

New Zealand Journal of Asian Studies

Volume 17 Number 1

June 2015



CHINA'S CITIZENSHIP DIPLOMACY AT BANDUNG: AN EVALUATION FROM THE BRITISH PERSPECTIVE

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Abstract

The Bandung Conference represented a turning point in the history of Chinese citizenship. The People's Republic of China proposed a treaty system to solve the problem of dual nationality, with regards to ethnic Chinese minorities living abroad. Using the case study of Colonial Malaya, this article examines how the colonial authorities, as well as the local population, perceive China's new citizenship diplomacy. It also seeks to determine what the major factors were explaining the British attitude towards overseas Chinese in their territories. This article suggests that China's treaty system offered the British more risks than opportunities. It threatened the process of British decolonisation, since the central feature of British policy was always to keep Chinese influence out of Malaya since the 1950s, in order to create a viable Malayan state.

Keywords: Bandung Conference, British decolonisation, Dual citizenship, China, Malayan Chinese

Introduction

Existing studies on China's single nationality approach devote little attention to the Chinese in Malaya. Little scholarly interest has been given to the implications of the new citizenship formulation to the Chinese communities living in the British territories.¹ Although the Federation of Malaya and Singapore did not enter into the Chinese bilateral treaty system (modelled upon the Sino-Indonesian Treaty of 1955), there were considerable debates about Zhou Enlai's offer among the High Commissioner Office, the Foreign Office, the Colonial Office as well as the British Embassy in Beijing and Jakarta. In fact, the Sino-Indonesia Treaty was closely observed by the Malayan British authorities. The exclusion of Malaya and Singapore at Bandung was denounced by Anthony Reid. Without the participation of colonial representatives of the two British

1 Liu Hong, 'Chinese overseas and a rising China: The limits of a diplomatic 'diaspora option' In Zheng Yongnian, *China and International Relations: The Chinese view and the Contribution of Wang Gungwu* (New York: Routledge, 2010); Antonia Finnane and Derek McDougall (eds) *Bandung 1955: Little Histories*, (Victoria: Monash University Publishing, 2010); See Seng Tan and Amitav Acharya (eds), *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order* (Singapore: NUS Press, 2008); David Mozingo, 'The Sino-Indonesian Dual Nationality Treaty.' *Asian Survey* (1961): 25-31.

territories, it is said that 'Bandung consolidated, thereby, a cleavage at the heart of anything that could be Southeast Asia'.²

An analysis of China's changing policy would be incomplete without examining the Malayan and Singaporean cases for three reasons. Firstly, the British territories were confronted with different problems compared to their neighbouring countries. The threat of subversion by its Chinese majority was much greater as Malaya was confronted with a communist rebellion organised by the Chinese dominated Malayan Communist Party. Since the declaration of the Malayan Emergency in 1948, the British policy was to foster local Malayan consciousness. The local authorities would have to wean the Chinese away from their links with either Formosa or with China, and to foster links between Chinese in Malaya and the Commonwealth.³ Secondly, the method to prevent subversion and foster assimilation proved difficult in Malaya. Intermarriage seldom happened. Since the Chinese population could hardly be assimilated, this left the Malayan authorities with the only solution of creating a Malayan national consciousness in which the Chinese would render undivided loyalty.⁴ Thirdly, the British territories housed the largest number of Chinese diasporas. In 1954, their number totalled 2,835,000 (Malaya and Singapore 2,615,000; British Borneo territories 220,000) out of the total estimated number of 8,505,000 Chinese in Southeast Asia.⁵

This article examines the implications of the Bandung Conference towards Britain's overseas Chinese policy using Malaya as a case study. It focuses on the divergent British interpretations of China's commitment to non-interference at Bandung. Many observers at the Conference initially doubted the sincerity of the PRC. In fact, since the beginning of the conference, the five principles of peaceful coexistence were viewed sceptically by the non-Communist countries. Suspicious of hidden dangers, they believed that China had a hidden agenda to mislead them 'into a false sense of security'.⁶ The PRC's single nationality principle did not dispel suspicion held by the non-Communist nations. Local distrust was deepened by Beijing's alleged

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- 2 Anthony Reid, 'The Bandung Conference and Southeast Asian Regionalism, ' in See Seng Tan and Amitav Acharya (eds), *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order* (Singapore: NUS Press, 2008), p. 24.
 - 3 The United Kingdom National Archives (TNA), Foreign Office (hereafter FO), FO371/99376, FC1823/18 Minutes by R.H. Scott, 21 November 1952. All FO sources used in this article from the TNA were accessed online through Archives Direct: <http://www.archivesdirect.amdigital.co.uk.ezp.lib.unimelb.edu.au>
 - 4 FO371/121006, FC1823/30 The Overseas Chinese: The Problem of Dual Nationality in Malaya, Paper prepared by R.W. Scott, Office of the Commissioner-General for the United Kingdom in South-East Asia, Singapore 2 July 1956, p. 7.
 - 5 This was followed by Siam 2,500,000, Indonesia 1,900,000, Indo-China 850,000, Burma 300,000 and the Philippines 120,000. The Siamese feared of a Chinese uprising in Bangkok while Indonesia was concerned about returned overseas Chinese as potential Communist agents. FO371/110376, FC 1821/15 'Chinese Overseas Settlers National Status to be ended,' *The Times*, 20 July 1954.
 - 6 Ang Cheng Guan, 'The Bandung Conference and the Cold War International History of Southeast Asia,' in See Seng Tan and Amitav Acharya, *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order* (Singapore: NUS Press, 2008), p.36.

support of local communist parties.⁷ Southeast Asian governments believed if overseas Chinese naturalised and developed a strong sense of loyalty to their local government, there would no longer be an ethnic minority capable of acting as a region-wide fifth column on behalf of China. Denying the PRC, the support of the diaspora required the elimination of dual nationality and total integration at the local level.⁸ A more decisive factor in winning the loyalties of the Chinese abroad was the attitude of the host governments. Their political loyalty would be 'greatly affected by the treatment accorded them by the countries in which they live'.⁹

Chinese citizenship diplomacy was viewed unfavourably by the British colonial authorities when they were preparing Malaya towards self-government. Similarly, the Malayan Chinese were unenthusiastic about Zhou Enlai's Bandung statement. Zhou Enlai's offer might have been too little too late. By 1955, the political fate of the Malayan Chinese had been pre-determined after ten years of constitutional struggle. The Alliance ruling party, in their memorandum to the constitutional commission, had reached a consensus on birthright citizenship to non-Malays. With the declaration of Independence two years later, the majority of the local Chinese became the citizens of the Federation of Malaya.

I argue that China's treaty system offered the British more risks than opportunities. It was risky because it threatened her decolonization process. The central feature of British policy was to keep the Chinese influence out of Malaya during the Malayan Emergency. On the dual nationality issue, British opinions were unanimously united in rejecting any talk with China should the latter approach the Malayan British authorities. The colonial authorities deemed Chinese citizenship diplomacy as complicated, unnecessary and unfavourable to Malayan constitutional development. Meanwhile the Malayan Constitutional Commission dealt with the issue of dual nationality of the Chinese by stipulating a 'deprivation clause' on those acquiring, claiming or exercising their rights to a foreign citizenship. Thus, it was the policy of the Federation of Malaya that solved the dual citizenship problem of the Malayan Chinese rather than the turning point in China's own citizenship policy.

Britain's Overseas Chinese Policy in Malaya

When considering the history of the Chinese in Malaya, there is nothing more important than the conflict between the concepts of *jus sanguinis* or law of blood, and *jus solis* or law of the soil.¹⁰

7 Michael Yahuda, *The International Politics of the Asia Pacific*, Third edition (Oxon: Routledge, 2011), p. 46.

8 Meredith Owen, 'Communism, Containment and the Chinese Overseas,' in Zheng Yangwen, Hong Liu and Michael Szonyi (eds) *The Cold War in Asia; The Battle for Hearts and Minds* (Leiden: Koninklijke Brill, 2010), p. 90.

9 *Ibid.*

10 Pamela Ong Siew Im, *Blood and the Soil: A Portrait of Dr. Ong Chong Keng* (Singapore: Times Books International, 1995), p. 128.

The Chinese nationality law of 1909 regarded all Chinese as Chinese nationals based on their paternal lineage. The *jus sanguinis* principle was preferred over *jus soli* as a means of maintaining the loyalty and absolute obedience of all Qing subjects. The *jus sanguinis* principle 'presented a familiar and convenient tool for maintaining subjects' allegiance to the sovereign perpetually.'¹¹ With the establishment of the first modern Chinese nation-state on 1 January 1912, the Republic of China (ROC), inherited the law of blood from its predecessor by allowing ethnic Chinese abroad to transmit their Chinese nationality to their descendants indefinitely. The continuation of the *jus sanguinis* principle was promulgated with the practical objective that the overseas Chinese would remain loyal to China.¹² According to ROC nationality law of 1929, ethnic Chinese were considered Chinese regardless of their place of birth in accordance with the popular saying 'once a Chinese always a Chinese.'¹³ In fact, many overseas Chinese were still emotionally and culturally attached to China. Allowing them to retain their Chinese nationality was welcomed by the overseas Chinese.¹⁴

For the British perspective, the Chinese law of blood was to a certain extent advantageous to the British. First, the Chinese nationals in Malaya could be banished and banishment offered the British an opportunity to get rid of its unwanted Chinese elements. Criminals, bandits, paupers, the unemployed, and gangsters could be legally sent back to China based on the definition of the Chinese Nationality Law. This flexibility was much treasured during the economic downturn. The influx of the cheap Chinese coolies to the Malay States and the Straits Settlements provided economic resources much needed for the booming Malayan industry. Second, the Chinese law of blood presented the British an expedient means to reassure the Malays. As birds of passage, the Chinese labourers were not granted political rights which could threaten the position of the locals.¹⁵ In the words of Pamela Ong: 'In Malaya, although the British applied the law of the soil they could see the advantages of keeping the law of blood in reverse.'¹⁶

On the other side of the coin, the Chinese Law was seen as 'a form of unwanted jurisdiction into local Chinese affairs.'¹⁷ The Kuomintang government declared itself as the protector of Chinese overseas and established a consulate. In Malaya, the Chinese

11 Shao Dan, 'Chinese by Definition: Nationality Law, *Jus Sanguinis*, and State Succession, 1909-1980,' *Twentieth-Century China* 35, no. 1 (2009):4-28, p. 17.

12 Chiu Hungdah, 'Nationality and International Law in Chinese Perspective,' in *Nationality and International Law in Asian Perspective*, edited by Ko Swan Sik (Dordrecht: Martinus Nijhoff, 1990), pp. 34-35.

13 Lucie Cheng, 'Transnational Labor, Citizenship and the Taiwan State,' in *East Asian Law - Universal Norms and Local Cultures*, ed. Arthur Rosett, Lucie Cheng, and Margaret Y.K. Woo (London: RoutledgeCurzon, 2003) 88-89.

14 Chiu, 'Nationality and International Law in Chinese Perspective,' pp. 35-36.

15 Ong, *Blood and the Soil*, pp. 130-131.

16 *Ibid.*, p. 129.

17 *Ibid.*, p. 174.

had consulates in the Straits Settlements of Singapore (1881), Penang (1893), and Kuala Lumpur (1933).¹⁸ During and before the war, the British in the Straits were worried about KMT claims over Chinese in Malaya (most of who were not UK citizens). British common law applied the law of the soil (*jus soli*). Birth within the Crown Dominion entitled the person as British subjects. *Jus soli* was applicable to individuals born to foreigners or sojourners though they were birds of passage.¹⁹ In the Straits Settlements, the local born Chinese were British subjects by the law of the soil and inherited their Chinese nationality through the law of blood.²⁰ The British did not pay attention to the Chinese nationality claim in the Straits Settlements and regarded Straits-born Chinese as British subjects.²¹

The Straits-born Chinese of Malacca, Singapore and Penang became true sons of the soil, different from their counterpart born in the Malay States. By 1931, there were 534,000 Malayan-born Chinese, which was more than double since 1921. With the passing of every generation, the tie of kinship between the residents and their mother country weakened in intensity. There were sentiments that the local-born section of the community should also be granted a local status to give them a sense of belongingness. It was believed that the Malayan-born Chinese could make Malaya their home as experience, as proven in the case of the Straits-born Chinese. Local status would turn their eyes away from China. There were opinions that 'the British government should negotiate a treaty with the Chinese Government whereunder the latter shall acknowledge the status of Malayan-born Chinese as British or British protected persons.'²² Since 1900, there was interaction between Britain and China regarding the issue of dual nationality, particularly concerning passports and diplomatic protection by British consuls in China to the Malayan-born Chinese visiting China. However, the complication had never been resolved.²³

Chinese intervention in domestic affairs was unwelcome by the British authorities. The British were well aware that without the jurisdiction of the local Chinese community, it was difficult to prevent Chinese intervention. Attempts were made to provide a status and diplomatic protection to the Chinese-born in the Federated Malay States. In October 1931, the Colonial Office put forth a suggestion to turn all Chinese-born in the Malay States as British Protected Persons (BPP). Such a status would take precedence over

18 Hara Fujio, *Malayan Chinese and China: Conversion in Identity Consciousness, 1945-1957*, (Tokyo: Institute of Developing Economies, 1997), p. 53.

19 N. Bar Yaacov, *Dual Nationality* (London: Stevens & Sons Limited, 1957), p. 23.

20 Leo Suryadinata, *Chinese and Nation-Building in Southeast Asia* (Singapore: Singapore Society of Asian Studies, 1997), p. 54.

21 Cheah Boon Kheng, 'Malayan Chinese and the Citizenship issue, 1945-48,' *Review of Indonesian and Malaysian Affairs*, 12 (2) (1978), p. 95.

22 Memorial by Tan Cheng Lock submitted to Sir Samuel Wilson, Why the Chinese are Perturbed: Present Policy in Malaya, 23 December 1932.

23 George Maxwell, 'The Mixed Communities of Malaya,' *British Malaya* (February 1943), p. 117.

their Chinese nationality when they were in Malaya. There was one legal barrier, in that the status of the BPP was only given to the subjects of the Malay Rulers and the British doubted the readiness of the Rulers to accept the Chinese as their subjects.²⁴

If the local Chinese were not subjects of the Malay Rulers, they were considered aliens and the British needed to consider if diplomatic protection could still be given to them. It is understood by the Colonial Office that the only way to give legal status to the local Chinese would be through the formation of nationality regulation for all the Malay States. The British were, however, not sure of how to implement it. Since the British did not have legal jurisdiction in the Malay States, any law to define the subjects of the Malay States could only be approved by the Malay Rulers.²⁵

In January 1936, the Colonial Office resorted to a new solution, asking the Malay Rulers to grant some of their jurisdiction to London to enable the British to grant BPP status to the local born Chinese. The status of the Chinese remained problematic. Unless His Majesty had jurisdiction in the Malay State, it was impossible to make progress. The High Commissioner, Sir Shenton Thomas was directed in 1936 and 1941 to obtain the opinion of the Malay Rulers to create a state nationality law and to give jurisdiction to London. Before any progress, Japan invaded Malaya.²⁶ The British knew that they needed to have jurisdiction over the Chinese to prevent the application of Chinese nationality law. It was an urgent matter to stop Chinese intervention rather than to give political rights to those same Chinese immigrants.

The concern over this issue brought to the introduction of the Malayan Union policy. The Colonial Office (CO) in its new plan for Malaya, after the Second World War, had difficulty resolving the problem of status and the political rights of the non-Malay communities. The CO received memorandums from various interested sections to form a 'Malayan' citizenship and to give political rights to non-Malays.²⁷ The status of the non-Malays in the Malay States was seen as unsatisfactory and they had long grumbled over not having an appropriate political status.²⁸ Tan Cheng Lock agreed that the only solution lay in making Malaya a nation state with a common citizenship.²⁹ Dual citizenship could be solved by creating a Malayan nationality under the British nationality and enabling the local Chinese to give undivided allegiance to the British government and to forsake their Chinese nationality.³⁰

24 Albert Lau, 'Malayan Union Citizenship: Constitutional Change and Controversy in Malaya, 1942-48,' *Journal of Southeast Asian Studies* 20, no. 2 (1989): 216-243, p. 218.

25 Albert Lau, *The Malayan Union Controversy 1942-1948*, (Singapore: Oxford University Press, 1991), pp. 17-18.

26 Lau, 'Malayan Union Citizenship,' pp. 219-220.

27 *Ibid.*, p. 221.

28 Memorial relating to Malaya submitted to his Majesty's Secretary of State for the Colonies in Tan Cheng Lock, 1945, dalam Tan Cheng Lock, *Malayan Problems from Chinese Point of View*, (Singapore: Tannisco, 1947), pp. 69-70.

29 Letter to George Maxwell from Tan Cheng Lock, 30 August 1945, in Maxwell Paper.

30 Letter to George Maxwell from Tan Cheng Lock, 20 March 1945, in Maxwell Paper.

Contest for the Loyalty of the 'Malayan' Chinese

The British believed that the lack of jurisdiction, the existence of separate political entities, and the unsatisfactory political status of the non-Malays could be solved with the introduction of a common Malayan Union citizenship. By accepting equal citizenship rights for all citizens, the British solved their main problem before the war: the status and the political rights of the non-Malays. But the issue of dual nationality remained unresolved. The main aim of granting liberal citizenship rights stemmed from the need to give status and political rights to non-Malays, and not to solve the issue of dual nationality. The British citizenship policy in Malaya was affected by the presence of the Chinese.

Malayan Union introduced the concept of a single citizenship for Malaya based on birth and residence as spelled out by the Order in Council dated January 1946.³¹ The Malayan Union citizenship Order in Council dated March 1946 further specified the eligibility based on birth (those born in the Malayan Union or Singapore before the date when the Order came into force); based on residence (those resided for 10 years in the Malayan Union or Singapore on the date when the Order came into force); and based on descent (the second generation born in the Malayan Union or Singapore after the date when the Order came into force).³² The British believed that the status of non-Malays could be solved by agreeing to the principle of equal rights for all citizens.

The whole concept of Malayan Union was designed by the British without referring to local opinion. Under such circumstances, it was not difficult to fathom why the Malayan Union citizenship scheme failed from the very beginning. The failure of the scheme resulted in the tightening of Federal citizenship and the consequent exclusion of non-Malays. Under the Federation of Malaya Agreement of 1948, automatic citizenship was substituted with the concept of double *jus soli*: a local-born child of a foreigner was entitled to the Federation citizenship if both of their parents were born and had resided in the Federation for 15 years.³³ The Chinese were given the means of acquiring citizenship, though in a much restricted form compared to the Malayan Union scheme. What's important was the creation of a 'Malayan' citizenry to instil a feeling of common interests and loyalty to Malaya.

The 'Malayanisation' process of the Chinese was hampered by the nationality claim made by the Chinese government. The issue of dual nationality of the Chinese had been 'a very thorny one.' The problem was greater in the Federation and Singapore compared to other countries because of the numbers involved.³⁴ The Chinese

31 Malayan Union and Singapore: Statement of Policy on Future Constitution, Cmd. 6724 (January 1946)

32 Malayan Union and Singapore: Summary of Proposed Constitutional Arrangement, Cmd. 6749 (March 1946)

33 K. J. Ratnam, *Communalism and The Political Process in Malaya* (Singapore: University of Malaya Press, 1965), p. 76.

34 CO 537/3758, No. 23, Letter from Sir F. Gimson to Sir T. Lloyd, 8 December 1948 in A. J. Stockwell, *Malaya: British Documents on the End of Empire, Part II: The Communist Insurrection, 1948-1953* (London: HMSO, 1995), p. 84.

Nationality Law remained the same in principle, though there was a regime change in the Mainland. When the PRC succeeded the ROC as the government on mainland China, both the Chinese regimes claimed ethnic Chinese overseas as their nationals based on the old nationality law.³⁵ Since the 1929 Nationality Law was based on *jus sanguinis*, the political change did not affect the nationality status of overseas Chinese. The blood principle was problematic because it allowed both states to claim the loyalty of all Chinese regardless of the changes in its national boundary.³⁶ The law of blood presented the British with a dilemma when the Federation was confronted with the Chinese communist uprising.³⁷

A communist uprising coupled with Chinese expansionists aims remained a thorn in the side of Southeast Asian countries. Malaya especially was seriously exposed to communist threats with the high Chinese membership of the revolutionary MCP. The movement was constructed as a Chinese radical movement. Within the context of national security, loyalty to China was seemed as disloyalty to the adopted country. There were worries that they were being used as 'a tool of expansionism by Peking.'³⁸ The Chinese threat affected the whole region of Southeast Asia. Southeast Asian governments were suspicious of local Chinese who were 'likely to be Chinese first and loyal citizens second.'³⁹

The Emergency forced the Chinese to choose between being a Federal citizen or an alien. Those who rejected local nationality could only look for diplomatic protection from the Communist Chinese government. How could the Chinese remain nationals of a communist regime and expect protection from an anti-communist government?⁴⁰ The British envisioned having a special policy – Malayanisation – regarding the Chinese. The High Commissioner, Henry Gurney, admitted that

it is difficult to predict how the new situation in China will affect our plans for Malayanising the Chinese..... It is clearly in the interests of the Chinese to cut themselves adrift from China, especially not that the Communists seem likely to secure control of the whole country, but the attachment to their ancestral homes is strong. If possible, the prospect of becoming Malaysians must be made more attractive to them.⁴¹

35 Shao Dan, 'Chinese by Definition,' p. 22.

36 *Ibid.*, p. 23.

37 Ong, *Blood and the Soil*, p. 132.

38 Lynn Pan, *Sons of the Yellow Emperor: A History of the Chinese Diaspora* (Boston: Little Brown: 1990), p. 211.

39 Wang Gungwu, 'The Question of the Overseas Chinese,' *Southeast Asian Affairs* (1976): 101-110, p. 109

40 CO 717/ 183 Note on Problems Created by the Communist Successes in China by A. Newbould, 2 July 1949, p 5.

41 CO 717/157, 52294/31/1949, Despatch no. 7 from Sir Henry Gurney to Mr. Creech Jones, 5 July 1949, in Stockwell, *Malaya: British Documents on the End of Empire*, p. 146.

In Malaya, the main consideration was to wean the Chinese away from China. Malaya had to win over the loyalty of the local Chinese population. The British were well aware that they could not win the anti-communist war without Chinese support. If Chinese support was needed, the colonial administrator needed to reconsider if the Chinese were eligible for local citizenship. It was impossible to ask alien residents to defend a country in which they were denied citizenship rights. The government could not expect all-out support when the majority of the Chinese were foreigners in the eyes of the law. The British acknowledged that the time had come for the local population to give undivided loyalty to the Federation.

If we are to wean these people away from the country of their origin, we shall sometime have to offer them something more than citizenship and in view of the necessity to call on people's full and undivided loyalty the time may have come to do so now.⁴²

The problem of dual nationality continued to trouble the host countries in which the overseas Chinese resided. The deep-rooted suspicion of the Overseas Chinese and their relationship with China was not conducive to the PRC in terms of gaining diplomatic recognition. Southeast Asian countries which hosted the overseas Chinese were reluctant to recognize Peking. In order to improve their relationship with the host countries, Peking renounced the allegiance of the overseas Chinese and repudiated the principle of *jus sanguinis*.⁴³ This decision significantly transformed the status of Chinese populations overseas and their relationship with China. Postcolonial state-making projects necessitated the formulation of new citizenship policies.⁴⁴ This following section examines the British attitude to Zhou's declaration with specific reference to Malaya. What strategic implications would these new forms of diplomacy mean to the British?

China's New Citizenship Policy and British Scepticism

Similar to the move made by Jawaharlal Nehru to overseas Indians, Zhou Enlai was ready to disclaim the loyalty of millions of overseas Chinese living in Asian countries. The Chinese Prime Minister was contemplating a change in China's policy which would enable the overseas Chinese to divest themselves of Chinese nationality. During Zhou's visit to India and Myanmar, he assured Nehru and the Burmese Premier, U Nu, that overseas Chinese would not be used as tools for subversion throughout Southeast Asia. Communist China believed that 'the Chinese living outside China had become

42 CO 717/ 183 Note on Problems Created by the Communist Successes in China by A. Newbould, 2 July 1949, p 4.

43 Pan, *Sons of the Yellow Emperor*, p. 211.

44 Carolyn Cartier 'Diaspora and Social Restructuring in Postcolonial Malaysia,' in Lawrence J. C. Ma and Carolyn Cartier, *The Chinese Diaspora: Space, Place, Mobility, and Identity* 69-96 (Lanham: Rowman & Littlefield, 2003), p. 81.

tainted with capitalism and were not true sons of the Democratic People's Republic'.⁴⁵ The Indian and Burmese Premiers challenged Zhou Enlai to prove his sincerity on the policy of non-interference in the affairs of the Chinese living in Asian nations. They wanted the PRC to make an official statement in checking the expansion of Chinese communism. Zhou Enlai promised them on 19 July 1954 that the PRC will make an official statement.⁴⁶

The British had no reason to believe Zhou Enlai's new guiding principle. In its memorandum entitled 'Chinese Policy towards the Chinese Overseas Communities in Southeast Asia', the Foreign Office believed that Zhou's assurance contradicted its overseas Chinese policies. Firstly, the newly drafted Chinese Constitution, presented to the Central People's Government Council on June, guaranteed to protect the rights and interests of Chinese residents abroad. Secondly, the new Electoral Law provided voting rights to the overseas Chinese to elect thirty representatives to the National People's Congress. Thirdly, young overseas Chinese were encouraged to study in China. In Jakarta alone, there were 3,000 to 4,000 local Chinese leaving Indonesia in 1954 to further their education in China. This trend was also observed in Thailand, Malaya, and Hong Kong. Based on these policies, the Foreign Office concluded that the Chinese Government was not abandoning the overseas Chinese as an instrument to further their policies in Southeast Asia (SEA). The single nationality principle was seen as a tool to further Chinese interests since it alleviated the worries of SEA.⁴⁷

For the Foreign Office, Zhou Enlai denied any interest in the Chinese diaspora, but the reality was not reflected in his policy.

Our conclusion is that while Chou En-lai has tried to allay the anxiety of the Governments of South East Asia about China's intentions and has in some measure succeeded, there is so far no indication that the Chinese propose to depart from their traditional policy of encouraging the overseas Chinese communities to look to the mainland for leadership and protection.⁴⁸

Another concern of the British was whether the new Chinese policy was meant to include the Chinese in British territories. In his speech to the National People's Congress on 23 September, Zhou indicated that 'we are prepared to settle this question and are ready to settle it first with the Southeast Asian countries which have established diplomatic relations with us'.⁴⁹ If diplomatic recognition with the PRC was the prerequisite of solving the question of nationality of the overseas Chinese, this policy

45 FO371/110376, FC1821/15, Minute by Mr. G. H. Middleton, Acting High Commissioner, New Delhi, 6 July 1954.

46 FO371/110376/, FC1821/15 *New York Herald Tribune*, 20 July 1954.

47 FO371/110376, FC1821/16G, Memorandum by Foreign Office, Chinese Policy towards the Chinese Overseas Communities in Southeast Asia, 23 August 1954.

48 FO371/110376, FC1821/16G, Minute from C. T. Crowe, Foreign Office, 23 August 1954.

49 FO371/110377, FC1821/31 Despatch from H. Trevelyan, British Embassy, Peking to Anthony Eden, Foreign Office, 23 September 1954.

would not affect overseas Chinese in other territories. The proposed bilateral agreements would probably be concluded with Indonesia, Burma, India, and Pakistan.⁵⁰ Since the British recognised the communist regime, the British territories were not considered neutral states. The British representative in Peking, Trevelyan believed that 'I have little doubt that Chou En-lai's statement is not meant to include British territories'.⁵¹

The British authorities in Singapore were also uncertain if China meant to include British territories or otherwise. They doubted whether the Chinese really intended to withdraw Chinese nationality from overseas Chinese who took on local nationality. This doubt was most obvious in Indonesia where Zhou Enlai's statement was viewed as propaganda to enable Communism to develop freely without having to worry about xenophobia.⁵² Anticipating enquiries from the Chinese government about the prospect of negotiation, Trevelyan requested some background information on the national status of the Chinese in Malaya.⁵³

The Malayan government found it difficult to speculate about the PRC's policy towards the Chinese in British territories.

In present form it hardly seems likely that there will be any move to enter into negotiations over the Chinese in Malaya but even the opening of negotiations over the position of Chinese elsewhere, e.g. in Indonesia, is likely to have some repercussions here.⁵⁴

Similarly, the Colonial Office was unable to decide the future course of this action.⁵⁵ According to F. Brewer, the Secretary for Chinese Affairs in the Federation of Malaya, Zhou's statement had left many questions unanswered. He was not clear whether or not Malaya would be included in the new overseas Chinese policies. In forecasting the possible political effects in Malaya, a variety of factors needed to be taken into consideration, such as the timing, the manner in which the Chinese policy would be put into effect and the statesmanship of the Malayan community leaders.⁵⁶

50 FO371/110377, FC1821/26 Telegram from Mr. Trevelyan, Peking to Foreign Office, 29 September 1954.

51 FO371/110377, FC1821/31 Telegram from Mr. Trevelyan, Peking to Foreign Office, 7 October 1954.

52 FO371/110377, FC1821/26 Telegram from Mr. Dudley, Singapore to Foreign Office, 30 September 1954.

53 FO371/110377, FC1821/40 Despatch from British Embassy, Peking to the Chancery, Office of the Commissioner General, Singapore, 19 October 1954.

54 FO371/110377, FC1821/43 Letter from D.C. Watherson, Chief Secretary's Office, Kuala Lumpur to A.M. MacKintosh, Colonial Office 19 October 1954.

55 FO371/110377, FC1821/43 Letter from A.M. MacKintosh, Colonial Office to D.C. Watherson 26 November 1954.

56 FO371/110377, FC1821/43 Letter from F. Brewer, Secretary for Chinese Affairs, Malaya to the Chief Secretary, 11 October 1954.

The public responses varied according to the political belief of the local Chinese. The pro-Kuomintang supporters, who did not recognise the People's Government of China, would be alarmed if the British recognised the PRC as the sole representative of the Chinese in Malaya, thus denying the right of the Formosan Government to speak for the overseas Chinese. Once the PRC was recognised by the British, the position of the Malayan Chinese Association (MCA) would be challenged with the presence of a rival organisation in competing for the loyalty of the local population. For the pro-communist supporters, especially the Malayan Communist Party (MCP), the recognition would mean a moral victory. The effects would have failed the government's integration effort. Most importantly, a split in the Chinese community was anticipated in shackling MCA's position in representing all Malayan Chinese.⁵⁷

For the Malay population, the loyalty of the Chinese was questionable. This would affect their decision to liberalise the citizenship provisions for non-Malays in the coming independence talk. As long as the loyalty of the Chinese community remained divided and they had not identified themselves with Malaya, it was difficult for the MCA to gain any citizenship concession. The question of the day was how to 'turn China's policy to Malaya's advantage, or at least to prevent that policy from making more difficult Malaya's political development'.⁵⁸

Surprisingly, the PRC's announcement to disown the overseas Chinese did not receive publicity in the Chinese press. The English language press only referred to the subject indirectly, mentioning Mr. Nehru's statement of September 30. The joint information and propaganda committee of the Singapore and Federation governments agreed that both governments should neither stimulate publicity on this issue in the Chinese press nor should it appear in the Malay Press. Excessive publicity would cause the Malays to be suspicious regarding the loyalty of the Chinese community and further widen the gap between the Chinese and Malays. Compared to the clear statement of Nehru to overseas Indians, the joint committee considered Zhou's statement as vague.⁵⁹

The perplexed situation faced by the British in Malaya was similar to that of the other Southeast Asian nations. During the Asian Relations Conference held in 1947 in New Delhi, the question of loyalty was brought up by the Malayan delegates. While the British Malayan authorities had called upon the Chinese to decide where their loyalties lay, Chinese law on the other hand prevented them from divesting from their former nationality. A Malayan delegate lamented on the *jus sanguinis* principle practised by the Chinese.⁶⁰

57 *Ibid.*

58 *Ibid.*

59 FO371/110377, FC1821/26 Telegram from Mr. Dudley, Singapore to Foreign Office, 2 October 1954.

60 Fourteen Malayan delegates included Dr. Burhanuddin, Philip Hoalim, S.A. Ganapathy, P.P. Narayanan, E.E.C. Thuraisingam, J.A. Thivy and others. P. Gopal, *Asian Relations: Report of the Proceedings and Documentation of the First Asian Relations Conference*, New Delhi, March-April, 1947 second edition (Delhi: Authorspress, 2003), pp. 104 & 313.

In response to this, the Chinese delegate acknowledged that their Chinese nationality would be de-activated when they had chosen Malayan citizenship. However, under Chinese law, they could resume their Chinese nationality in the future.⁶¹ This definition of single nationality was unsatisfactory. Malayan delegates expressed that the Chinese in Malaya 'cannot have their bodies there and minds in China'.⁶² On the issue of Chinese national status, the conference agreed on two basic principles, which stated that a person could only claim one nationality at one time and a distinction must be made between those who identify themselves with their country of adoption and those who remained nationals of their mother country.⁶³

Eight years later, a similar question was raised at the Bandung Conference. In April 1955, the representatives of Thailand and Cambodia, Prince Wan Waithayakon and Prince Norodom Sihanouk voiced their concern about the status of the Chinese minority with dual nationalities. Responding to the question of Peking's subversive activities, the Chinese premier reiterated his commitment to the principles of peaceful-coexistence.⁶⁴ One of the main concerns of the delegates in Bandung was the Chinese communist colonialism. It was of logical consequences that this key issue was brought up to Zhou Enlai during the open session. Dual nationality was then the key question of the Conference, or at least it was among the Southeast Asian nations.⁶⁵ Zhou's first speech to the session addressed the immediate concern of the infiltration and subversion activities among ethnic Chinese.⁶⁶

A Bilateral Nationality Treaty System: Limitation in British Colonial Territories

The 1955 Afro-Asian Conference in Bandung left an important legacy to the problem of 'overseas Chinese.' The People's Republic of China (PRC) was no longer indifferent towards the inherent fears of the regional governments. At the multilateral 1955 Afro-Asian Conference in Bandung, the Chinese premier, Zhou Enlai proposed an international solution in the form of a bilateral dual nationality treaty with undivided countries based on the principle of free choice in order to solve the problem of ethnic Chinese minorities. The non-recognition of dual nationality showed that China

61 *Ibid.*, p. 105.

62 *Ibid.*, p. 107

63 *Ibid.*, pp. 112-113.

64 George McTurnan Kahin, *The Asian-African Conference, Bandung, Indonesia, April 1955* (New York: Cornell University Press, 1956), pp. 13-14; Itty Abraham 'Bandung and State Formation in Post-colonial Asia' in See Seng Tan and Amitav Acharya, *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order*, (Singapore: NUS Press, 2008), pp. 60-61.

65 Abraham 'Bandung and State Formation in Post-colonial Asia', p. 59.

66 Jamie Mackie, *Bandung 1955: Non-Alignment and Afro-Asian Solidarity* (Singapore: Editions Didier Millet, 2005), p. 85.

recognised the predicament of its nationals living abroad.⁶⁷ Itty Abraham reminds us that any evaluation of the Conference's success must take into account 'the issue on which the most political progress was made, and which made possible reductions of political tensions between most of the countries.' By this statement, he is referring to the problem of ethnic Chinese minority presence in Asian state formation. The Bandung Conference could be considered a success because it removed the core tension between the rising Chinese state and the independent Southeast Asian states. In his words, the message at Bandung was that 'the diaspora no longer had the right to return.'⁶⁸ Dual nationality was the key question of the Conference, or at least it was among the Southeast Asian nations.⁶⁹

The Bandung Conference occupied a decisive position in China's international diplomacy bid to normalise relations with its neighbouring states while defeating the international isolation of China.⁷⁰ As stated by Acharya and See, a key accomplishment of the Conference was 'the consensus that differing political systems and ideologies should not be the basis for exclusion from international cooperation'.⁷¹ It was in this capacity that George M. Kahin described the Asian-African Conference as 'the détente between the Communist and non-Communist worlds'.⁷² For Zhou Enlai himself, the signing of the Sino-Indonesia dual nationality treaty was a 'major achievement.' In his reports sent to the central committee on 29 April 1955, the premier regarded it as a 'timely and important step toward enhancing China's good image with Southeast Asian countries'.⁷³ Zhou believed that the question of dual nationality of overseas Chinese was solved. In his speech to the Standing Committee of the National People's Congress, he stated that 'it is of great significance that this question was reasonably settled during the Asian-African conference'.⁷⁴

67 Abraham, 'Bandung and State Formation in Post-colonial Asia,' p. 63.

68 *Ibid.*, p. 62.

69 *Ibid.*, p. 59.

70 Chen Jian, 'China and the Bandung Conference: Changing Perceptions and Representations,' in See Seng Tan and Amitav Acharya (eds), *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order* (Singapore: NUS Press, 2008), p. 153; Shu Guang Zhang, 'Constructing Peaceful Coexistence: China's Diplomacy toward the Geneva and Bandung Conference, 1954-55,' *Cold War History*, 7 (4) (2007): 509-528, p. 512.

71 See Seng Tan and Amitav Acharya, 'Introduction: The Normative Relevance of the Bandung Conference for Contemporary Asian and International Order,' in See Seng Tan and Amitav Acharya (eds), *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order* (Singapore: NUS Press, 2008), p. 5.

72 Kahin, *The Asian-African Conference*, p. 2.

73 Shu, 'Constructing Peaceful Coexistence,' p. 524.

74 FO 371/115192, FC1823/43 Extract from Report by Mr. Zhou Enlai on the Afro-Asian Conference presented to the Standing Committee of the National People's Congress on 13 May 1955.

The Bandung Conference was used as a platform to reassure that China had no intention of interfering in their domestic affairs.

We are against outside interference; how could we want to interfere in the internal affairs of others? Some people say: There are more than a million overseas Chinese whose dual nationality might be taken advantage of to carry out subversive activities. But the problem of dual nationality is something left behind by old China. The people's government of new China, however, is ready to solve the problem of dual nationality of overseas Chinese with the government of the countries concerned.⁷⁵

While assuring them that Red China had no subversive intention, Zhou proved his willingness to solve the legal issue based on a 'treaty system.' Following the historic conclusion of the Sino-Indonesian Treaty at the end of the Conference, a similar bilateral treaty was also offered to Prince Wan Waithayakon of Thailand and General Carlos Romulo of the Philippines.⁷⁶ However, the agreements concerning dual nationality status of Philippine Chinese and Thai Chinese were only regularised two decades later following the normalisation of their diplomatic relations with the PRC.⁷⁷

Although Malaya was excluded from the Conference, Zhou's speech generated considerable reactions within the British top ranks. The British had divided opinions on the truthfulness of the PRC's policy. According to one British interpretation, the Chinese Government truly intended to renounce its formal claim of the overseas Chinese communities. Since 1954, Peking (and Moscow) recognised that there was no prospect of successful Communist revolutions (except in Vietnam). Moreover, there was a danger that the non-Communist Asian countries had aligned themselves with the West. It was thus imperative for Peking to defend itself against western propaganda and reassure the Asian countries that the PRC was no longer interested in supporting local Communist movements. In its foreign policy, China was moving towards adopting a more conciliatory and moderate approach adopted at the Geneva Conference in 1954. It was not the case that the Chinese Government wanted the Overseas Chinese to opt for Chinese citizenship to carry out communist revolutions.⁷⁸

Donald MacGillivray, the High Commissioner for Malaya, viewed Chinese intention with optimism. MacGillivray believed in the Chinese Government's sincerity in giving up their claim on overseas Chinese. Although Peking was anxious to stick to its principle of 'Once a Chinese, always a Chinese,' it was practically and theoretically unworkable. Claiming all overseas Chinese as the PRC's citizens

75 Speech by Premier Zhou Enlai at the Asian-African Conference, April 19, 1955 as cited in Kahin, *The Asian-African Conference*, p. 54.

76 Kahin, *The Asian-African Conference*, pp. 14-15.

77 Leo Suryadinata, *China and the Asean States: The Ethnic Chinese Dimension* (Singapore: Marshall Cavendish Academic, 2005), pp. 159 & 167.

78 FO371/127427, FC1821/1, Minutes by L.C.W. Figg, 20 February 1957.

resulted in discriminatory treatment in the overseas Chinese's adopted land.⁷⁹ The British ambassador in Jakarta argued that 'there is considerable truth' in Zhou Enlai's statement. At the very least, the treaty would remove those Chinese who chose Indonesian citizenship over Chinese protection.⁸⁰ Referring to the Sino-Indonesian Dual Nationality Treaty of 1955, the treaty system was a win-win situation for the PRC and the overseas Chinese. If the latter decided to return to China in the future, re-assumption of their Chinese nationality was allowed. At the same time, the PRC was winning 'golden opinions' by alleviating the fears of the government concerned.⁸¹

Another British interpretation believed that China's treaty system resulted in the consolidation of China's formal hold on overseas Chinese in Indonesia. In terms of national security concerns, Indonesian Chinese citizens could facilitate Chinese infiltration far more easily than aliens. In order to offset the Chinese legal claims, other countries should strongly assert their claims on overseas Chinese, though it was not the wisest reaction.⁸² In addition, the provisions of the Sino-Indonesia Treaty did not benefit the nation-building process. The PRC was only prepared to disclaim its nationals by negotiating a strictly bilateral treaty. The most disputable provision was that those who failed to exercise their choice within the two years were automatically considered Chinese citizens following the citizenship status of their father. They would be considered as exclusive Chinese nationals by their mere inaction and Indonesia was refrained from giving Indonesian nationality to these nationals. Based on the assumption of the Chinese preference for sitting on a fence, only a small minority of Chinese were expected to opt for Indonesian citizenship.⁸³

Following the official announcement of China's new citizenship diplomacy, the Colonial Office considered the implications of any negotiation with the Chinese government with reference to the overseas Chinese in British territories such as Malaya, Singapore, Hong Kong, Sarawak, Brunei, and Mauritius. It was also unlikely that the Colonial Office would enter into negotiations with the communist government. The British policy in Malaya and Singapore was one of integration. If most of the local Chinese opted for Chinese nationality and remained aliens in their host country, it would definitely hamper the nation-building efforts in their host country.⁸⁴

79 FO 371/127427, FC1821/1 Despatch by D.C. MacGillivray to Sir Robert Scott, Commissioner-General for the U.K. in South East Asia, 10 December 1956

80 FO371/121006 FC 1823/55 Despatch from R.M. Saber, British Embassy, Jakarta to A.M. MacKintosh, Singapore, 6 September 1956.

81 FO371/121007, FC 1823/55 Minutes by L.C.W. Figg, 8 February 1957.

82 FO371/121006, FC 1823/30 The Overseas Chinese: The Problem of Dual Nationality in Malaya, Paper prepared by R.W. Scott, 2 July 1956, p. 20.

83 *Ibid.*, pp. 15-16.

84 BNA, FO 371/115192 (FC 1823/38) Parliamentary Questions by Mr. Sorenzen to the Colonial Office, 28 April 1955.

British officers rejected the idea of applying the treaty system in Malaya. The bilateral treaty did not bring a single advantage to Malaya. If the agreement resulted in the majority of Malayan Chinese not choosing to be Malayan, the PRC would have the right to interfere in Malayan affairs. If the majority of Malayan Chinese chose to be Malayan, it would not be possible for the government to deport or deprive them of their Malayan nationality.⁸⁵ On the merits, British Malaya's government was advised to 'refuse even to discuss this question with the government of China'.⁸⁶ The continuance of dual nationality appeared to be the best situation.

The continuation of dual nationality gives Malaya the best of both worlds. She can continue her efforts at nation-building free from overt Chinese interference with the dual nationals and, at the same time, she can deprive any of them who are disloyal to Malaya of their Malayan nationality.⁸⁷

Sino-British relations were another issue of concern. Since there were a lot of overseas Chinese residing in British dependent territories, China would have to negotiate with the colonial power. It was doubtful whether China was ready to conclude an agreement with the British before full diplomatic status was established. Accordingly, the Foreign Office did not anticipate that China would 'be prepared to do this'. In the case that the PRC approached Her Majesty's government for negotiations, it was not advisable for the Colonial Office to enter into such an agreement. At present, the British sought to create a Malayan citizenry with the Chinese giving undivided loyalty to the local government. Should the local Chinese declare their loyalty to the PRC, integration efforts would be hampered. The implementation of the treaty required the presence of Chinese Consulates to oversee the registration process. This meant providing an opportunity to the PRC to use consulates as propaganda centres to influence the Chinese communities. Since the closure of the KMT consulate, Malaya did not have any Chinese Consulates.⁸⁸

The main problem in Malaya and Singapore was the existence of different categories of Chinese. There were complications from the overlapping nationality rules in the British territories. Local citizenship existed along with the British Nationality Law, which is a different situation from that in Indonesia. In the Federation of Malaya, the Chinese were categorised into British subjects (those born either in the former Straits Settlements), Federal citizens or alien Chinese. The ill-defined national status of Federal citizens complicated the position of overseas Chinese. Should a Chinese, who was also a Federal citizen opt out of their Chinese nationality, his or her nationality status was unclear. The status of Federal Citizenship itself was not internationally recognised as Malaya was a British protectorate. There was no common nationality known as a

85 *Ibid.*, p. 23.

86 *Ibid.*, p. 24.

87 *Ibid.*, p. 24.

88 FO 371/115192, FC1823/43 Minute by C.T. Crowe, 28 June 1955.

Malayan nationality. Before Malayan nationality was created, the only full national status in Malaya would be of British nationality. The colonial government would be reluctant to accept a large number of Chinese as its nationals, without having them undergo the normal processes of registration or naturalisation. Until a local nationality was created, Malayan Chinese would be left with a difficult choice of whether to remain as Chinese nationals or accept an unsatisfactory Malayan national status.⁸⁹

For the British territories, the disadvantages of negotiations greatly outweighed the advantages. Any concession or reciprocity on the citizenship issue was not justifiable as the PRC was only recognising the internationally accepted principle of single nationality. Accordingly, the Secretaries for Chinese Affairs in Singapore and the Federation came to the same conclusion as the Colonial Office, in that now was not the time to consider opening negotiations with the Chinese Government on the dual nationality question.

The conclusion seems to be that at the present time it would be unwise for H.M.G [UK] to embark on any negotiations with the Chinese Government regarding the national status of Overseas Chinese in the Federation of Malaya and Singapore. So far there is no sign of any local desire either by Chinese or by Malays for such negotiations to take place.⁹⁰

Though the PRC was willing to release the Chinese, this could only be possible provided that their option was recorded. This required the presence of the relevant Chinese authorities. The complicated system of options was deemed impractical and unnecessary. The problem would be solved if the Chinese laws denied nationality to the descendants of Chinese born abroad. A better solution for Zhou Enlai in dealing with overseas Chinese would be adopting the *jus soli* principle of citizenship. As commented by the Office of the Commissioner-General, 'if this simple solution should commend itself to the Chinese government, there would be no occasion for a complicated system of options'.⁹¹

Malaya would be confronted with fewer problems if China proposed to implement it unilaterally through the amendment of its Nationality Law. This would do away with the burdensome administrative tasks of registering the renunciation of Chinese nationality. The automatic disclaimer of loyalty would be a healthy development to Malaya as many Chinese would be encouraged to apply to become Federal Citizens knowing that the PRC no longer claimed their loyalty. Moreover, the pro-KMT supporters would not feel afraid to openly renounce their Chinese nationality. By settling the dual nationality

89 FO 371/115192, FC1823/41 Paper on National Status of Chinese in the Federation of Malaya and Singapore by F. Brewer Ag. Secretary for Chinese Affairs, Federation of Malaya and R. N. Broome Secretary for Chinese Affairs, Singapore, 1955.

90 *Ibid.*

91 FO371/121007, FC 1823/58, Telegram from A. M. MacKintosh to O'Neill, British Embassy, Peking, 8 September 1956.

issue, the PRC would prove its good faith in non-interference. Nevertheless, their method of implementation was thought to bring the intervention of Chinese consulates. The Secretary for Chinese Affairs of Malaya, F. Brewer was confident that

Few Federal citizens, if any, would be prepared to jeopardise their position in Malaya by renouncing their Federal Citizenship in favour of Chinese nationality, and implied citizenship of Communist China.⁹²

When the Chief Minister of Singapore, David Marshall prepared to initiate discussions with Zhou Enlai, the British expressed their disapproval. The British did not want Malaya and Singapore to sign any treaty with China about dual nationality. Pending David Marshall's talk with Zhou Enlai in October 1956 on the Singaporean Chinese, the British authorities had decided that 'Malaya (and Singapore) would be well advised not to have any conversation of any kind about dual nationality with China and, a fortiori, not to sign any treaty with China about dual nationality'. Should the Chief Minister of Singapore approach the British Embassy in Peking on this issue, the Embassy was warned not to entertain his suggestion.⁹³

If however he does, I suggest that you should say that you have had no instructions to take this matter up with the Chinese government, that it is full of pitfalls, and that you doubt whether it would serve any useful purpose if he were to raise it.⁹⁴

Considering that Singapore would merge with an independent Malaya in the near future, it would hardly be profitable to examine the possibility of a semi-independent Singapore, concluding in isolation a dual nationality agreement with China. As long as Her Majesty's Government was still held responsible for the conduct of her external affairs, Singapore would certainly be prevented from making the attempt. Instead of examining the possibility of Singapore concluding such an agreement, the British focused on the prospect of such agreements with the future independent and united Federation of Malaya.⁹⁵

92 FO371/110377, FC1821/43 Letter from F. Brewer, Secretary for Chinese Affairs, Malaya to the Chief Secretary, 11 October 1954.

93 FO371/121006, FC 1823/30 Telegram from R. W. Scott, Singapore to C. D. W. O'Neill, Peking, 2 July 1956.

94 *Ibid.*

95 FO371/121006, FC 1823/30 The Overseas Chinese: The Problem of Dual Nationality in Malaya, Paper prepared by R.W. Scott, 2 July 1956, p. 1.

Malayan Independence Talks: Non-recognition of Dual Nationality

The question of dual nationality was not solely of legal concern. It was concerned with the political future of the overseas Chinese. China's claim on overseas Chinese was likely to have effects on the Sino-Malays negotiation in the Reid Commission, which was tasked to draft a new constitution for an independent Malaya. The Malays would be willing to accept a constitution which would make it easier for the Chinese to acquire Malayan nationality if Zhou Enlai gave up his claim on the Chinese. Hence, Chinese intentions had a psychological effect on the future status of Malayan Chinese, which remained to be solved by the Reid Commission.⁹⁶

There had been signs of acceptance and compromise for bringing in more locally conscious Chinese into the fold of Malayan citizenry when the British promised self-government to Malaya in early 1952.⁹⁷ General Sir Gerald Templer, upon his appointment as the new High Commissioner, issued a directive recognising the community's aspirations: 'To achieve a united Malayan nation there must be a common form of citizenship for all who regard the Federation or any part of it as their home and the object of their loyalty.'⁹⁸ It was the proclaimed policy of the British government that 'Malaya should in due course become a fully self-governing nation'.⁹⁹

An amendment to the Federal citizenship ordinance and state nationality enactments in May 1952 had made 1.1 million Chinese (as well as 2.65 million Malay and 0.18 million Indians) Federal citizens.¹⁰⁰ For the local Chinese, remaining as Chinese nationals would not bring any benefits since they would be seen as sources of subversion and the Chinese government could not protect them without the existence of any Chinese consuls. One factor contributing to the choice of citizenship was the worsened relations between the PRC and the non-communists countries. This eventually encouraged the Chinese to settle permanently and eventually to obtain local citizenship.¹⁰¹

Constitutional developments accelerated the sense of political identification with Malaya. These include the founding of the Malayan Chinese Association (MCA), the entry of the Chinese into the Malayan Civil Service, the formation of the Alliance Party, the holding of a national election, and eventually the granting of national independence.¹⁰²

96 *Ibid.*, pp. 12-13.

97 Lennox A. Mills, *Malaya: A Political and Economic Appraisal* (Minneapolis: University of Minnesota, 1958), p. 62.

98 Richard Stubbs, *Hearts and minds in guerrilla warfare: The Malayan Emergency, 1948-1960* (New York: Oxford University Press, 1989), p. 141.

99 *Ibid.*

100 Cheah Boon Kheng, *Malaysia: The Making of a Nation* (Singapore: Singapore of Southeast Asian Studies, 2002), p. 29

101 Tan Chee Beng, 'Migration, Localization and Cultural Exchange: Global Perspectives of Chinese Overseas,' in Leo Suryadinata (ed.), *Migration, Indigenization and Interaction: Chinese Overseas and Globalization* (Singapore: World Scientific, 2011), p. 17.

102 Cheah Boon Kheng, 'The communist insurgency in Malaysia, 1948-90: Contesting the nation-state and social changes', *New Zealand Journal of Asian Studies* 11, 1 (2009): 139-40.

The local Chinese showed little interest in Zhou's Bandung statement. In fact, they were more concerned with their future stake in an independent Federation as whether they would be given birthright citizenship. They were anxious to persuade the Reid Constitutional Commission to suggest a liberal citizenship provision for the Chinese. A bilateral treaty modelled upon the Sino-Indonesian Treaty would serve no purpose if they failed to secure their full rights as citizens in Malaya. There would be little to gain from renouncing Chinese citizenship only to 'become second class Malayan citizens'.¹⁰³

Though the ruling Alliance Party showed its willingness to grant birthright citizenship to the Chinese, there were disagreements among the coalition partners about which categories of Chinese should be entitled to such privileges. While the MCA preferred birthright citizenship for all Chinese born in the country, UMNO only accepted it for those born on and after Merdeka Day.¹⁰⁴ A coalition of Chinese guilds and associations demanded *jus soli* as well as a shortened residence period and the abolishment of the language test.¹⁰⁵ It was clear that the concern of the local Chinese was not directed to maintain their Chinese nationality, but to fight for birthright citizenship.

The Alliance Party was ready to grant birthright citizenship based on the principle of non-recognition of dual nationality. On the outset, the Alliance party staunchly rejected divided loyalty as stated in its memorandum: 'it is essential to have a nationality law which provides for a common nationality, to the exclusion of all others'.¹⁰⁶ According to the Chief Minister of the Federation, Tunku Abdul Rahman, 'since China, in particular, has the *jus sanguinis* principle in operation, we have to insist on our citizens taking a formal oath renouncing and abjuring loyalties to any foreign countries'.¹⁰⁷ China's acceptance of the *jus sanguinis* principle (citizenship by blood) forced the Federation to stipulate in her constitution that any Malayan nationals voluntarily exercising citizenship rights of another country [including China] should be deprived of their Federal citizenship.¹⁰⁸

In its released report, the Reid Constitutional Commission made all local-born Chinese on or after Merdeka Day, Malayan nationals by birth alone.¹⁰⁹ For those who wished to become citizens of the Federation either by registration or by naturalisation, the Commission required them to take an oath of allegiance and declared that they

103 FO 371/127427, FC1821/1, Savingram from High Commissioner to Secretary of State, 10 December 1956.

104 Cheah, *Malaysia: The Making of a Nation*, p. 37.

105 Timothy Norman Harper, *The End of Empire and the Making of Malaya* (Cambridge: Cambridge University Press, 2001), pp. 350-51.

106 CO 889/9 Political Testament of the Alliance: Memorandum by Tunku Abdul Rahman for the Reid Commission, 25 September 1956.

107 *Singapore Standard*, 10 May 1957.

108 *Singapore Standard*, 4 June 1957.

109 *Report of the Federation of Malaya Constitutional Commission 1957*, (Kuala Lumpur: Government Press, 1957), Paragraph 38.

would not exercise any rights of their foreign citizenship.¹¹⁰ It took into consideration that the government could not prevent its citizens from acquiring a second citizenship. The foreign citizenship would still be valid even if the Federation refused to recognize the second citizenship of its citizens. A more practical solution would be to restrain the dual citizens from exercising their rights derived from a foreign citizenship. Even if foreign countries [for example China] were able to exercise their claim over Federation citizens under their domestic law, the Federation law regarded dual citizens as Federal citizens alone. In counteracting the nationality claims by certain countries, the Reid Commission acknowledged that ‘a citizen has no power to renounce his citizenship, and therefore, all he can do is to undertake not to exercise his rights as a foreign citizen’.¹¹¹ In his speech to the Legislative Council, Tunku Abdul Rahman reiterated the basic principle of citizenship: ‘The cornerstone of the new proposals is undivided loyalty to the Federation.’¹¹²

Any Federal citizens claiming and exercising the rights as a foreign citizen would be deprived of their Federal citizenship.¹¹³ Federal citizens were also subject to deprivation if they voluntarily acquired a foreign citizenship.¹¹⁴ As the Federation could not prevent a dual citizen from exercising the second citizenship rights, what could be done was to deprive them of their local citizenship. For the Federation of Malaya, the deprivation clause ended the problem of dual citizenship even if its citizens still possessed a foreign citizenship.¹¹⁵ In the opinion of the Foreign Office, the ‘deprivation clause’ was by far the most effective method which could be devised to deal with the problem of dual citizenship. This method conferred more advantages to Malaya compared to dual nationality treaties as proposed by China.¹¹⁶ As far as the Federation was concerned, the deprivation clause solved the problem of dual nationality among its Chinese citizens.

There had been no diplomatic relations between the independent Federation of Malaya and the PRC when the PRC actively supported the Malayan Communist Party (MCP) in its effort to overthrow the local government. The communist insurgents continued to threaten the stability of the new nation even after its independence in 1957. Tunku Abdul Rahman, the Prime Minister of Malaysia, adopted a pro-Western foreign policy by not recognizing the communist regime. However, Tun Abdul Razak, the

110 Paragraph 39 and 44.

111 Paragraph 39.

112 Federation of Malaya, *Legislative Council Debates: Official Report of the Second Legislative Council (second session) October 1956 to August 1957* (Kuala Lumpur: Government Press, 1958), p. 2844.

113 Article 24 (2) of the 1957 Constitution. Federation of Malaya, *Malayan Constitutional Documents*, (Kuala Lumpur: Government Press: 1962).

114 Article 24 (1) of the 1957 Constitution.

115 *Straits Times*, Citizenship Laws to Ensure Undivided Loyalty to Malaya, 9 July 1957.

116 FC1601/3 Minutes from Colonial Office to Mr. Marshall dated 13 February 1958.

successor of Tunku Abdul Rahman who preferred a policy of neutralization, was willing to improve Malaysia's relationships with the PRC.¹¹⁷ In May 1974, Razak chaired an official delegation to the PRC to meet Premier Zhou Enlai and Chairman Mao Zedong. Tun Abdul Razak appreciated Zhou's willingness to discuss the status of the Malaysian Chinese.¹¹⁸ The question of dual nationality among the Chinese became clearer in 31 May 1973 when Malaysia and the PRC normalised their relations. The Joint Communiqué signed with the People's Republic of China, rejected dual nationality and recognised the simple automatic loss provision. Chinese who had obtained Malayan citizenship were considered by the PRC as having automatically forfeited Chinese nationality.¹¹⁹ The Joint Communiqué had become a new tool, replacing the dual nationality treaty, to earn diplomatic recognition while solving the status of overseas Chinese.

Conclusion

The discussion above shows that one of the major drawbacks of the proposed 'dual nationality treaty' was its craftsmanship. In this respect, the British opinions were unanimous in rejecting any prospects of negotiation with the PRC should the latter approach them. Their attitude was consistent throughout the period of 1954 to 1957. They showed fears and anxiety on the implications on the political attitude of the local Chinese. The bilateral treaty system, proposed at Bandung, did not bring about its intended result. Constructed as a 'bargaining tool in China's struggle to win diplomatic recognition, this diplomatic victory was short lived'.¹²⁰ Zhou Enlai believed that suspicion and hostility could be neutralised by eliminating dual citizenship. However, the problems lay deeper than that. Solving the dual nationality problem only offered a partial solution to its principle of non-interference. China's continuous support for local revolutionary movements deterred diplomatic recognition and the signing of the new nationality treaty. Bandung's 'charm offensive did not last long'.¹²¹ In Michael Yahuda's words, the 'Bandung Spirit soon evaporated'.¹²² Mackie suggested that Zhou's citizenship concession at Bandung was 'a major step towards the ultimate resolution of that problem.' He added that 'It was not the final step....'¹²³

117 Leo Suryadinata, *Ethnic Chinese as Southeast Asians* (Singapore Institute of Southeast Asian Studies, 1997), 76.

118 *Straits Times*, The Issues and the Promise: Malaysia's Ties with China, 22 May 1974.

119 Article 5 of the Joint Communiqué of the Government of the People's Republic of China and the Government of Malaysia of 31 May 1974 as reproduced in Suryadinata, *China and the Asean States*, p. 145.

120 Elena Barabantseva, *Overseas Chinese, Ethnic Minorities and Nationalism: De-Centering China* (New York: Routledge, 2011), p. 58.

121 Donald E. Weatherbee, *International Relations in Southeast Asia: The Struggle for Autonomy* (Lanham: Rowman & Littlefield, 2005), p. 62.

122 Yahuda, *The International Politics of the Asia Pacific*, p. 46.

123 Mackie, *Bandung* 1955, p. 84.

The earlier Treaty System had failed, evidenced by the termination of the Sino-Indonesian Treaty, not because of its premature kick-off but rather, by its craftsmanship. As pointed out by the British officers, the compulsory option system was irrelevant. The PRC failed to transform its nationality law and remained isolated from the mainstream nationality development of the west. The much anticipated abandonment of the *jus sanguinis* principle and the belated adoption of the automatic loss provision were finally making headway to the Chinese Nationality Law of 1980.

Acknowledgements

The author wishes to thank the editorial board of this journal and the two anonymous reviewers for their invaluable suggestions and constructive critiques, without which the article would not be in its present form.

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