context of Indonesia, assimilation was justified because Chinese-Indonesians were criticised for being unable to 'integrate' in the society and it was believed they had to give up their identity to be fully accepted in Indonesian society. The historical, political and social context of the assimilation policies is the focus of the next chapter.

Chapter 3: A context analysis of assimilationist policies in Indonesia

3.1. Introduction

This chapter answers the research aim, “to investigate the influence of assimilationist laws on Chinese-Indonesians” and provides a background for the subsequent chapters. Chinese have settled in Indonesia since at least the 15th century, although more Chinese immigrants came in the early 20th century as traders escaped oppression from the Qing Dynasty, and economic hardship following the opium war (Lim & Mead, 2011). In 1930, 1.23 million people were identified as Chinese Indonesian, and they represented about 2 percent of the total population (Ananta, et al., 2008).

In the first section of this chapter I discuss the situation of Chinese Indonesians during the Dutch colonial period (pre-1949). During this period, Chinese-Indonesians were legally classified differently from Indonesian natives. In the second section I discuss the period of New Order (1965-1998), where Chinese-Indonesians were subject to various assimilationist policies that minimized their culture but allowed them to be active in private sector. In the third section I discuss the situation of Chinese-Indonesians after the collapse of New Order (post-1998) where Chinese Indonesians gained the freedom to form to their own identity.

3.2. Under Dutch Colonial Period (Pre-1949)

Chinese immigrants settled in the Indonesian archipelago as early as 15th century. Before Dutch colonization, the Chinese lived side by side with native Indonesians with a certain degree of assimilation. Mixed intermarriage was common. This Chinese group is referred as *Peranakan*. They experienced a degree of assimilation such as intermarriage with local natives, no longer culturally oriented to China and do not speak⁶ Chinese language at home (Rafferty, 1984). In the 1700s Indonesia was colonized by the Dutch through the Dutch East Indies Company, and the situation of the Chinese became more difficult as Chinese-Indonesians suffered several atrocities under the Dutch colonial period, notably, the 1740 Massacre when Dutch officers burnt 600

⁶ Later in the early 20th century, the elite *Peranakan* was split between Dutch, Mandarin, or Malay-medium education (Rafferty, 1984)

houses, murdered group Chinese men, women, and children in Batavia (now Jakarta) and threw their bodies into Tjiliwang River. When the Qing dynasty was informed about the massacre, the Emperor did not take any action against the Dutch because these overseas Chinese were considered as ‘traitors’. This prompted the overseas Chinese in Indonesia to assimilate further into local society (Choy, 2013).

As Dutch East Indies Company collapsed in the late eighteenth century, the Dutch government took over the Dutch East Indies and introduced a social system based on racial consciousness. The Dutch introduced a system of apartheid society to ‘divide and conquer’, as shown in Figure 2. In this, structure Europeans were at the top (*Europeanen*, including the *indische* or Eurasian), with Foreign Orientals (*Vreemde Oosterlingen* which includes the Chinese) in the middle, and Indonesian natives at the bottom (*inlander*) (Choy, 2013) (see Figure 1). The Dutch also introduced the *Nationaliteitswet* (Nationality Act) 1892, which gave civil status to all Europeans who were born in Netherlands’ colonies (including Dutch East Indies) as ‘Nedelanders’ and enjoyed status as European, however this excluded non-Europeans.

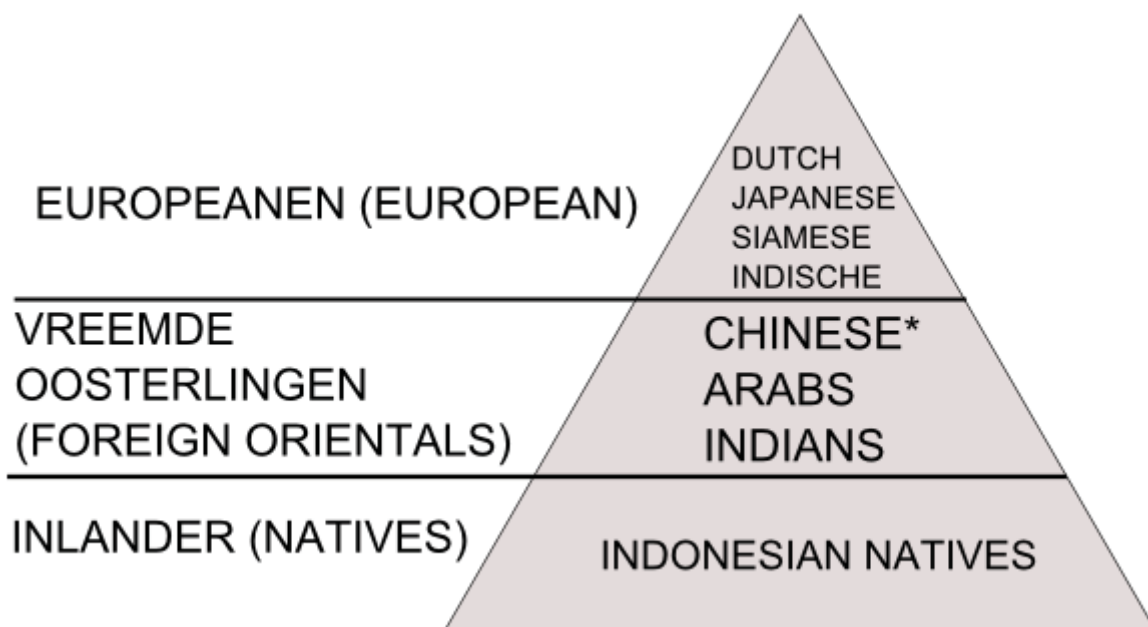


Figure 1. Colonial Structure in Dutch East Indies adapted from Taylor (1983), Cribb (1994), and Govaars (2005)

This citizenship law caused problems during the Dutch administration as the Manchu Government (China) in 1909 recognized all overseas Chinese and their descendants as

its subjects (Willmott, 2009, p.30). This triggered the Dutch administration to issue *Nederlandse onderdanenwet*⁷ that declared all Chinese born in Dutch East Indies as Dutch subjects (*nederlandse onderdanen*). In 1910, the Dutch government issued *Wet op het Nederlands onderdaanschap, stb. Nr. 55*⁸ (Sik, 1980, p. 134). This law was issued to ensure that the Chinese in the Dutch East Indies were still subjects of the colonial government, but lacked the European status that was enjoyed by the Japanese and Siamese who were living in the Dutch East Indies. This caused dissatisfaction among the Chinese. This citizenship issue was not solved until the 1960s (Govaars, 2005, p. 25) when the Indonesian government established a dual citizenship treaty with the People's Republic of China (which will be discussed in The New Order section). Despite the difficulties during the early 20th century, more Chinese immigrants came from South China (such as Fujian) to escape economic hardship in China. This group is referred to as *Totok* (pure), they still speak Chinese language and continue to have an affiliation with, and loyalty to China (Rafferty, 1984).

During the Dutch colonial period, Chinese-Indonesians had roles as middlemen and functioned as intermediaries in business between the Dutch and Indonesians. Most Chinese-Indonesians were working in the private sector and almost none worked as public officials in the colonial office. According to Suryadinata (1993), the Chinese were not yet a concern for Indonesians before independence period because they shared a common enemy with the Indonesians, the Dutch. Following Indonesia's declaration of independence on 17 August 1945, there was a power vacuum and the young nationalist patriots (*pemuda*) conducted atrocities toward civilians they considered pro-Dutch, including the Dutch, Eurasian, Ambonese, Manadonese and Chinese which is dubbed as 'Bersiap'⁹ (Frederick, 2012). After recognition of Indonesia's independence by the transfer of sovereignty from the Netherlands to the Republic of the United States of Indonesia on 29 December 1949, Chinese citizenship started to become an issue.

3.3. Under the Old Order (1945-1965) and the New Order (1965-1998)

In 1949, Mao Zedong declared the creation of the People's Republic of China (PRC). The government imposed policies to attract overseas Chinese to support the PRC.

⁷ the Dutch Subject Law

⁸ Act on the Status of the Netherlands' subject other than Nederlander

⁹ Bersiap means 'get ready', a battle cry that was shouted by Indonesian young nationalist patriots and extremists.

Within Indonesia this caused a security problem known as the "Chinese problem" (Suhandinata, 2009). The Chinese problem in Indonesia has two dimensions: communism and the Chinese minority. After the Thirtieth of September Movement, the Indonesian authorities grew suspicious of the Chinese-Indonesian minority and questioned their loyalty. This suspicion was based on the Indonesian government's view that the local Chinese community had not been assimilated with the local indigenous community (Suhandinata, 2009). After the 1965 coup, Chinese-Indonesians were being associated with Communist China and deemed responsible for Beijing's alleged role in the coup. The relationship between Chinese-Indonesians and the PRC was further affected by article 50 of the PRC constitution, which tried to protect the interests and legal rights of overseas Chinese and encouraged them to be loyal to the country of their ancestors, and which designated overseas Chinese as Chinese citizens:

The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad (Government of China, 2004, as cited in National People's Congress of the People's Republic of China 2014, article 50)

Meanwhile, in 1965, Indonesia's economy deteriorated under Soekarno's regime¹⁰ with inflation reaching 650%. (reference) During this time there was some restriction of Chinese-Indonesian economic activity, however there was no restriction on Chinese culture (reference). The Chinese was also active politically with the BAPERKI (Consultative Body for Indonesian Citizens) (reference). However, a coup occurred in September 1965 (also known as Thirtieth of September Movement), which led to the assassination of six Indonesian generals. General Soeharto blamed the communist party for the failed coup and alleged Chinese-Indonesians' involvement (reference). This was related to the assumption that Chinese-Indonesians sided with communist China. This tension triggered massive violence toward local Chinese (Suryadinata, 1976).

On March 1966, Soeharto secured a presidential decree that granted him authority to take any action to maintain security, including execution without a proper trial. In 1967,

¹⁰ Soekarno (1901-1970) is the first president of Indonesia.

President Soekarno was stripped from power, and Soeharto was named as acting president. Becoming President in 1968, Soeharto named his regime the "New Order", and this New Order was to last until 1998 (Vickers, 2005). The New Order Government accused BAPERKI of supporting the failed coup and associating with a communist organization. The government jailed its activists without fair trials. Indonesia also terminated its diplomatic relations with China in 1967 and only restored the relations in 1990.

The New Order government was characterized by dictatorship. It required citizens to have the same opinions and basic culture. According to Hoey (2003), the Indonesian nation state was an institutional and ideological formation. The state wrote a history that stretched into the distant past, incorporating local ethnic traditions as part of its national heritage. The history was defined, rationalized, and legitimated by the state. The Indonesian history curriculum portrayed the history of ancient kingdom of Majapahit as its 'golden age' where it unified the archipelagic nations into a unified identity (p. 111). However, Chinese-Indonesians are notably absent from this historical narrative, and they were portrayed as 'non-natives' despite their long presence in the region.

The New Order government assumed that involvement of ethnic Chinese on the September 1965 affairs was as a result of unassimilated Chinese in the Indonesian society. Various laws were issued to assimilate the Chinese community by eliminating the three pillars of Chinese society (Chinese schools, Chinese language, and Chinese organizations). The most important of these are listed in the following table. The following figure is the classification of the laws according to their targeted sector. The percentage of laws by sector is shown in Figure 2 which shows that most laws were targeted at culture and citizenship, and only a few affected Chinese economic rights.

Table 3			
<i>Laws targeting Chinese-Indonesians</i>			
No	Year	English Translation of Law Title	Sector
1	1959	Government Regulation 10/1959	Economy
2	1966	Cabinet Presidium Decision 127 of 1966	Culture
3	1966	Provisional People's Consultative Assembly No. 32, 1966	Language
4	1967	Presidential Instruction No. 14/1967 (Inpres No. 14/1967) on Chinese Religion, Beliefs, and Traditions	Religion

5	1967	Ampera Cabinet Presidium Circular 6 of 1967	Language
6	1967	Cabinet Presidium Instruction No. 37/U/IN/6/1967 concerning Chinese Issues Settlement	Citizenship
7	1967	Presidential Instruction no. 240/1967	Culture
8	1967	Cabinet Presidium Instruction No. 49/U/8/1967 on the utilization of the Chinese language in media	Language
9	1967	Presidential Decree No. 15/1967	Politic
10	1968	Decree of the Cabinet Presidium no. 127/U/Krp/12/1968 concerning Changes in Names: Presidential Instruction no. 14/1967 concerning main policies relating to foreign descent citizens	Culture
11	1968	Presidential Decree No. B12/Pres./I/1968	Education
12	1969	Statute No. 5 of 1969	Religion
13	1977	Presidential Decree no. 52, for the registration of citizens	Citizenship
14	1977	Instruction of the Ministry of Home Affairs No. X01/1977 on Implementing Instructions for Population Registration	Citizenship
15	1978	Minister for Justice Decree no. JB3 4/12 joint decree of the minister for Justice and Minister home Affairs no. M. 01-UM.09.03.80 and no. 42 year 1980	Citizenship
16	1978	Minister of Home Affairs Directive No. 477/74054/BA.01.2/4683/95	Religion
17	1978	SK No. 286/KP/XII/78	Language
18	1980	Confidential instructions No.3.462/1.755.6 of the Jakarta government January 28, 1980	Citizenship
19	1988	Home Affairs Ministry No. 455.2-360/1988 on Regulation of Temples	Religion
20	1988	Circular of the Director General for Press and Graphics Guidance in the Ministry of Information 02/SE/Ditjen-PPGK/1988	Language
21	1990	Directive by the Minister of Home Affairs, numbered 77/2535/POUD	Religion

Sources: Winarta (2008, in Suhandinata, 2009), Suhandinata (2009), Suryadinata (1976)

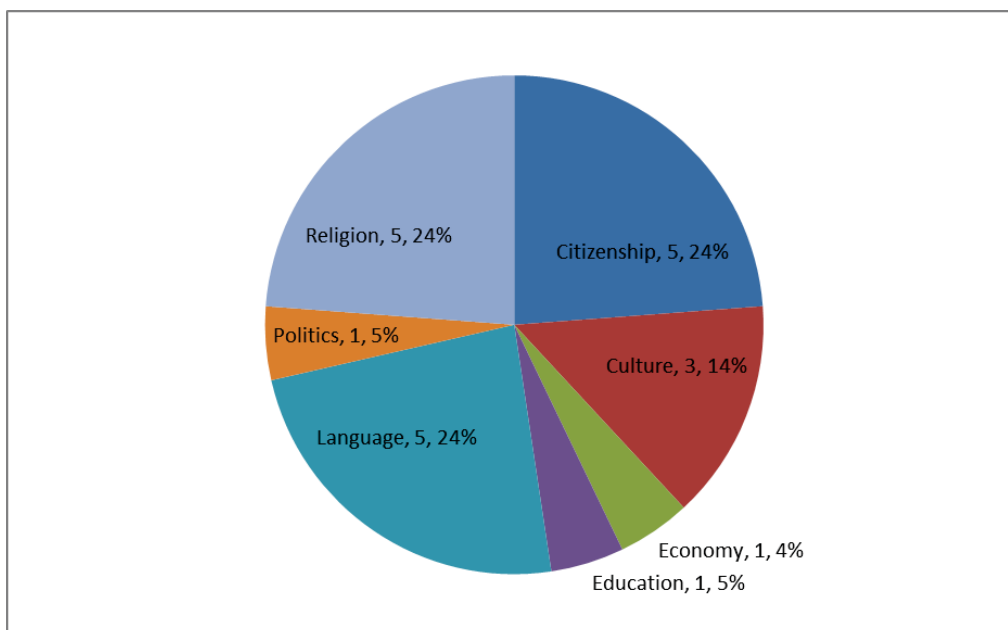


Figure 2. Laws targeting Chinese-Indonesians based on sectors, adopted from Winarta (2008) Suhandinata (2009), and Suryadinata (1976)

From the period of **1967-1980**, The New Order regime issued various laws that affected **citizenship** affairs of Chinese-Indonesians. The government passed a law to limit work permits to new Chinese immigrants, including family members, froze any capital by foreign-born Indonesians, closed foreign schools (such as Chinese schools), and enforced a quota of Chinese-descent pupils in public schools. The Indonesian government also issued *Surat Bukti Kewarganegaraan Republik Indonesia* (SBKRI, Certificate of Indonesian citizenship), a legal paper that showed a Chinese-Indonesians had given up his/her Chinese citizenship. This was required for Indonesian citizenship. The government also introduced an apartheid-like administration, as Chinese-Indonesians were identified extra prefix “A01” in their identity card to indicate their foreign origin. In 1962, Indonesia and China signed dual citizenship treaty to allow the Chinese citizens to choose their citizenship. The SBKRI is a legal proof that Chinese-Indonesians have chosen to be an Indonesian citizen and renounced their Chinese citizenship. Historically, many Chinese-Indonesians require to pay hefty fees for issuance of this certificate.

From the period of **1966-1968**, the New Order issued several laws that restricted **Chinese-Indonesian culture**. The laws forced Chinese Indonesians to adopt Indonesian-sounding names. Chinese schools were closed, and many Chinese-

Indonesian children were unable to access any education for almost two years. Only in early 1968 permission was given to establish private schools (sponsored by private sector businesses from the Chinese community). This was allowed due to political considerations as spaces in public schools were limited. These schools prioritised Indonesian natives and the Chinese-Indonesian parents had to send their children to more expensive private schools (Suhandinata, 2009, p. 139).

Paradoxically, Chinese-Indonesians had more **freedom in the economic sector**. There were few laws that regulated and limited Chinese-Indonesians' economic activity. One example is *Government Regulation 10/1959* forced Chinese Indonesian to close their businesses by 1 January 1960 and relocate to urban areas. However, Suryadinata (1976) argued that the dominance of Chinese-Indonesians in the economy was politically motivated. Soeharto's regime was economy-growth oriented, and Soeharto needed to improve Indonesia's economy in order to legitimize his dictatorship. Under his administration, the New Order officials worked closely with Chinese-Indonesian businessmen to mobilize their capital so it could be used to develop Indonesia's economy. This system is referred to as *Alibaba*, where a Chinese-Indonesian business must have Indonesian patrons in order to secure political cover and facilities, in return, the Chinese-Indonesians would share their economic profits with their patrons. This patron-client relationship contributed to creating the stereotype of Chinese-Indonesians as dishonest businessmen, called *cukong*, as these businessmen were successful in securing government contracts, business, and development projects. This situation created resentment from less successful Indonesian businessmen as the Chinese-Indonesians were stereotyped as more competent than their Indonesian counterparts (Suryadinata, 1976).

From the period of **1966-1978**, the New Order Government also issued laws to restrict and **limit Chinese language** in public sectors. In 1966 the government banned the usage of Chinese characters in public place. In 1967, the government introduced the term '*Cina*' that replaced the old *Tionghoa* to refer Chinese-Indonesians. The term '*Cina*' was considered derogatory and offensive during that time. The restrictions were further strengthened by regulation of the usage of Chinese characters in media, although few sectors such as Chinese medicine were still allowed to use Chinese characters. The government also regulated the education of the children of foreign nationals. In practice,

the regulation was addressed to children of Chinese-Indonesians descent. In 1979, the government prohibited the import, sale, and distribution of books, magazines, and newspapers printed in Chinese characters, the reason cited was to "to help develop Indonesian culture and to nurture unity among the people" (Kompas, 3 January 1979, as cited in Suryadinata, 1980, p. 134). This situation discouraged the usage of heritage languages among Chinese-Indonesians even in the home environment.

From the period of **1967-1990**, the New Order government also issued regulations to **curb** Confucianism, which was associated with **Chinese traditional religion**. The government claimed that¹¹:

Chinese religion, beliefs and customs (in Indonesia) originated from their ancestral land and their various manifestations may generate unnatural influence on the psychology, mentality and morality of Indonesian citizens and therefore impede natural propensity (Government of Indonesia, 1967, Author's translation)

This meant that the practice of Chinese traditions and beliefs were observed only in the family circle (Suryadinata, 1976, p. 780; Winarta, 2008 as cited in Suhandinata, 2009, p. 62). Many Chinese-Indonesians eventually adopted Buddhism or Christianity instead of Confucianism, although many still practice the ancestor worship during special occasions to honor their family (Dawis, 2009). In 1969 the Indonesian government restored Confucianism as one of the officially recognized religions, however this was later revoked. In 1988, the government restricted the repairing and building of Chinese temples..

As seen from the analysis above, the New Order regime had an ambiguous standing on the assimilationist policies. Most of the laws were targeted to non-economic sectors such as citizenship, culture, language and traditional religion, but gave Chinese-Indonesians a lot of economic freedom. These policies were also supported by a few members of the elite Chinese-Indonesian community who called themselves *assimilationists*, including Kristoforus Sindhunata (a Chinese Christian public figure who recommended Soeharto's administration forbid Chinese culture), and Harry Tjan

¹¹ Presidential Instruction No. 14/1967 (Inpres No. 14/1967) on Chinese Religion, Beliefs, and Traditions

Silalahi (who served as a member of Indonesian parliament from 1966-1971). The assimilationists supported the absorption of Chinese-Indonesians into Indonesian indigenous groups. The Chinese-Indonesian culture and identity was considered as a problem that could divide Indonesia, thus their unique cultural traits had to be eliminated. The assimilationists argued the elimination of Chinese culture and identity was necessary for the safety of Chinese-Indonesians (Dawis, 2009). The fear of, and prejudice towards Chinese Indonesian is reflected in La Ode (2013) who noted that Chinese-Indonesians' domination in the economy is a 'manifestation of international communist strategy' (p. 99), he also perceived that Chinese-Indonesians must accept 'Indonesiasiation' to achieve social harmony.

According to interviews conducted by Dawis (2009), there was fear of widespread of communist ideology in the Chinese language media during the period of New Order¹². However the Chinese-Indonesians who enrolled in public schools were not interested in joining communism. The ban on public celebration of Chinese culture and customs was enforced under a similar rationale – fear of communism. Owing to prejudice toward Chinese-Indonesians, the ethnic minority was an easy target for violence. A display of cultural expression could trigger full-scale violence (p. 107).

3.4. Under Post-New Order (1998-2014)

This assimilation was at least partly successful as during the next thirty years, many Chinese-Indonesians felt they were more Indonesian than 'Chinese' (Dawis, 2009). However, this situation changed in 1998 when the Asian economic crisis reached Indonesia. Indonesia's rupiah was devalued to an historic low, from a level of Rp. 2000/\$1 to 16,950/\$1 (Karunungan, 2008). This devaluation triggered massive corporate bankruptcies as many corporations had secured loans in US dollars. The central bank also hiked the interest rate sharply to increase the savings rate, and forced central government cut off subsidies (Indrawati, 2002). This situation caused food prices to rise, followed by riots in Jakarta that toppled Soeharto's three decades of dictatorship¹³. However many Indonesians also blamed the Chinese for the problems

¹² During the period of the Old Order, Indonesia used a liberal democracy model and parliamentary government (1950-1957). This period was marked by political instability as the government dissolved six cabinets. Soekarno was particularly close to the Communist axis. In 1959, Soekarno issued presidential decree which changed the liberal democracy with guided democracy, a form of political system that practices basic democracies but can deviate to authoritarianism (Vickers, 2005)

¹³ Vice-president Habibie was chosen as Soeharto's successor. However, Habibie's accountability speech was rejected

and on 13 May 1998, Chinese-Indonesians in Jakarta became the target of systemic violence. Many Chinese-Indonesian women were raped. The sheer amount of violence even triggered Beijing to send a diplomatic protest to Jakarta and it was given prominent coverage in the state controlled media in the People’s Republic of China (Rosenthal, 1998).

After the collapse of the New Order, there was a resurgence of many political parties and NGOs. Three of the political parties were ethnic-Chinese dominated parties: Partai Reformasi Tionghoa Indonesia (Reformation Party of Chinese-Indonesian), Partai Pambauran Indonesia (Assimilation Party of Indonesia), and Partai Bhinneka Tunggal Ika¹⁴ Indonesia (Bhinneka Tunggal Ika Party). These have all since dissolved? The first Chinese NGO formed was Paguyuban Marga Sosial Tionghoa Indonesia (PMSTI) which was later split with Perhimpunan Keturunan Tionghoa Indonesia (INTI). There are also some smaller Chinese NGOs, such as Gandi, Solidaritas Nusa-Bangsa, SIMPATIK that combat racial discriminations in Indonesia (Suryadinata, 2004). Most of the political parties were short-lived Table 4 below shows the remaining active Chinese-Indonesian organizations:

Table 4 <i>Active Chinese-Indonesian Organizations</i>		
Name	English Translation	Mission/Charter
Paguyuban Sosial Marga Tionghoa Indonesia (PSMTI)	The Chinese Indonesian Clan Social Association	Promoting communication and interactions among Chinese-Indonesians, fostering harmony between Chinese-Indonesians and other communities.
Perhimpunan Indonesia Tionghoa (INTI)	The Chinese Indonesian Association	Being active in nation-building by resolving the Chinese problem in Indonesia
Asosiasi Peranakan Tionghoa Indonesia (ASPERTINA)	The Association of Peranakan Tionghoa Indonesia	Preserving Chinese Indonesian culture
Solidaritas Nusa Bangsa (SNB)	Solidarity of the Nation-State	Promoting multicultural education, and eradicating ethnic/racial

by the parliament due to an unpopular decision (for allowing the referendum on independence in Timor Leste) and he did not seek another presidency nomination despite his reforms.

¹⁴ Bhinneka Tunggal Ika is Indonesia’s national motto which means ‘Unity in Diversity’ in old Javanese language

Paguyuban Indonesia (PSTI)	suku	Tionghoa	The Chinese Association	Indonesian Social	discriminations	Building an Indonesian nation based on Pancasila where Chinese Indonesians are considered as equals
Persatuan Indonesia (PITI)	Islam	Tionghoa	The Chinese-Indonesian Association	Islamic		Promoting Islam to Chinese-Indonesians by Chinese-Indonesians
Majelis Tinggi Agama Indonesia (MATAKIN)	Agama	Khonghucu	The Supreme Council for Confucian Religion in Indonesia			Promoting Confucian religion in Indonesia

Source: PSMTI.org, INTI.or.id, ASPERTINA.org, SNB.or.id, PITIJATIM.org, MATAKIN.or.id

Most of the Chinese-Indonesian political parties received a cold reception from the Chinese public because it was considered a form of primordialism¹⁵ and is not good for nation-building. Chinese political parties also have less opportunity to succeed in elections if they only cater for Chinese-Indonesian demographics since the Chinese population is only about 1.5% of the total Indonesian population. Notably, the active Chinese-Indonesian organizations all claim to be apolitical and only focus on the socio-cultural realm.

In 1999, Abdurrahman Wahid (Gusdur) became the President of Indonesia (Vickers, 2005). Many assimilationist laws passed under Soeharto were revoked during Gusdur's administration, most notably Presidential Instruction No. 14/1967, which banned the Chinese religion, Chinese beliefs, and Chinese traditions, and various laws that forbade the display of Chinese characters in printed media. Gusdur is regarded as the most important figure in paving the way to ending discrimination towards Chinese-Indonesians (Dawis, 2009). However, Gusdur's administration was quickly dissolved as he lost support from the parliament and the military. His vice-president, Megawati Soekarnoputri, was elected as the President by the People's Consultative Assembly on 23 July 2001. Her presidency lasted till 2004, before being replaced with Susilo

¹⁵ Geertz (1973) defined it as "a primordial attachment is meant one that stems from the "givens"--or, more precisely, as culture is inevitably involved in such matters, the assumed "givens"--of social existence: immediate contiguity and kin connections mainly, but beyond them the givenness that stems from being born into a particular religious community, speaking a particular language, or even a dialect of a language, and following particular social practices. These congruities of blood, speech, custom, and so on, are seen to have an ineffable, and at times overpowering, coerciveness in and of themselves" (p. 259)

Bambang Yudhoyono who has won the election twice (2004-2009, 2009-2014) and just finished his second term. In 2006, the parliament legislated Undang-Undang Republik Indonesia Nomor 40 Tahun 2008 Tentang Penghapusan Diskriminasi Ras dan Etnis (Laws Republic Indonesia no. 40/2008, about The Elimination of All Forms of Racial Discrimination) which legally removed the distinction between natives (*pribumi*¹⁶) and non-natives (*non-pribumi*), although the terms are still used in public discourse.

Since 1998, many of the past assimilationist policies have been revoked by the post-New Order governments. However, many problems remain unresolved. For example, the public were unsympathetic toward the violence and rape of Chinese-Indonesians in 1998, calling the event a fabrication. Some even threatened to prosecute organizations that were vocal on the rape issue on the basis of false rumours (reference). The victims were also not able to seek legal help because the forced insertion of objects to sexual organs is not considered as a 'rape' under Indonesia's laws (HRW, 1998). There is also growing anxiety among Chinese-Indonesians who grew up under the New Order, as they consider themselves as Indonesian, have no affiliation with the PRC, and are unable to speak Mandarin (Dawis, 2009).

In 2002 Suhandinata (2009) conducted a survey on public perceptions toward Chinese-Indonesians and found that the Chinese-Indonesians were still considered by non-Chinese-Indonesians to be a separate ethnicity. This research revealed that the public expected Chinese-Indonesians to confine their Chinese-language conversation to their social circle. The Chinese-Indonesians' stereotype as a rich minority is also still strong, thus the public prefer them to hide their personal wealth. They are also still considered 'exclusive' and the public wanted them to be involved in heterogeneous social activities and political parties. However, the public also perceive that the media needs to expose their nationalism objectively, and not attach negative traits to them, such as being 'drug dealers', 'smugglers', and 'corruptors'. This survey also revealed that Chinese are stereotyped as diligent and hardworking (p. 35). Suhandinata (2009) suggested that the Chinese have no interest in being recognized as a Chinese as they have been educated according to Indonesian values, although there is no dramatic increase in intermarriage among Indonesian natives and Chinese-Indonesians. Therefore, Indonesian society is

¹⁶ Pribumi literally means 'sons of the soil'. This distinction was introduced by the Indonesian government in Article 26 of the Indonesian Constitution of 1945 and Article 1 of the nationality act of 1946 (Antons, 2013)

still being segregated informally (p. 143).

In 2014, Susilo Bambang Yudhoyono repealed the regulation Presidential letter No. SE-06/Pred.Kab/6/1967 which calls the banning of the word "Cina" and replaced it with the traditional name of China "Tiongkok"¹⁷ and Chinese-Indonesians as "Tionghoa" in Bahasa Indonesia. While this was seen positively by the Chinese-Indonesians, the revocation of this law also caused controversy among Indonesian natives as they thought the word "Cina" was neutral, despite the fact that the word has been used to insult Chinese-Indonesians (Anggraeini, 2014).

By 2014, a few high profile Chinese-Indonesians have become actively involved in Indonesian politics. Two examples are Mari Elka Pangestu who has been a member of Yudhoyono's cabinet since 2005 and Basuki Tjahaja Purnama (Vice governor of Jakarta) who is a popular public figure, as he is the first Chinese-Indonesian who is seated in a high profile government job by popular election. However, the two have also been the target of political attack due to their Chinese ancestry. In 2011, Mari Elka Pangestu was attacked by Bambang Soesatyo, a member of Indonesian parliament who said that Pangestu favoured (mainland) Chinese interests in her policies (The Jakarta Post, 2011). In the 2012 Jakarta governor election debate, Basuki Tjahaja Purnama became the target of Rhoma Irama's (a famous Indonesian singer) negative campaign, who encouraged Muslims not to elect a Christian Chinese as a vice governor of Jakarta.

However, these racist attitudes quickly received sharp criticism and a huge outcry from the public. It is notable that racism is no longer a taboo subject during the post-New Order. Racism has become part of healthy public debates which is a positive development in Indonesia's multiculturalism. Indonesians, in general, do not find it acceptable to attack someone based on their ancestry. Notably, president-elect Joko Widodo received 'black campaigns'¹⁸ for having a Chinese-Indonesian ancestry (despite the fact he does not have one), indicating that Chinese-Indonesian ethnicity can still be used as a tool of "othering". In addition racism debates are prevalent in social media and internet and there are agitators on both sides. A blog¹⁹ owned by Yo Kook Leong is a

¹⁷ The word Tiongkok came from Zhongguo (中国) which means Middle Kingdom.

¹⁸ In Indonesian context, this word means 'black propaganda' or 'dirty politics'

¹⁹ <http://yinnihuaarendexueleishi.blogspot.co.nz/> and <https://www.facebook.com/xiaoyucan>

Chinese-Indonesian's blog that explicitly uses derogatory remarks to native Indonesians (such as 'Fankui'²⁰) to refer to native Indonesians and discourages ethnic intermarriage.

3.5. Conclusion

Prejudice and racist attitude towards Chinese Indonesians can be traced to the Dutch colonial period when the Dutch imposed apartheid-like administration that segregated the society. The Chinese were perceived as Dutch coolies although, in reality, during the colonial period the Chinese-Indonesian community was fragmented. Subsequently, during the New Order, most suspicion of Chinese communism led to the passing of the assimilationist laws that attacked Chinese culture, language, belief, and citizenship. However there were only a few laws that restricted Chinese-Indonesians in the private sector. After the collapse of the New Order, most of the repressive laws were revoked.

It is notable that high profile politicians with mixed Chinese ancestry had a role in improving Chinese-Indonesians' wellbeing. Abdurrahman Wahid, the 4th president of Indonesia, was notable for explicitly stating he had Chinese ancestry. Racism is no longer a taboo subject and is now part of healthy public debates. However, the cases experienced by Mari Elka Pangestu and Basuki Tjahaja Purnama, demonstrated that Chinese-Indonesian identity can still be used as "othering" to trigger prejudice.

²⁰ Fankui (番曠) means 'dark foreigner' which refers to Indonesians' skin color who (in general) are darker than light-skinned Chinese Indonesians. This word is considered racist.

Chapter 4: Research Findings

4.1. Introduction

The previous chapter outlined the history of Chinese immigration and settlement in Indonesia, and the legal framework that attempted to force their assimilation into Indonesian society during the New Order. This chapter builds on this background providing an insight into the effect of the assimilation laws on Chinese Indonesians through the results of an online questionnaire that was dispatched from 8 August to 14 September 2014 through SurveyMonkey.com. The total number of survey respondents was 60. The first section discusses the demographics of the respondents. The second section discusses how the respondents viewed the assimilationist laws, followed by discussion of the impact of the assimilation policies on their ethnic identity in the third section. The last section discusses the implication of these findings for Chinese-Indonesians' development.

4.2. Demographics

Most respondents (68%) have a Chinese name, are living in Indonesia and the majority were born after 1981. The respondents are mostly third and fourth generation Chinese Indonesian (90%). Less than half (45.1%) of the respondents answered that their parents or grandparents do not have a Chinese citizenship, although 39,2% do have. Most of them speak Bahasa Indonesia as their first language, even in the home, instead of Mandarin or other Chinese languages. Most respondents registered either as Christian, Catholic, or Buddhist. More than half of the respondents (52%) did not receive education in the Mandarin language. Few (23.08%) respondents confidently answered they have an Indonesian ancestry while the rest either do not have, or are unsure. This may indicate intermarriage with an Indonesian partner is still not a trend. Most of the respondents do not mind the idea of intermarriage with Indonesians (this is discussed later).

4.3. How The Respondents View the Assimilationist laws and Assimilation

Most of the respondents (76.9%) said they felt the assimilationist laws have violated their rights as a Chinese-Indonesians. In general, the respondents said assimilationist laws have alienated them from Chinese culture and actually worsened the situation for Chinese Indonesians. One respondent said that the Chinese language is part of

Indonesia's culture, and assimilation laws were degrading Indonesia's own culture. A minority of the respondents do not feel affected by the assimilationist laws or are unsure about the effect. Some of the respondents think the assimilationist laws should not be viewed too narrowly, and some actually endorse the laws, thinking it was a good idea to integrate Chinese Indonesians in society and that it has made the Indonesian society less segregated in comparison to Malaysia²¹.

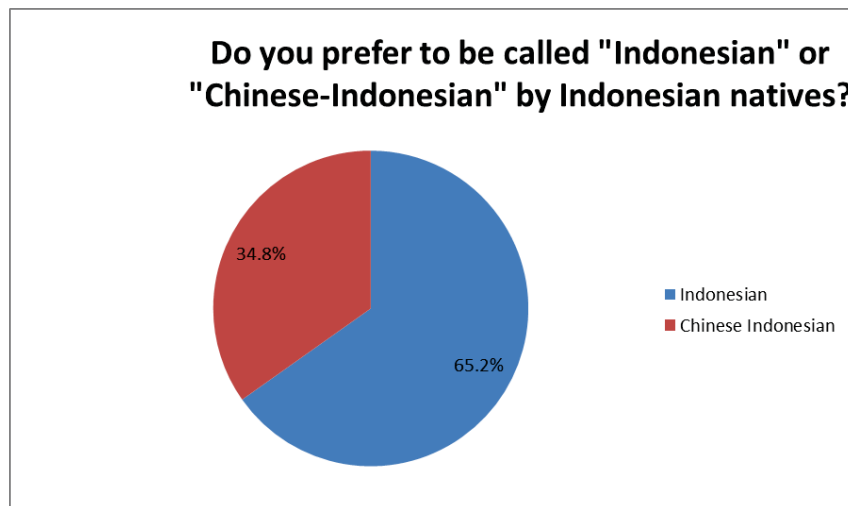


Figure 3. Do you prefer to be called "Indonesian" or "Chinese-Indonesian" by Indonesian natives?

The majority of the respondents (65.2%) preferred to be called 'Indonesian' by Indonesian natives and 34,8% respondents preferred to be addressed as Chinese-Indonesian (see Figure 3). Half of the respondents call the Indonesians with ethnic slurs (which can be considered derogatory). The majority of the respondents answered that they (or someone close to them) have been a victim of a racial hate crime.

The respondents were split about where they preferred to live. About 53% of respondents preferred to live in a Chinese-Indonesian neighbourhood, because they feel safer and more comfortable with people from their own ethnic group. For example one respondent noted the violence that occurred on May 1998:

Yes, I prefer to live in Chinese-Indonesian neighbourhood because I'm

²¹Chinese-Malaysians have settled in Malaysia at least since 15th century. They made up 24.6% of Malaysian Population in 2010. Unlike Indonesia, Malaysia's politic is largely racialized. Chinese-Malaysian is actively involved in politics under Malaysian-Chinese Association (MCA) which is member of the nationalist Barisan Nasional. Malaysia's constitution article 153 gives many privileges to Bumiputera Malays which contributes to ethnic tension between Chinese-Malaysians and the the Bumiputera (Choy, 2013)

traumatized the 1998 violence will happen again (S, Female, from Medan, Second Generation, survey response, sept 2014)

However about 47% respondents answered they do not mind living with native Indonesians as long they are not racist or not from radical religious background. Some said they do not differentiate people in a neighborhood as long as it is safe and secure. A respondent also said it is important to live and socialize with non-Chinese Indonesians and not to be prejudiced as “exclusive” group:

Yes, I prefer to live in Chinese-Indonesian neighbourhood, but it's not a must. Like the idiom 'birds with the same feather flock together', everyone most probably prefer to live in neighbourhood that share same race, ethnicity, clan, religion, or any belief. It's a human nature. Maybe because it feels more comfortable when we feel indifferent toward one and another. But if I must live in non-Chinese-Indonesian neighbourhood, it's not a problem too because they are good people, as long as we can respect them for what they are and we are not acting like an exclusive group that put on airs. (AK, Male, from South Tangerang, fifth generation, survey response, Sept. 2014)

The majority of respondents (73%) said they support interethnic marriage as long as they can settle their cultural differences, which is not easy to bridge. On the question whether they socialize with Indonesian people based on economic background, the majority of respondents (91%) said they do not differentiate between people based on economic power. Some respondents said the economic background of people is not too important when socializing as long as they are good people. Only few people consider economic background when socializing because they believe educated people tend to be less racist.

The majority of the respondents said they have never been asked for SBKRI²² (Certificate of Indonesian citizenship) for administrative affairs. However, some of

²² As discussed in chapter 3, the SBKRI was issued to solve Chinese-Indonesians' citizenship legal problem.

those who answered ‘no’ said their parents, or someone who they knew, were asked for SBKRI and paid a fee of about 50-200 \$US.

4.4. The Impact of the Assimilationist Laws on Chinese-Indonesian’s Ethnic Identity

Most of the respondents (76%) answered that they are comfortable with their Chinese identity, mostly because they have been protected by the new anti-racism laws (*Undang-undang no. 40 tahun 2008 on The Elimination of All Forms of Racial Discrimination*). However, 14% answered ‘depends’, which suggested they are ambiguous toward their Chinese identity; they are comfortable when they are not being threatened with their identity. Only 8% answered they are still uncomfortable because of being stereotyped. The majority of respondents said they are not afraid to speak the Chinese language regardless of their fluency, and only 13% of the respondents are afraid.

Most respondents answered that Chinese cultural celebrations were affected by the New Order regime and many remember having to celebrate it with fear, for example, celebrating it only with close family, skipping school, receiving angpao²³ but not otherwise celebrating, and not talking to Indonesians during Chinese New Year due to fear of getting arrested. However, some were unaffected at all. One respondent highlighted that the atmosphere in the 80s and 90s was different to that of the 60s and 70s²⁴:

Yes, as I remember, the influence of New Order regime was not that big. Maybe because the atmosphere in 80s and 90s were different compared to 60s and 70s (AC, Male, from Taipei, third generation, survey response, Sept 2014)

The respondents also appreciated that the Chinese New Year is now a national holiday in Indonesia, and the Chinese can express their culture more openly:

Yes, during the New Order, the Chinese New Year felt like ‘underground’. But

²³ Angpao (红包) means ‘red envelope’, a symbol of good luck during Chinese new year. It is a monetary gift given from older people (usually married) to younger people (usually children) during Chinese new year.

²⁴ This was apparent with the normalization of China-Indonesia diplomatic relations in 1991 (La Times, 24 February 1989).

after it became a national holiday, it is now celebrated openly and look better.
(AD, Male, from Brussels, third generation, survey response, Sept. 2014)

On the question of interacting with Chinese-speaking people, or these who are still able to maintain their culture, Table 5 identifies some common patterns from their answers which I label as *alienation*, *jealousy*, *admiration*, *neutral*, and *happy*. Responses in each of these are listed in Table 5.

Table 5	
<i>Respondents' answers to question 'How do you feel when interacting with Chinese-speaking people or these who are still able to maintain their culture?'</i>	
Label	Response
Admiration	<p>I admire and proud. But also feels sad if they make themselves as an exclusive group, and treating Bahasa Indonesia as secondary language in their daily life</p> <p>I admire them but also confused because I do not understand the language (laugh)</p> <p>It is good because people learn more languages and remember the ancestors' culture I feel proud of them</p> <p>I also want to learn mandarin and the culture</p> <p>It is a good thing and they are lucky for be able to maintain their culture</p> <p>I admire and embarrassed because I do not know anything about my ancestors' culture</p> <p>I admire them because they are able to defend such a rich culture</p> <p>I admire them because I do not speak fluent Teochew/Hakka</p> <p>I admire them because it is not easy to maintain Chinese culture, especially those who live in Java, Papua, or Moluccas Island</p> <p>I am impressed, many Chinese-Indonesians identify themselves as a Chinese-Indonesian, but they cannot speak any chinese language and the Chinese culture is stereotyped as 'outdated'. It is very shameful and tragic for a Chinese Indonesians to hate or not knowing their own culture</p> <p>Very happy and proud</p> <p>I admire them</p>
Alienation	<p>I feel ashamed, but feel motivated because I can revive this culture</p> <p>I feel being marginalized, as if I am no longer considered as one [Chinese-Indonesian]. They do not care whether I understand what they are speaking or not. When I am hanging around non-Chinese people, these Chinese-Indonesians wondering why I am hanging around with non-Chinese.</p> <p>I do not understand the language, I feel they are not friendly and arrogant, I hate it when someone talk to me with a Chinese language because I do not understand it</p> <p>I feel ashamed. Because they still feel discrimination and I am ashamed because I do not understand</p> <p>On one hand, I feel ashamed because I do not speak Chinese language despite being a Chinese-Indonesian. On the other hand I was born with Indonesian citizenship, live in Indonesia, and taught with Bahasa Indonesia despite my mother's fluency in Hakka. Now I speak fluent Bahasa Indonesia in my daily life, not only with the Chinese-Indonesian, but also other ethnic group.</p> <p>I am sad because I am a victim of new Order who violated human rights</p>

	<p>I feel a bit of inferiority complex of course. However I think it is more important to be involved [in community] as an Indonesian citizen is not less important than maintaining the cultural root. I do not like the Chinese-Indonesians who act as if they live in the PRC and do not care about Indonesia</p> <p>Sometimes I feel awkward because I do not speak good mandarin, because I am only sufficient to ask a road direction</p>
Happy	<p>I feel happy when meeting another Chinese who speak a Chinese language. But I prefer to speak with mandarin because it is more universal and sounds more beautiful</p>
Jealous	<p>I feel happy but also strange (about them). Because it is rare for a Chinese-Indonesian in Java to feel the importance of maintaining culture I am very happy</p> <p>I feel a bit jealous. I wish I could speak mandarin. I envy their fortune</p>
Neutral	<p>I feel neutral, I think it is okay they are more comfortable with that language. I understand each person has their own mother language</p> <p>I feel indifferent, although I am a bit uncomfortable. I feel indifferent (6 people gave exact same replies without further explanation) I feel indifferent. I did not truly have a barrier [to learn Chinese language], but I just do not speak it, so I feel a bit embarrassed</p> <p>I feel indifferent, but I feel they are a bit 'totok' [pure]</p> <p>I feel indifferent because I am quite used to mingle [with Chinese and Indonesians] I feel indifferent. As long as they do not make themselves 'exclusive'</p> <p>I feel indifferent. Each person has rights to speak [with different mother language] I feel indifferent. In my home town, people speak with Chinese language, so I am used to it</p> <p>I never have problem with it. I still maintain my culture to certain degree that is relevant to modernity. I do not speak Chinese language to people who do not speak it. The problem is the traditional group who are chauvinistic to their language and culture - only want to speak Chinese even in public room and look down non-Chinese culture. They are not too different with these desert fanatics [reference to Moslem] or these crusader fanatics [reference to Christians]. I hope these individuals should reprimand their behaviour.</p> <p>I feel indifferent, but I just do not understand [the Chinese language]</p>

As seen from the above Table the respondents' answers were mixed, although most respondents are 'neutral' (16), followed by 'admiration' (13). The people with a 'neutral' pattern answered that maintaining that is nothing special to maintain culture. Those with an 'admiration' pattern answered that maintaining culture is a good thing because there are not so many people want to maintain their culture, and highlighted that it is not easy to maintain Chinese Indonesian culture, especially in Java, Papua, and Moluccas. One respondent also highlighted that many people who claim to be Chinese Indonesians cannot speak or maintain their culture therefore being able to do this is something to be proud of. This question is also linked with question no. 12 that asked

whether assimilation laws have violated their rights or not.

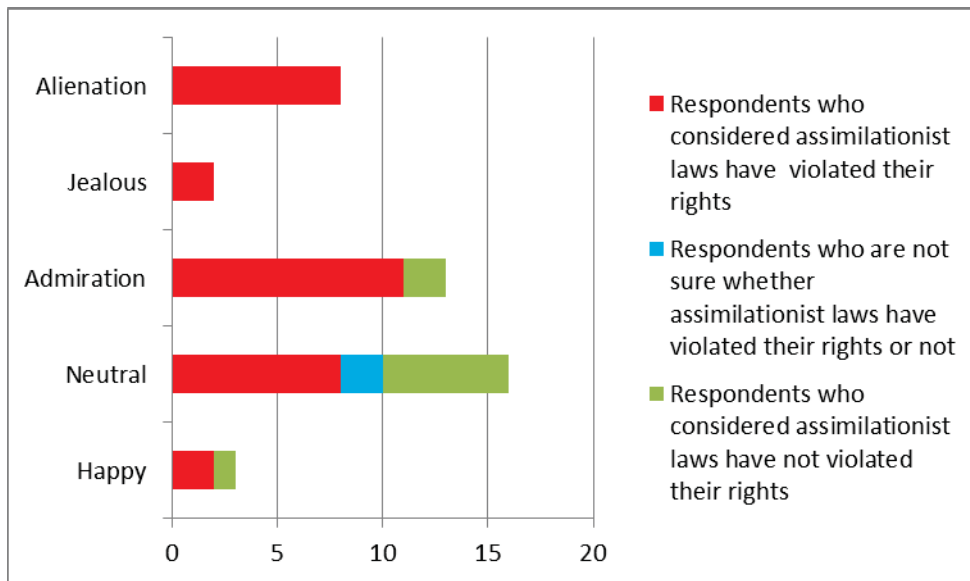


Figure 4 . How the respondents feel when interacting with people who still can maintain their culture

Figure 4 shows that most people who thought that assimilation laws *have violated their rights* mostly feel ‘admiration’ (11) to people who can maintain their culture, along with ‘happy’ (2). However, they also feel alienation (8) and jealous (2) because they cannot keep up their culture. Some respondents also feel ‘neutral’ (8). On the other hand, the group who think assimilation laws *have not violated their rights* mostly are neutral (6). Few admired (2), and one answered happy (1). People who answered unsure are generally neutral (2).

This graph suggested that there is linkage between these two questions. People who perceived assimilationist laws negatively are more likely to feel alienated from or jealous of people who can maintain their Chinese identity, while these who feel they are not being affected by the assimilationist laws, may not hold such a feeling.

4.5. Chinese Indonesian’s Human Development

In 2013, Indonesia’s GDP per capita was \$3.475, and the average income per month is roughly \$289 (reference). The majority of respondents answered that their expenses per month are more than \$300, which classifies most of them as middle class with higher tier income. About 75.5% of the respondents claimed to have assets such as a car (42.2%) or a house (33.3%). The majority of the respondents answered that they have a

bachelor’s degree. Few have a graduate degree. Fewer reported to only have a high school or diploma degree

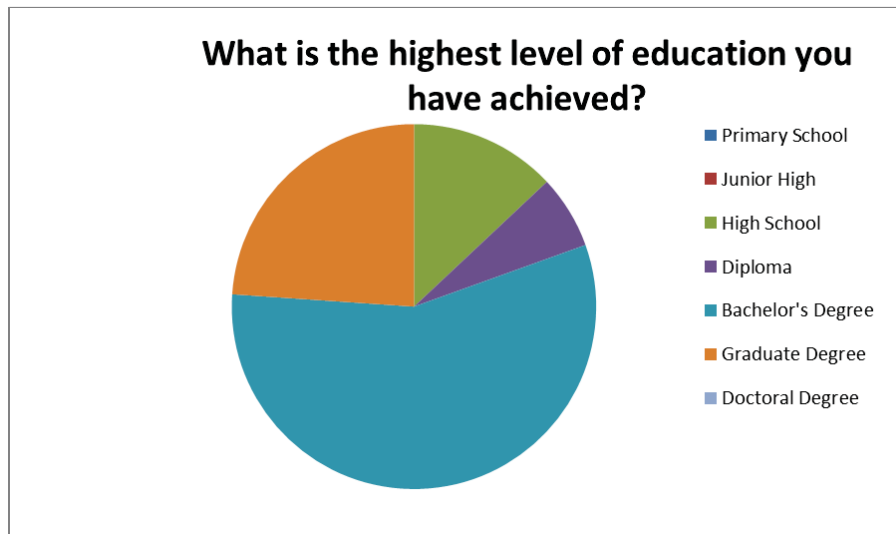


Figure 5. Respondents' level of education

More than half of respondents (66%) said they are living in a better economic situation than previous generations of their family, and gave different reasons for this. For example, the previous generations had big families while the current generations prefer to have fewer children. They also perceived their economic situation to be better because they came from a large but poor family. :

It's relative [of being richer than previous generations], my father's family was quite big (he has 7 siblings) so all the money were spent to support the big family. Because we have smaller number of family members, our welfare has increased (PT, Male, from Banten, fourth generation, survey response, sept 2014)

The majority of the respondents (70%) answered that they prefer to work in the private sector because they think it is harder for Chinese-Indonesians to be accepted in the public sector, and they perceive the public sector more ‘corrupt’ and that the salary is not competitive enough. Few respondents who preferred to work in public sector (12%) said working in the public sector is important in order to increase Chinese-Indonesians’ presence in government, and they see working in the public sector as a way to contribute to Indonesia’s development. Few respondents are neutral (15%) and willing to work in any sector as long as the system is good and gives a competitive salary. The

majority of the respondents (91.5%) feel the Chinese-Indonesians need to be more involved in local politics.

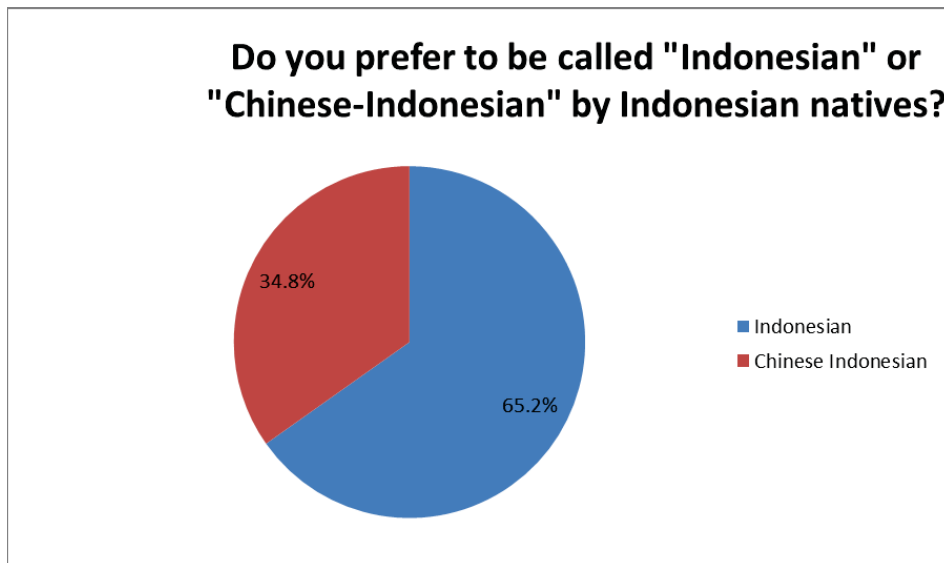


Figure 6. Chinese-Indonesians' preference over ethnic identification.

Unexpectedly, more than half of the respondents (56%) said they are not offended with the term 'Cina' despite it was historically used as derogatory term when addressing Chinese-Indonesian people. About 21% answered they would only be offended depending upon the context, for example, if the terms were used with mockery or in a derogatory tone.

4.6. Conclusion

This chapter summarizes key findings of the questionnaire. Most of the respondents speak Bahasa Indonesia as a first language at home. This helps to establish an Indonesian identity instead of Chinese. Most of the respondents feel forced assimilations have shaped their rights negatively, causing cultural alienation and an inferiority complex because they are unable to maintain their culture. Although the result is mixed, few feel assimilationist laws do not affect their rights, and think it is actually a good idea to integrate Chinese in the society. One even commented because of the assimilation laws, the society is not as segregated as Malaysia. They also want Chinese Indonesians to be more active in Indonesia's politics. The most surprising finding is that 77% of them are not offended when being called 'Cina' (according to context) which originally was a derogatory term introduced by the government. it is also

notable that only a few of the respondents have Indonesian ancestry, paradoxically, they accept the idea of inter-ethnic marriage. The next chapter explores these findings in relation to the literature and theoretical framework discussed earlier.

Chapter 5: Discussion and Conclusion

5.1. Introduction

This chapter draws the information from earlier chapters (literature review, context analysis, and research finding) to answer the aim of this research report: in what ways have the assimilationist laws during New Order (1965-1998) shaped the right to development for Chinese Indonesians?

For clarity, the objectives and research questions are as follows:

1. The first objective is to investigate the influence of assimilationist laws on the Chinese-Indonesians
2. The second objective is to explore real-life experiences of the Chinese-Indonesian that experienced living in the New Order
3. The third objective is to explore how the assimilationist laws shaped the perception of development to Chinese-Indonesians

This first part of this chapter addresses some key issues in terms of cultural rights, political rights, and economic rights, drawing together the survey findings with the discussion of the New Order assimilationist laws. The second half of this chapter builds on this from the perspective of the right to development, and from a rights-based approach to development, before concluding with a discussion of the answers to the research questions.

5.2. Cultural Rights

Most of the respondents felt that the assimilationist laws have violated their rights as many of Chinese cultural practices were minimized during the New Order. The most visible was the celebration of Chinese New Year; most of the respondents said they had to celebrate the Chinese New Year in private due to fear of prosecution. Also of significant concern was the loss of language skills, because a mother language is a marker and proxy for ethnicity (Rubio-Marin, 2003). Many of the respondents felt alienated as a result of the linguistic loss and their inability to speak any Chinese language as they consider language as an important part of their cultural heritage. This

frustration reflects Sen's (1999) argument that development cannot be confined exclusively to wealth, as development is linked to freedom, and human rights are also part of development. Systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of repressive states, will cause 'unfreedom', a loss of traditions that may be greatly missed, and can cause anguish and a deep sense of loss and detachment from their culture. This was evident in the findings for this research. The assimilationist laws have destroyed two pillars of Chinese-Indonesian society: Chinese Education and Chinese Language. Most respondents thought assimilation policies were unnecessary and alienated them from Chinese culture. During the New Order, there was no private sphere to celebrate Chinese culture, and this is demonstrated in the low proficiency in Chinese language amongst Chinese-Indonesians. A respondent from Jakarta said that she could only learn Chinese language secretly in Church during the New Order and lost her proficiency when she grew up as an adult because she could not practice her language. Her case commonly occurs among Chinese-Indonesians who live in the capital city Jakarta and other big cities; they mainly speak Bahasa Indonesia as a mother language because parents have been afraid to teach the Chinese language to their children.

Suryadinata (2004) argued that two pillars (Chinese education and language) have been partially restored in law. The use of Chinese language has been relaxed and Chinese language institutes and publications are allowed. This is supported by the data for this study. For example the respondents also appreciate the fact that Chinese New Year has become part of Indonesia's national holiday. However, there are clearly ongoing impacts including the loss of language skills among young people, the lack of value placed on cultural heritage by some, or the confusion of many as to whether they are Chinese or Indonesian. This may be less of an issue for younger Chinese-Indonesians (who were born after 1998 and able to be educated in Chinese language) who may feel less alienated from their culture because of their cultural freedom, however this does not fix the linguistic loss that was experienced by the generations who were growing up in the period of 1965-1998.

5.3. Political Rights

As discussed in chapter 3, a few Chinese-Indonesian political parties emerged after the collapse of New Order. However Chinese-Indonesians were unsympathetic and did not

join the parties in significant numbers. In fact many Chinese-Indonesians criticized the parties for promoting primordialism which was not considered conducive for a nation-building. As noted in chapter 2, this may be because ethnocultural diversity was seen as a threat to political stability, therefore ethnic minorities are often become a subject to be assimilated or marginalized (Bashir, 2008). This discussion highlighted Young's (1990 as cited in Bashir, 2008) five faces of oppression: exploitation, marginalization, powerlessness, cultural imperialism, and violence. The case of Chinese-Indonesians reflects these frameworks:

- **Exploitation:** Exploitation occurs when the labour of a group of people is systematically controlled or transferred for the benefit of another group (Young, 1990, as cited in Bashir, 2008). During the period of 1965-1998, the Soeharto's administration introduced SBKRI, a certificate which showed that the Chinese-Indonesians had given up their Chinese citizenship. As discussed in chapter 3, the issuance of this certificate was abused by public administration to extort money from Chinese-Indonesians. However, most Chinese-Indonesians in the questionnaire mentioned they have not experienced this as the government officially abolished this practice in 1996 with the Presidential Instruction No. 56/1996.
- **Powerlessness:** This is a form of oppression that stems from the social division of labour between professionals and non-professionals. The non-professionals are powerless because they lack recognition, and authority while professionals receive respect and recognition for their talents, authority, and skills (Young, 1990, as cited in Bashir, 2008). In the context of the Chinese-Indonesian case, the powerlessness is manifested in the lack of Chinese-Indonesian people in Indonesia's politics. The Chinese-Indonesians are powerless in a sense that they lack political power and have no political groups or power that fight for their rights that can be suited for their specific needs.
- **Marginalization:** Marginalization is a form of oppression that constitutes a group of people and can cause harm that goes beyond material distribution (Young, 1990, as cited in Bashir, 2008). The Chinese-Indonesians are politically marginalized in Indonesia. There are very few Chinese-Indonesian politicians that will openly speak about their Chinese ancestry in public. As Chinese-Indonesian has, for a long time been considered 'foreign', the Chinese-Indonesians consequently became more reluctant to exert their rights.

- **Cultural Imperialism:** Cultural imperialism occurs when a dominant and hegemonic group universalizes its perspectives, interpretations, and constructs outsiders as inferior (Young, 1990, as cited in Bashir, 2008). This was clearly evident in Soeharto's assimilationist laws which restricted and stigmatized Chinese-Indonesian culture. The *Presidential Instruction No. 14/1967* specifically stated that Chinese-Indonesian culture "may generate unnatural influence on the psychology, mentality and morality of Indonesian citizens".
- **Violence:** The institutionalization of inferiority in certain groups justifies the exercise of systemic violence that takes various shapes such as harassment, humiliation, psychological fear, physical violence, and can lead to occupation, genocide, or massacre (Young, 1990, as cited in Bashir, 2008). There are two major events that affected the Chinese-Indonesians: First was the Communist purge in 1965. While the purge was aimed to systematically kill and murder supporters of communists, the many Chinese-Indonesians were also killed because they were associated with communist China. In West Kalimantan, 1967 an approximate 200-5000 Chinese-Indonesians were killed, and instead of fighting back, they fled (Braithwaite, et al, 2010). The second was the 13 May 1998 riot where the Chinese-Indonesians were attacked by angry mobs. Many Chinese-Indonesian women were raped and the event traumatized Chinese-Indonesian people who thought they had been accepted by Indonesian society after losing their Chinese identity.

Bashir (2008) argues that historical oppression leaves stigmas that persist even after material reparations or compensations are made. This was evident in this research. Despite the reversal of oppressive laws, the Chinese-Indonesian's respondents are still reluctant to be politically active and being assertive to secure their rights.

Bashir (2008) suggests that it is important to form a politics of reconciliation for oppressed social groups by confronting the past, acknowledging injustices, taking responsibility, and offering an apology for past injustices. Bashir (2008) argues that reconciliation must recognize the significant collective memory and history of exclusion, and acknowledge the past injustices as part of the national narrative. This acknowledgement also requires the oppressors to take responsibility and offer a public apology which is not purely symbolic, but also translated into forms of compensation in

a certain legal framework.

There are some forms of reconciliation that can be observed in Indonesia: the government has revoked most of the assimilationist laws, incorporated Chinese New Year as part of a national holiday, and relaxed the usage of Chinese language in public space. However, there has not been any public apology for the past injustices or any form of compensation. In 2014, the [mainland] Chinese citizens demanded the Indonesian government apologize to Chinese-Indonesian people after the movie *Act of Killing* received some exposure in mainland China²⁵, although the Chinese-Indonesians themselves have been mainly silent.

5.4. Economic Rights

From the perspective of economic rights, the findings are consistent with the general stereotype and assumption that Chinese-Indonesians are economically developed, as the New Order government gave economic freedom to ethnic Chinese. Wealth is one important element to development, as it enables people to access the market (Sen, 1999).

Most of the correspondents are generally well educated and can be considered a middle class. However, as this research depends on an online survey, the results should not be generalized, as there were only 60 respondents who live in urban cities, and who probably do not represent Chinese-Indonesians that are from the lower economic class. This research reports argues that wealth is not sufficient on its own. As discussed in chapter 3, the dominance of Chinese-Indonesians in economy was politically motivated and allowed Soeharto to secure financial support from the Chinese-Indonesian businessmen. However, the *Alibaba* system created resentment from the lesser successful Indonesian businessmen. This situation worsened the ethnic relations between Chinese-Indonesians and lead native-Indonesians to stereotype the Chinese-Indonesians as dishonest businessmen that bribe public officials. In the context of Chinese-Indonesian situation the fulfilment of economic rights were not done on the basis of equality of respecting human rights, but as an instrument to secure political power by corrupt politicians.

²⁵ *Act of Killing* is a 2012 documentary movie of anti-communist purge in 1965-1966 directed by Joshua Oppenheimer and nominated for Oscar.

5.5. Assimilation as a development policy in Indonesia

In one way, assimilation could be considered as a development policy as it aims to minimize the difference between the minority and the dominant group and to empower the minority group to find their place in a dominant group. The ambiguity of the concept of the right to development allows assimilation to be interpreted as a concrete policy to realize the minority right to be accepted as part in a society and enable them to access the market. Article 5 of the right to development called the states to remove any sort of racial discrimination (UN, 1986). This also resonates with Iadicola's (1981) definition of assimilation which makes a minority group conform to the attitude of the majority groups thus they can be accepted.

From the research findings, it was found that assimilation may only have limited success as a 'development' policy in relation to Chinese-Indonesians, as it disempowers the ethnic group politically. Alongside the economic success, the only 'success' of assimilation policies that can be identified from this research is the fact that Chinese-Indonesians identify themselves as an 'Indonesian' instead of 'Chinese-Indonesian', this is particularly useful for nation-building process as Indonesia historically differentiated between 'natives' and 'non-natives'. Historically, Indonesians have constantly been suspicious of Chinese-Indonesians as they are viewed as not being 'loyal' to their country due to their privileged (economic) position during the Dutch colonial period, and their divided loyalty to either Dutch, Mainland China or Indonesia.

This 'success' is overshadowed by the fact that Chinese-Indonesians still fear discrimination from Indonesians: this is reflected by constant public discourse of their 'foreign' origin despite their long presence in Indonesian soil. Chinese-Indonesians also prefer to live in Chinese-Indonesian neighbourhoods and there is a low rate of intermarriage and only a small percentage of Chinese-Indonesians with Indonesian ancestry. Paradoxically, while most respondents accept the idea of interethnic marriage, they may prefer to look for partners from ethnic Chinese-Indonesians instead of Indonesians.

From my analysis, I believe that racist attitudes toward Chinese-Indonesians also contribute to the lack of Chinese-Indonesians in public office. A lack of political power

and influence are important factors why it easy for Chinese-Indonesians to become targets of racism. However, it is not easy to encourage Chinese-Indonesians' to enter the political field. After 1965, the only Chinese political organization, BAPERKI²⁶ was accused of supporting the Indonesian Communist Party's plan for a coup d'etat. As a result, any Chinese political movement was monitored by the state intelligence body and the Chinese-Indonesians were treated as unwanted citizens (Lan, 2009).

Assimilationist laws have shaped Chinese-Indonesians, especially the new generation, to identify themselves as 'Indonesian' rather than being Chinese. The elimination of the Chinese language has meant most Chinese-Indonesians speak Bahasa Indonesian as their first language. As language is a proxy of ethnicity (Rubio-Marin, p. 63) this has significant implications for Chinese culture in Indonesia. It is also significant as historically, Bahasa Indonesia played a big role in constructing national identity as it unified the hundred ethnic tribes with one common (neutral) language. It is therefore a 'success' from a nation-building perspective as the 'immigrants' no longer associate themselves with their ancestral land. However this can be considered to be harmful for their human development, as they have to subjugate their identity to be accepted. Chinese-Indonesians, despite their desire to be accepted as Indonesians, are still perceived as the "others". The attitude from native Indonesians, as the dominant majority group, is the crucial factor in reducing racism.

5.6. From the Perspective of Right to Development

As discussed in chapter 2, political and cultural rights are considered as part of the 'right to development' as written on the preamble:

Development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom (UNDRD, 1986)

UNDRD is a powerful instrument that can be used by citizens to exercise their 'right to

²⁶ Badan Permusyawaratan Kewarganegaraan Indonesia – The Consultative Body for Indonesian Citizenship

development' (which consisted of cultural, political, and economic rights) to the duty-bearers (a state) or international community if the state failed to fulfill this right. However, since its inception in 1986, the right to development has never been fully implemented because it is non-binding and unenforceable: when a state is obligated to do something for the sake of a citizen of another country, it may violate the concept of a territorial sovereignty (Kirchmeier, 2006, p. 10).

As discussed in chapter 2, Kirchmeier (2006) and Bunn (2012) suggested that the right to development can become a soft law instead of a legally binding instrument due to political complexities. Powerful development international actors such as OECD, WTO, and The World Bank and UN (through MDGs), can theoretically adopt the right to development as soft law, and become source of inspiration worldwide. However, the MDGs are not particularly useful indicators of Chinese-Indonesians' development. This is because, in general, they have higher income and better education compared to the majority of Indonesians. The situation of ethnic Chinese-Indonesian also cannot be represented by MDG target, as political participation and cultural rights are not quantified in the MDG indicators.

The violation of the cultural and political rights of Chinese-Indonesians can be perceived as a violation of right to development. However, as the declaration of the right to development is not a binding resolution, the Chinese-Indonesians cannot exercise this right. In addition, China, as the ancestral land of Chinese-Indonesian has been notably silent of the treatment of Chinese-Indonesians in Indonesia. This is because legally ethnic Chinese-Indonesians are citizens of Indonesia, thus China has no legal obligation to protect their rights, and historically, the Chinese citizenship issue has led to discord between mainland China and Southeast Asian countries. While donors often use certain indicators or issues as requirement to disburse aid, the issues of Chinese-Indonesians are not of particular interest to international donors in Indonesia due to their perception of being 'developed' [economically].

As discussed in chapter 2, each country has different perception on translating right to development into practices. In the context of Indonesia, right to development is translated into development policies that are aligned with sustainable development (OHCHR, 2011). Chinese-Indonesians have rights that are defined by the right to

development (such as political, cultural, and economic rights), but these rights are not translated into policies that are relevant to their context. The right to development may have become guidelines for development projects in Indonesia's context, but these policies may narrow down the definition of 'development' as they emphasized 'pro-growth', 'pro-job', 'pro-poor' and still restrict 'development' into economic terms. Using right to development as a framework to Chinese-Indonesian' situations reflect the underlying problem of the right to development, that it may not be inclusive of an economically developed, but politically vulnerable group such as Chinese-Indonesian, because 'growth' is still the focus of right to development.

5.7. From the Perspective of Rights-based approach to development

As discussed in chapter 2, rights-based approaches promote the transformation of power relations among development actors by aligning projects with human rights (Schmitz, 2011, p. 3). This research found that there are lacks of rights-based approaches targeted to Chinese-Indonesians as discussions of rights-based approaches mostly contained in eradication of poverty, but not political rights. However there are some successful rights-based approaches to development that have been successfully translated into Indonesian laws. Most notably are *the Undang-Undang No. 39 Tahun 1999 about Human Rights*, and *Undang-Undang Republik Indonesia Nomor 40 Tahun 2008 about The Elimination of All Forms of Racial Discrimination*.

However the ratification of these laws have not automatically translated into political empowerment for Chinese Indonesians. As discussed in chapter 3, few Chinese-Indonesian political organizations emerged after 1998. Most of these were short-lived as they were unable to draw sympathy from Chinese-Indonesians due to the promotion of ethnic-based political organization which were believed would increase prejudice towards Chinese-Indonesians for being an 'exclusive' and 'unassimilated' ethnic group.

The political exclusion of Chinese-Indonesians is reflected in the current lack of Chinese-Indonesian political parties. The organizations listed in Table 4 in chapter 3 are among few organizations that were founded by ethnic Chinese-Indonesians to protect their own interests in public. Notably, none of the organisations are affiliated with politics. The charter of PSMTI and INTI explicitly stated that they will not become a political party. The organization's activities are confined to the socio-cultural realm such

as promoting or preserving Chinese-Indonesian culture. The most 'political' organization is SNB as it advocates eradicating racial discrimination through the ratification of international law and evoking the repressive laws.

Legally, there is no longer any distinction between 'natives' vs 'non-natives' (Indonesian) under the current laws. The legislation of these laws can be perceived as a form of rights-based approach as the laws allow citizens to secure their development rights in a certain legal framework (Schmitz, 2011). However, the Chinese-Indonesian organizations have a very limited capability to empower the ethnic Chinese due to their focus on non-political sectors such as socio-cultural issues. The lack of Chinese-Indonesian political organisations reflects the continuing political marginalization of Chinese-Indonesians. From the perspective of Sen's development as freedom (1999), Indonesian legal system has removed the major cause of unfreedoms to Chinese-Indonesians especially "systematic social deprivation" and "intolerance or overactivity of repressive states" (p. 3). However, the absence of reconciliation and acknowledgement of Chinese-Indonesians' historical trauma will keep the ethnic group marginalized and major cause of 'unfreedoms'.

5.8. Conclusion and Recommendations

This research report started with the assumption that Chinese-Indonesians are a 'developed' ethnic minority in a sense that they fulfill the criteria of the neoliberal development model, that emphasizes income per capita. From the perspective of the neoliberal development model, Chinese-Indonesians can be classified as 'developed' because they are generally well-educated and have higher incomes compared to native Indonesians. This research has deconstructed this assumption by investigating the cultural and political rights of Chinese-Indonesians. From the period of 1965-1998, the cultural and political repression of Chinese-Indonesian under Soeharto's New Order, under the guise of assimilation policies have, in fact, harmed the well-being of this particular group. The Chinese-Indonesians, in general, are dissatisfied with their 'development' state as they are alienated from their culture (for example, the inability to speak the Chinese language), and fear of discrimination from Indonesian natives (constant public discourse of their 'foreign' ancestry). This research concludes that Sen's (1999) 'development as freedom' is also relevant to the Chinese-Indonesian

context, that wealth is only one component of ‘development’, but a full human development must comprise of cultural and political freedom. In this sense, the assimilationist laws have shaped the rights to development negatively. A privileged economic position does not equate to full human development without a political and cultural freedom, but brings vulnerability.

This research report has discussed the impact of assimilation to human development from the perspective of ‘development as freedom’. Within the context of Chinese-Indonesians, assimilationist policies have proven as ‘harmful’ to their development as people, although it should not be generalized that forced assimilation is harmful. This case study is an extreme form of forced assimilation. However, my research does not suggest that assimilation should be outlawed or no longer utilized to handle immigrant minorities. The Chinese-Indonesian case should be considered in historical context as the assimilation policies were passed during the Cold War when multiculturalism was considered harmful for nation-building as it can trigger a civil war (Kymlicka, 2007).

While assimilation can be harmful, immigrants should have a certain degree of ‘belonging’ to their host country, because an extreme form of multiculturalism may lead to racial segregation, for example as occurred in Malaysia. Malaysia allowed Chinese-Malaysians to have freedom in culture, politics, and economy, however this has come at expense of a constitution that legalizes discriminations: article 153 of Malaysia’s constitution gives preferential treatment to the dominant majority group. In Indonesia, the constitution *legally* does not give any preferential treatment anymore to any particular ethnic group.

From the context of the right to development, political and cultural rights are considered as part of human rights and important elements of development. However, this research report found that the right to development is a controversial issue in the United Nations. It has appeared in United Nations documents such as MDGs, however the definition is narrowed down and simplifies development into tangible indicators that do not encompass social exclusions that were experienced by the Chinese-Indonesians. Most developed countries do not want the Right to Development become a legally binding instrument. Bunn (2012) suggested that it can become a soft law, a principle that is adopted and promoted by the powerful international actors such as the World Bank.

Legally, racial discrimination is outlawed in Indonesia by the ratification of *International Convention on the Elimination of All Forms of Racial Discrimination*, however, there has been no reconciliations to compensate by the past injustices. The true perpetrators behind May 1998 riot have not been caught. The Indonesian government has not issued any single public apology toward the past injustices suffered by the Chinese-Indonesians, and the public still use the term ‘natives’ versus ‘non-natives’ to attack Chinese-Indonesians and remind them of their ‘foreign’ ancestry. I believe reconciliation can only happen when the dominant majority act to be more inclusive and accept Chinese-Indonesians *genuinely* as part of their ‘native group’ in their nation-building discourse. Empowerment through a rights-based approach is suitable for Chinese-Indonesians because this approach will secure their rights from a legal perspective, however it is important that this empowerment should be supported by the dominant majority group (Indonesians) working alongside Chinese-Indonesian organisations to show that the Indonesians actually endorse the Chinese-Indonesians to be more involved in local politics. This is because legally Indonesian legal system has removed major cause of ‘unfreedoms’ such as repression and intolerance (Sen, 1999) however those gestures are not followed by acknowledging the past injustices suffered by the Chinese-Indonesians. .

Without active political participation, Chinese-Indonesians risk continuing to be a vulnerable political group despite their privileged economic position. Chinese-Indonesians’ experience does support Sen (1999) argument that development should be linked to various set freedoms such as political freedoms, social opportunities instead of narrowing it down into income per capita. The current situation may still reflect Furnivall’s (1939) observation of Dutch East Indies’ plural society where social relationship is mainly shaped by economic transactions and is still exploitative.

References

- Abby, L. F. (1999). The Construction of Race, Gender, and Class in White Supremacist Discourse. *Race, Gender & Class*, 6(3), 67-89. doi: 10.2307/41674896
- Abiad, N. (2008). *Sharia, Muslim States and International Human Rights Treaty Obligations: A Comparative Study*: British Institute of International and Comparative Law.
- Alkire, S. (2002). Dimensions of human development. *World development*, 30(2), 181-205.
- Anand, S., & Sen, A. (1994). Human development index: methodology and measurement. *Human Development Occasional Papers (1992-2007)*(HDOCPA-1994-02).
- Ananta, A., Arifin, E. N., & Bakhtiar. (2008). Chinese Indonesians in Indonesia and the Province of Riau Archipelago: A Demographic Analysis. In L. Suryadinata (Ed.), *Ethnic Chinese in contemporary Indonesia*. Singapore: Institute of Southeast Asian Studies and Chinese Heritage Centre.
- Anggraeni, D. (2014, March 25). 'Cina' or 'Tionghoa'? Why it matters, and why now, *The Jakarta Post*. Retrieved from <http://thejakartapost.com/news/2014/03/25/cina-or-tionghoa-why-it-matters-and-why-now.html>
- Antons, C. (2013). Ethnicity, Law, and Development in Southeast Asia. In F. H. Huskin, & D. van der Meij (Eds.), *Reading Asia: New Research in Asian Studies*: Taylor & Francis.
- Bashir, B. (2008). Accommodating historically oppressed social groups: Deliberative democracy and the politics of reconciliation. In W. Kymlicka, & B. Bashir (Eds.), *The Politics of Reconciliation in Multicultural Societies*. Oxford: Oxford University Press.
- Berg, B. L. (2009). *Qualitative Research Methods for the Social Sciences*. Boston: Allyn & Bacon.
- Brown, W. (2003). Neo-liberalism and the end of liberal democracy. *Theory & Event*, 7(1), 1005-1031.
- Budiman, A. (2005). Portrait of the Chinese in Post-Soeharto Indonesia. In T. Lindsey, H. Pausacker, & C. A. Coppel (Eds.), *Chinese Indonesians: remembering, distorting, forgetting*. Singapore: Institute of Southeast Asian Studies.

- Bunn, I. D. (2012). *The Right to Development and International Economic Law: Legal and Moral Dimensions*. Oxford: Bloomsbury Publishing.
- Chimni, B. (2008). The Sen conception of development and contemporary international law discourse: Some parallels. *The Law and Development Review*, 1(1), 3-22.
- Constitution of the People's Republic of China (2014), National People's Congress of the People's Republic of China. from http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm
- Cornwall, A., & Nyamu- Musembi, C. (2004). Putting the 'rights- based approach' to development into perspective. *Third World Quarterly*, 25(8), 1415-1437.
- Cowen, M., & Shenton, R. (1995). The invention of development. In J. Crush (Ed.), *Power of development* (pp. 27-43). London: Routledge.
- Cribb, R. B. (1994). *The Late Colonial State in Indonesia: Political and Economic Foundations of the Netherlands Indies, 1880-1942*: KITLV Press.
- Dawis, A. (2009). *The Chinese of Indonesia and Their Search for Identity: The Relationship Between Collective Memory and the Media*. New York: Cambria Press.
- Dieleman, M., Koning, J., & Post, P. (2010). *Chinese Indonesians and Regime Change*: Brill.
- Doczy, A. G. (1969). Some aspects of the education of immigrant schoolchildren *Australian Journal of Social Issues*, 4(3), 59-71.
- Donnelly, J. (1985). Human Rights and Development: Complementary or Competing Concerns? In G. W. Shepherd, & V. P. Nanda (Eds.), *Human Rights and the Third World Development* (pp. 27-55). Westport CT / London: Greenwood Press.
- Ferguson, H. (2011). *The Right to Development and the Rights- Based Approach to Development: A Review of Basic Concepts and Debates*. New Delhi: Centre for Development and Human Rights.
- Frederick, W. H. (2012). The killing of Dutch and Eurasians in Indonesia's national revolution (1945–49): a 'brief genocide' reconsidered. *Journal of Genocide Research*, 14(3-4), 359-380.
- Frediani, A. A. (2007). Amartya Sen, the World Bank, and the redress of urban poverty: A Brazilian case study. *Journal of Human Development*, 8(1), 133-152.
- Fromm, E. (1941). *Escape from Freedom*.
- Furnivall, J. S. (2010). *Netherlands India: A Study of Plural Economy*: Cambridge University Press.

- Geertz, C. (1973). *The Interpretation of Cultures: Selected Essays*: Basic Books.
- Govaars-Tjia, M. T. N., & Trytten, L. L. (2005). *Dutch colonial education: the Chinese experience in Indonesia, 1900-1942*: Chinese Heritage Centre.
- Gready, P. (2008). Rights-based approaches to development: what is the value-added? *Development in practice*, 18(6), 735-747.
- Gready, P., & Ensor, J. (2005). *Reinventing Development?: Translating Rights-Based Approaches from Theory Into Practice*: Zed Books.
- Gubser, M. (2012). The Presentist Bias: Ahistoricism, Equity, and International Development in the 1970s. *The Journal of Development Studies*, 48(12), 1799-1812.
- Guibernau, M., & Rex, J. (2010). *The Ethnicity Reader: Nationalism, Multiculturalism and Migration*: Wiley.
- Hamm, B. I. (2001). A human rights approach to development. *Human Rights Quarterly*, 23(4), 1005-1031.
- Harvey, D. (2005). *A brief history of neoliberalism*. Oxford: Oxford University Press.
- Harvie, D., Slater, G., Philp, B., & Wheatley, D. (2009). Economic Well-being and British Regions: The Problem with GDP Per Capita. *Review of Social Economy*, 67(4), 483-505. doi: 10.2307/41288481
- Herzog, T. (1996). *Research methods in the Social Sciences*. New York: HarperCollins.
- Hoey, B. A. (2003). Nationalism in Indonesia: Building Imagined and Intentional Communities through Transmigration. *Ethnology*, 42(2), 109-126. doi: 10.2307/3773777
- Iadicola, P. (1981). Desegregation: The Assimilation of a Minority Population. *Sociological Focus*, 14(3), 193-206.
- Indonesia, China to Normalize Relations Suspended Since 1967. (1989, February 24). *Los Angeles Times*. Retrieved from http://articles.latimes.com/1989-02-24/news/mn-293_1_bilateral-relations
- Indrawati, S. M. (2002). Indonesian economic recovery process and the role of government. *Journal of Asian Economics*, 13(5), 577-596.
- International Labor Organization. (1957). *Indigenous and Tribal Peoples Convention*. Geneva: International Labor Organization.
- Kirchmeier, F. (2006). *The right to development: Where do we stand*. Geneva: Friedrich-Ebert-Stiftung.

- Kukathas, C. (1992). Are there any cultural rights? *Political Theory*, 20(1), 105-139.
- Kymlicka, W. (1995). *Multicultural Citizenship : A Liberal Theory of Minority Rights: A Liberal Theory of Minority Rights*: Clarendon Press.
- Kymlicka, W. (2007). *Multicultural Odysseys: Navigating the New International Politics of Diversity*: OUP Oxford.
- Kymlicka, W. (2008). The internationalization of minority rights. *International Journal of Constitutional Law*, 6(1), 1-32. doi: 10.1093/icon/mom032
- La Ode, M. D. (2013). *Politik Tiga wajah*. Jakarta: Yayasan Pustaka Obor.
- Lawmaker refuses to apologize for controversial statement (2011, May 21). *The Jakarta Post*. Retrieved from <http://www.thejakartapost.com/news/2011/05/21/lawmaker-refuses-apologize-controversial-statement.html>
- Lee, K. C. (2013). *Golden Dragon and Purple Phoenix: The Chinese and Their Multi-ethnic Descendants in Southeast Asia*: World Scientific.
- Lim, H., & Mead, D. (2011). *Chinese in Indonesia: A Background Study*. SIL Electronic Survey Report.
- Marangos, J. (2012). The Post Keynesian retort to "After the Washington Consensus". *Journal of Post Keynesian Economics*, 34(4), 583-610.
- Marks, S. (2004). Human Right to Development: Between Rhetoric and Reality. *Harvard Human Rights Journal*, 17, 137-168.
- May, S. (2011). Language Rights: The "Cinderella" Human Right. *Journal of Human Rights*, 10(3), 265-289.
- Nonini, D. M. (2006). Indonesia Seen by Outside Insiders: Its Chinese Alters in Transnational Space. *Social Analysis: The International Journal of Social and Cultural Practice*, 50(1), 214-225. doi: 10.2307/23181955
- O'Brien, P. (1975). Destruction and Creation of Development Alternatives. *Economic and Political Weekly*, 10(31), 1166-1172. doi: 10.2307/4537303
- O'Leary, Z. (2004). *The Essential Guide to Doing Research*. New York: SAGE Publications.
- O'manique, J. (1992). Human Rights and Development. *Human Rights Quarterly*, 14(1), 78-103.
- Pogge, T. W. M. (2008). *World Poverty and Human Rights*: Wiley.
- Preece, J. J. (1998). *National Minorities and the European Nation-states System*: Clarendon Press.

- Purdey, J. (2006). *Anti-Chinese Violence in Indonesia: 1996 - 99*: University of Hawai'i Press.
- Rosenthal, E. (1998, August 18). Beijing Students and Women, Defying Ban, Protest Anti-Chinese Violence in Indonesia, *New York Times*. Retrieved from <http://www.nytimes.com/1998/08/18/world/beijing-students-women-defying-ban-protest-anti-chinese-violence-indonesia.html>
- Rubio-Marín, R. (2003). Language rights: Exploring the competing rationales. In W. Kymlicka, & A. Patten (Eds.), *Language Rights and Political Theory* (pp. 52-73). Oxford: Oup Oxford.
- Schmitz, H. P. (2012). A Human Rights-Based Approach (HRBA) in Practice: Evaluating NGO Development Efforts. *Polity*, 44(4), 523-541.
- Seers, D. (1972). What are we trying to Measure? *The Journal of Development Studies*, 8(3), 21-36. doi: 10.1080/00220387208421410
- Sen, A. (1999). *Development as Freedom*: Oxford University Press.
- Sengupta, A. (2004). The human right to development. *Oxford Development Studies*, 32(2), 179-203. doi: 10.1080/13600810410001699948
- Sik, K. S. (1980). Netherlands municipal legislation involving questions of public international law. *Netherlands Yearbook of International Law*, 11, 283-288. doi: doi:10.1017/S0167676800002804
- Silverman, D. (2000). *Doing Qualitative Research: A Practical Handbook*. London: SAGE.
- Statement by Indonesian Delegation 18th Session of the human rights council panel on the realization of the right to development (2011). Office of the High Commissioner for Human Rights.
- Stewart, F. (1989). Basic Needs Strategies, Human Rights, and the Right to Development. *Human Rights Quarterly*, 11(3), 347-374. doi: 10.2307/762098
- Submission of comments and proposals on the Right to Development Criteria and Sub-criteria by The Democratic Socialist Republic of Sri Lanka (2011). Office of the High Commissioner for Human Rights
- Suhandinata, J. (2009). *Indonesian Chinese descent in Indonesia's economy and political stability*. Jakarta, Indonesia: Gramedia Pustaka Utama Publisher.
- Suryadinata, L. (1976). Indonesian Policies toward the Chinese Minority under the New Order. *Asian Survey*, 16(8), 770-787. doi: 10.2307/2643578
- Suryadinata, L. (1980). INDONESIA IN 1979: Controlled Discontent. *Southeast Asian*

- Affairs*, 121-144. doi: 10.2307/27908400
- Suryadinata, L. (2004). *Chinese Indonesians: State Policy, Monoculture and Multiculture*: Eastern Universities Press.
- Taylor, J. G. (2009). *The Social World of Batavia: Europeans and Eurasians in Colonial Indonesia*: University of Wisconsin Press.
- The Damaging Debate on Rapes of Ethnic Chinese Women*. (1998). Human Rights Watch.
- The Declaration (1986) *The Declaration on the Right to Development*, United Nations G.A. Res. 41/128, UN GAOR, 41st Session, at 3, Annex, UN DC. A/Res./41/128, Annex, 1987.
- The United Nations. (1966). International Convention on the Elimination of All Forms of Racial Discrimination. *Treaty Series*, 660, 195.
- The United Nations. (1966). International Covenant on Civil and Political Rights. *Treaty Series*, 999, 171.
- Tracy, S. J. (2013). *Qualitative Research Methods: Collecting Evidence, Crafting Analysis, Communicating Impact*. New York: John Wiley & Sons.
- Tulpule, B. (1996). Redefining Development: An Alternative Paradigm. *Economic and Political Weekly*, 31(45/46), 2991-2996.
- UNDP. (2006). *Applying a Human Rights-Based Approach to Development Cooperation And Programming*: . United Nations Development Programme.
- Uvin, P. (2007). From the right to development to the rights-based approach: how 'human rights' entered development. *Development in Practice*, 17(4-5), 597-606.
- Vickers, A. (2005). *A History of Modern Indonesia*: Cambridge University Press.
- Vizard, P. (2005). *The contributions of Professor Amartya Sen in the field of human rights*. London School of Economics. Retrieved from http://eprints.lse.ac.uk/6273/1/The_Contributions_of_Professor_Amartya_Sen_in_the_Field_of_Human_Rights.pdf
- Whelan, D. J. (2011). *Indivisible Human Rights: A History*. Philadelphia: University of Pennsylvania Press, Incorporated.
- Willmott, D. E. (2009). *The national status of the Chinese in Indonesia 1900-1958*: Equinox Publishing.

Young, I. M. (2009). Five faces of oppression. *Geographic thought: A praxis perspective*, 55-71.

Appendices

Appendix 1: Informed Consent (English)

Greeting, my name is Calvin Michel Sidjaya, at the moment I am completing my master degree in International Development at Massey University, New Zealand. I am currently doing a research report under supervision of Dr. Sharon McLennan as fulfilment to complete my degree. The purpose of this research is to study how the assimilation policies influenced human rights. Assimilation can be defined as a phenomenon where certain groups imitate culture, language, behaviour of other groups and these groups ended up indistinguishable from one and another.

From the period of 1965-1998, the Indonesian government under the New Order regime has issued various policies to accelerate assimilation of Chinese-Indonesian people in Indonesia such as:

- * Presidential Instruction no. 56 year 1966 about Republic of Indonesia Citizenship Certificate (SBKRI) which forced Chinese-Indonesians to possess the certificate as administrative requirement for their citizenship
- * Ampera Cabinet Presidium Circular SE-06/Pred.Kab/6/1967 that changed “Tionghoa / Tiongkok” into “Tjina / Cina”
- * Circular of the Director General for Press and Graphics Guidance in the Ministry of Information 02/SE/Ditjen-PPGK/1988 which restricted the publications written in Chinese scripts

This research is done to study the rights that have been compromised by the assimilation policies during the New Order period and giving chance for the Chinese-Indonesians to voice their opinion to these policies, such as how these policies influenced them or whether they are satisfied with their current well-being

This research gathers its respondents through online questionnaire. The questionnaire is expected to gather at least 10 respondents that were affected by the assimilation policies.

There are approximately twenty seven questions which can be filled within 15-20 minutes. Several questions are open-ended and allow you to write your stories or your opinion

The data gathered will only be utilized for research purpose. I will not spread the data to any party and committed to protect the respondents' anonymity. Data will be protected in password-protected computer. I will also hide the respondents' name during data processing to increase objectivity.

Most of the questions are not compulsory. Respondents have right to not answering questions that make them comfortable. I will also provide summary from my research if they are interested.

This research project has been evaluated thoroughly as low-risk and did not need to be evaluated by the Human Ethics Committee at Massey University. The researchers are fully responsible of the research ethics of this project.

If you have other questions regarding the ethics of this research other than the researcher, please contact John O'Neill, Director of Research Ethics at +64 06 350 5249 or through email humanethics@massey.ac.nz".

Lastly, you can also help this research by sharing this questionnaire to family or you Chinese-Indonesian friends. The questionnaire will be closed by mid-September.

Thank you for your time!

Researcher,
Calvin Michel Sidjaya (calvin.sidjaya.1@uni.massey.ac.nz)

Supervisor
Dr. Sharon McLennan (s.mclennan@massey.ac.nz)

Table 6

Online Questionnaire (English)

Objectives

Administrative question

Questions

- a) Indonesian Name
- b) Chinese name (if applicable)
- c) City
- d) Date of birth
- e) Gender
- f) Your paternal generation. The first generations are the people who first migrated from China. The children from the first generations are second generations, and so forth
- g) Follow up interview via email

What were the impact of these Laws on Chinese Indonesians?

1. Were any of your grandparents/parents held Chinese citizenship?
2. What (mother) language do you speak?
3. Did you receive Chinese language (Mandarin) class?
4. Do you have any Indonesian ancestry? Any of your parents / grandparents / great grandparents are from Indonesian ethnic background? (exp: Javanese, Bataknese, etc)
5. Do you feel it is okay to speak Chinese language in public public space?
6. Are you comfortable with your Chinese identity?

What do the Chinese-Indonesians think about the assimilationist laws?

7. During period of 1965-1998, Indonesian government forbade chinese culture, language, schools. Thus many Chinese-Indonesians no longer able to speak Chinese language. Do you feel the assimilationist laws have impacted your right as Chinese-Indonesian?
8. What do you want say about the assimilationist laws? (maximum 500 words)

How did these assimilationist laws affect daily lives of Chinese-Indonesians in terms of political, economic, cultural rights, and relationship with indigenous Indonesians?

Administration

9. Have you been requested a SBKRI in public administration office? (yes/no)
10. How much did you usually spend to pay the SBKRI?

How did these laws impact on Chinese-Indonesians in sense of identity and well-being?

Culture and Beliefs

11. What is religion in your citizen card?
12. Do you have any particular faith, differed from your citizen card?
13. Did you celebrate Chinese New year / cultural and religious festivals during New Order?

14. How do you feel when interacting with Chinese-speaking people or these who are still able to maintain their culture?

What rights of development other than wealth have and have not been fulfilled due to assimilation?

Are Chinese-Indonesians interested in being more assertive in claiming their political, economic, cultural rights, as means of achieving their full human development

Wealth

15. How much is your expense per month?

16. Has there been any change of your wealth on the past 1-2 generations?

17. Do you have any asset? (car / House)

18. What is the highest level of education you have achieved?

Socio-Political Freedom

19. Do you prefer to live in Chinese Indonesian neighbourhood?

20. Do you consider economic factors when socializing with non-Chinese Indonesians? yes or no. What is the reason if there is any?

21. Do you refer non-Chinese Indonesian as 'Pribumi' (native) or Fankui?

22. Are you offended when being called as 'Cina' by Indonesian natives?

23. Are you okay of interethnic marriage (with Indonesian)?

24. Do you prefer to work in private/public sector?

25. Have you been the victim of a (racial) hate crime or do you know someone who has.

26. Do you think Chinese Indonesian needs more involvement in local politics?

27. Do you prefer to be called "Indonesian" or "Chinese-Indonesian" by Indonesian natives?

Appendix 2: Informed Consent (Bahasa Indonesia)

Perkenalkan nama saya Calvin Michel Sidjaya, saat ini saya sedang menempuh studi Pembangunan di Universitas Massey, Selandia Baru. Saat ini saya sedang melakukan riset sebagai persyaratan untuk menyelesaikan studi saya dibawah bimbingan dari Dr. Sharon McLennan. Tujuan dari riset ini adalah untuk mempelajari bagaimana kebijakan asimilasi mempengaruhi hak asasi manusia. Asimilasi sendiri bisa diartikan sebagai fenomena dimana suatu kelompok meniru budaya, bahasa, perilaku dari kelompok lain sehingga kelompok-kelompok tersebut tidak bisa dibedakan satu sama lain.

Sepanjang tahun 1965-1998, pemerintahan Indonesia di bawah rezim Orde Baru mengeluarkan berbagai kebijakan untuk mempercepat asimilasi warga keturunan Tionghoa di Indonesia seperti:

- * Keppres No. 56 Tahun 1966 tentang Surat Bukti Kewarganegaraan Republik Indonesia ("SBKRI") yang mengharuskan keturunan Tionghoa memiliki SBKRI untuk pengurusan administratif
- * Surat Edaran Presidium Kabinet Ampera Nomor SE-06/Pred.Kab/6/1967 yang mengganti Tionghoa / Tiongkok menjadi 'Cina'
- * Surat Edaran Menteri Penerangan No.02/SE/Ditjen/PPG/K/1988 yang melarang penerbitan dan percetakan tulisan/iklan beraksara dan berbahasa Tionghoa.

Riset ini dilakukan untuk mengkaji hak-hak yang diserang oleh kebijakan asimilasi pada Orde Baru dan memberikan kesempatan bagi etnis Tionghoa untuk memberikan opini pada kebijakan masa lampau tersebut, seperti bagaimana kebijakan tersebut mempengaruhi mereka, dan apakah mereka puas dengan situasi mereka saat ini.

Riset ini akan mengumpulkan responden dengan menggunakan online kuesioner. Kuesioner diharapkan dapat mengumpulkan setidaknya 10 responden dari etnis Tionghoa yang terpengaruh oleh kebijakan asimilasi dibawah rezim Orde Baru. Pertanyaan kuesioner ini ada sekitar 26 dan dapat diisi dalam 15-20 menit. Beberapa pertanyaan memberikan Anda kesempatan untuk menuliskan cerita ataupun opini Anda.

Data hanya akan digunakan untuk kepentingan riset. Saya tidak akan menyebarkan data

tersebut kepada pihak manapun dan berkomitmen untuk melindungi kerahasiaan responden. Data akan disimpan dalam computer yang terlindungi oleh password. Saya juga akan menyembunyikan kolom nama responden saat menganalisis data agar analisis menjadi lebih objektif.

Sebagian besar pertanyaan di kuesioner ini tidak wajib dijawab. Responden memiliki hak untuk tidak menjawab pertanyaan yang membuat mereka tidak nyaman. Saya juga akan memberikan ringkasan dari hasil riset jika mereka mau.

Proyek ini sudah dievaluasi dengan seksama dan dianggap beresiko rendah sehingga tidak perlu ditinjau oleh Komisi Etika Manusia milik universitas Massey. Periset memiliki tanggung jawab perihal etika dari riset ini.

Jika anda memiliki pertanyaan perihal etika riset ini selain periset, mohon hubungi Profesor John O'Neill, Direktur dari Etika Riset, telepon +64 06 350 5249, email humanethics@massey.ac.nz".

Akhir kata, Anda juga dapat membantu riset ini dengan menyebarkannya kepada kerabat, atau teman Tionghoa Anda. Kuesioner ini akan ditutup pada pertengahan bulan September.

Terima kasih atas waktunya!

Periset

Calvin Michel Sidjaya (calvin.sidjaya.1@uni.massey.ac.nz)

Pembimbing

Dr. Sharon McLennan (s.mclennan@massey.ac.nz)

Table 7

Online Questionnaire (Bahasa Indonesia)

Objectives

Administrative question

Questions

- a) Nama
- b) Nama Tionghoa (jika ada)
- c) Kota (lokasi saat ini)
- d) Tahun kelahiran
- e) Gender
- f) Generasi Anda saat ini (dari ayah). Generasi pertama adalah orang-orang yang pertama kali migrasi dari Tiongkok. Anak dari generasi pertama adalah generasi kedua, dan seterusnya.
- g) Apakah Anda tertarik untuk diwawancarai lebih lanjut (melalui email) setelah mengisi kuesioner ini?

What were the impact of these Laws on Chinese Indonesians?

1. Apakah kakek/orang tua Anda memiliki kewarganegaraan Tiongkok?
2. Bahasa ibu apa yang Anda tuturkan? Bahasa ibu adalah bahasa pertama yang Anda pelajari dan dipakai untuk percakapan di rumah.
3. Apakah Anda pernah mengenyam pendidikan dalam bahasa Mandarin?
4. Apakah Anda memiliki keturunan Indonesia? Apakah ada di antara orangtua / kakek / kakek buyut anda yang berasal dari keturunan etnis Indonesia (misalnya : Jawa, Batak, dsb)

What do the Chinese-Indonesians think about the assimilationist laws?

5. Apakah Anda merasa khawatir untuk berbicara dalam bahasa Tionghoa di tempat umum? Ya atau tidak. Berikan alasannya (jika ada)
6. Apakah Anda nyaman dengan identitas Anda sebagai Tionghoa? Ya atau tidak. Berikan alasannya (jika ada).
7. Pada tahun 1965-1998, pemerintah Indonesia melarang budaya, bahasa, sekolah, bahasa Tionghoa dan banyak orang Tionghoa tidak bisa lagi menuturkan bahasa mereka. Apakah Anda merasa kebijakan asimilasi telah mempengaruhi hak asasi Anda sebagai seorang tionghoa?
8. Apakah ada yang ingin Anda katakan mengenai kebijakan asimilasi? (maksimum 500 kata)

How did these assimilationist laws affect daily lives of Chinese-Indonesians in terms of political, economic, cultural rights, and relationship with indigenous Indonesians?

Administration

9. Apakah Anda pernah diminta untuk menunjukkan SBKRI di kantor pelayanan pemerintah? (Ya atau tidak. Jika ya, kapan dan untuk mengurus apa?)
10. Berapakah yang Anda bayar untuk mendapatkan SBKRI? (Jika pernah mengalami)

How did these laws impact on Chinese-Indonesians in sense of identity and well-

<p>being?</p>	<p>Culture and Beliefs</p> <p>11. Apakah agama pada KTP Anda?</p> <p>12. Apakah Anda memiliki kepercayaan yang berbeda dibandingkan yang terdaftar di KTP Anda? Jika ya, mohon jelaskan alasannya (maksimum 500 kata).</p> <p>13. Apakah Anda merayakan tahun baru Imlek / perayaan budaya / kepercayaan Tionghoa lainnya pada periode Orde Baru? Jika ya, apakah perayaan tersebut terpengaruh oleh suasana rezim Orde Baru?</p> <p>14. Bagaimana perasaan Anda saat berinteraksi dengan penutur bahasa tionghoa ataupun orang tionghoa yang masih bisa mempertahankan kebudayaannya? (maksimum 500 kata)</p>
<p>What rights of development other than wealth have and have not been fulfilled due to assimilation?</p> <p>Are Chinese-Indonesians interested in being more assertive in claiming their political, economic, cultural rights, as means of achieving their full human development</p>	<p>Wealth</p> <p>15. Berapakah pengeluaran Anda per bulan?</p> <p>16. Apakah ada perbedaan tingkat kemakmuran dari keluarga Anda dibandingkan 1-2 generasi sebelumnya? Apakah keluarga Anda lebih atau kurang makmur dibandingkan generasi sebelumnya?</p> <p>17. Apakah Anda memiliki aset fisik? (Rumah / Mobil)</p> <p>18. Apakah tingkat pendidikan tertinggi Anda?</p>
	<p>Socio-Political Freedom</p> <p>19. Apakah Anda lebih memilih untuk tinggal tinggal di pemukiman dengan mayoritas Tionghoa? Ya atau tidak. Apakah alasannya (jika ada)?</p> <p>20. Apakah Anda mempertimbangkan faktor ekonomi saat bergaul dengan etnis selain Tionghoa? Ya atau tidak. Apakah alasannya (jika ada)?</p> <p>21. Apakah Anda memanggil orang non-Tionghoa sebagai 'Pribumi' atau 'Fankui' (ataupun panggilan rasial lainnya)?</p> <p>22. Apakah Anda merasa tersinggung saat dipanggil 'Cina' oleh orang Indonesia (non-Tionghoa)? Ya atau tidak. Apakah alasannya (jika ada)?</p> <p>23. Apakah Anda setuju dengan pernikahan antar etnis (Tionghoa dan Indonesia)? Ya / Tidak. Apakah alasannya (jika ada)?</p> <p>24. Anda lebih memilih kerja di swasta atau bekerja di pemerintah? Apakah alasannya (jika ada)?</p> <p>25. Apakah Anda pernah menjadi korban rasisme atau orang terdekat Anda mengalami hal tersebut?</p> <p>26. Apakah Anda merasa orang Tionghoa perlu terlibat lebih banyak dalam perpolitikan Indonesia?</p> <p>27. Anda lebih memilih dipanggil sebagai "Indonesia" atau "Tionghoa" oleh orang Indonesia (non-Tionghoa)?</p>