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Master of Arts in History- Colonial and global history

Master Thesis

An Ignored supporting actor in drama of imperialism
Dutch imperialism and China (1919-1931)

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Introduction

Western imperialism is undoubtedly one of the most influential and controversial phenomena in human history which has been intensively studied. Throughout history, imperialism has been defined differently throughout the eras. Among many definitions, the views of British historians A.P. Thornton and D.K Fieldhouse are preferred and adopted in this study. According to the former, “imperialism is a critical term for activity let loose. It deals in dominance.” He argued that imperialism allows the powers to “maintain an external system of effective control” and promotes national interest in other countries.¹ D.K Fieldhouse offered a more defined definition of such control by placing the emphasis on political perspective that are deliberately extended to other territory by state.² However, economic control should not be ignored as well. Especially when it comes to the imperialism in China, economic control played an important role in imperialistic policy of powers.

Since 1870, there had been a new wave of colonial expansion of the western countries. This period was known as ‘modern imperialism’. It was deemed as the result of The Second Industrial Revolution, nationalism and the immensely changed power dynamic in Europe. The competitions between the great powers accelerated into massive inter-imperialist dispute. Some historians such as Etherington inclined to set the year 1914 as the end of modern imperialism, because of the sharp decline of formal imperialism after World War I. Due to the growing nationalism around the globe and the considerably undermined traditional colonial powers, informal imperialism became the substitute.³ Yet, this study will demonstrate that the period should be extended a little further to post-WWI, since the western powers, though they struggled to, were still able to protect their interests in oversea territories until WWII.

Modern imperialism has drawn heated debates between Marxist and non-Marxist historians⁴. They tried to analyze and explain its origin and historical meanings. For Marxist, imperialism was usually examined from economic perspective. John A, Hobson, an English economist stressed the importance of economic factor in his work, *Imperialism, A study* in 1902. He pointed out that “finance is rather the governor of the imperial engine” and “the final determination rests with the financial power”,⁵ imperialist political decisions were actually originated from “economic taproot”.⁶ Hobson’s work has its crucial influence on other Marxists including Lenin. Besides Lenin who treated imperialism as “the highest stage of capitalism”, Roxemburg, Kautsky and Hilferding also provided theoretical basis on the relations between capitalism and imperialism. The need to export surplus capital and the search for monopoly would inevitably cause conflicts between imperialists and lead to a destructive war, a war that could speed up the collapse of the empire of capitalist.⁷ Non-Marxist historians like D.K. Fieldhouse, raised up counter-arguments against Marxist’s emphasis on economic explanation.⁸ “Hobson-Lenin” theory was questioned by him through statistical evidence such as British and French did not always choose Asia and Africa as their first choice for capital export. Political and cultural influence should be given

¹ Peter N. Tarling, *Imperialism in Southeast Asia: 'a fleeting passing phase'*. (London: Routledge, 2001), 75.

² Ibid,78.

³ Maarten Kuitenbrouwer and Hugh Beyer, *The Netherlands and the Rise of Modern Imperialism: Colonies and Foreign Policy, 1870-1902*. (New York; Oxford: Berg, 1991), 2.

⁴ Ibid.

⁵ John A, Hobson and American Council of Learned Societies, *Imperialism a study* (ACLS Humanities E-Book) (New York: Gordon Press, 1975), 46-47.

⁶ Herb Addo, *Imperialism, the permanent stage of capitalism* (Tokyo: United Nations University, 1986), 85.

⁷ Anthony Brewer, *Marxist theories of imperialism: a critical survey*, 2002 <<https://ebookcentral-proquest-com.ezproxy.hkpl.gov.hk>> (29 November 2017).

⁸ Hugh Stretton, *Political Sciences Routledge Library Editions: Political Science vol 46: General Principles of Selection in Social Science and History* (London: Routledge, 2010), 130.

more weight.⁹ However, solely depending on either theory is not an ideal way to look at imperialism. A combination of political, economic and cultural elements in the analysis would be more desirable.

It seems that imperialism is only a game for “strong countries” and there is no room for the weak. Undoubtedly, great powers such as Great Britain, France, America, Japan, played significant roles in modern imperialism which have been studied extensively by numerous scholars. Yet smaller powers had also played their part as well in this history and their pattern of participation varied from one to another.

The Netherlands as a sea power once established its hegemony in the ocean, its glorious age has already been an historical quote for centuries. However, until the age of decolonization, its possession of colonies in Asia, Africa and Atlantic allowed it to continue to claim itself to be one of the main colonial powers in the world. It was clear that the national strength of Holland could hardly compare to other imperialistic powers. Realizing its vulnerable status under the fierce competitions among the powers, the Netherlands adopted neutrality policy to prevent conflicts with others. The British, who used to be a deadly enemy of the Dutch, ironically to some extent, became their protector in the modern period. Some scholars, such as Gollwitzer, doubted whether the Netherlands could be called as imperialist, and even suggested that it should be excluded from the big family of imperialists.¹⁰

Before the WWII and the beginning of decolonization period, the term “imperialism” was strictly averted to appear in academic works about Dutch oversea expansion.¹¹ At the time, the self-image of “non-imperialist” of the Netherlands was influential in the academic field.¹²

“Tussen neutraliteit en imperialism, Sino-Dutch relations from 1863 to 1901” was a PHD thesis written by a former Dutch diplomat Frans van Dongen in 1966. He was the first to bring a systematic analysis of Dutch imperialism in China onto the table. He pointed out that the neutrality policy of the Netherlands not only took place in Europe, but in the Far-East as well. He split the period into two parts, before 1895 and after 1895. Before the devastating Sino-Japanese war in 1895, Dutch government signed unequal treaty with China in 1863 just as other powers. During the boxer crisis in 1900, the Netherlands became one of the countries which jointly concluded the unequal protocol of 1901 with China, demanding boxer indemnity from Chinese government and sent army to join the united military action. However, Van Dongen considered the above incidents were only a “by-product” of Dutch’s promotion of its economic and commercial interests.¹³ He emphasized the reluctance and passive attitude of Dutch imperialism in China, claiming that there was no deliberate intension from the Netherlands to acquire control over the ancient empire. For example, the Dutch did not demand any territorial concessions from China while most of the powers, even Italy and Belgium acquired territorial concession in Tientsin after the boxer uprising.

In 1970s, scholars such as Boogman, Schöffner and De Jonge provided different arguments supporting the view that the Netherlands was not an imperialism.

Schöffner argued that Dutch’s expansion could only be regarded as reluctant in its character because of the very weak motivation in political and economic aspects from the Netherlands. Its pacification of the Archipelago was merely “an internal colonial expansion process.”¹⁴

Boogman took the “tradition of Holland” into consideration, and said that the Dutch foreign diplomacy had close ties with the spirit of neutrality, “the rejection of power politics” and free trade, such a tradition curbed the development of “imperialist mentality” in The Netherlands.¹⁵

J.A.de Jonge provided another important insights on the process of Dutch’s industrialization. If industrialization was crucial as it stimulated imperialism, the late commencement of the progress and the

⁹ David K, Fieldhouse, Imperialism: An Historiographical Revision. *The Economic History Review*, 14:2(1961), 208-209.

¹⁰ Kuitenbrouwer, *The Netherlands and the rise of modern imperialism*, 17.

¹¹ Ibid, 18.

¹² Ibid, 20.

¹³ Frans van Dongen, *Tussen neutraliteit en imperialisme : De Nederlands-Chinese betrekkingen van 1863 tot 1901*(Groningen: Wolters, 1966), 376.

¹⁴ Kuitenbrouwer, *The Netherlands and the rise of modern imperialism*, 18.

¹⁵ Ibid, 20.

moderate scale of industrialization were somehow disadvantageous for the “social imperialism”.¹⁶ The mild and gradual political changes remarked by Schöffner and Daalder seemed to strengthen such negative factor.

H.L. Wesseling was one of the historians who found Dutch imperialism ambiguous. He believed that there was a paradoxical character in the Netherlands case, as it was “the most imperialistic nation” in terms of its economic exploitation and “the least imperialistic” due to the absence of territorial expansion in diplomatic policy, he even raised the question “whether a Dutch imperialism has ever existed at all?”¹⁷ Although in his later works he did not rule out the existence of Dutch imperialism, he stressed that Dutch imperialism was quite alike to British imperialism, which is “defensive rather than offensive, reluctant rather than enthusiastic.”¹⁸

On the other hand, Maarten Kuitenbrouwer, a Dutch historian, his book “The Netherlands and the rise of Modern imperialism” which was published in 1980s, aimed to examine the Dutch imperialism in modern history with critical views. Kuitenbrouwer presented two main case studies in his book, the Aceh war in 1873 in Asia, and their pro-Boer sentiment in South Africa, by which he endeavored to overturn the commonly held assumption that the Dutch only played a passive role in imperialist activities and only cared about upholding their possession of colonial interests. His views, however, have been criticized by several historians like John M. MacKenzie who criticized his excessive sympathy upon the idea of Dutch ethical empire.¹⁹ However, Kuitenbrouwer’s work is still considered to be valuable in the study of Dutch imperialism. At least he provided a new and important perspective to the debate on the existence of Dutch imperialism.

In 1996, Frans-Paul van Putten published his article “Small Powers and Imperialism: The Netherlands in China, 1886-1905” which could be seen as another crucial contribution to the study of Dutch imperialism. In his review on Van Dongen’s dissertation, he doubted the point that the Netherlands was only a passive and reluctant follower of other imperialistic powers in China. He pointed out that Van Dongen’s analysis only focused on political dimension outside China. Therefore, he tried to examine his views on both political dimensions about the overseas Chinese and economic dimension in China by adopting two cases – the Boxer indemnity and coolies trade.²⁰ He then discovered that the Netherlands government actually indulged the Dutch bank’s branch at Shanghai to take advantage of China’s weakness. When they processed the deposit of the instalments, they provided relatively low interest rate and required service charge as a mean of financial exploitation. In another case study, he revealed the Netherlands’s attempt to keep the Chinese official’s influence away from the overseas Chinese in its East-Indies colony through hindering the setting-up of Chinese consulate.

Van Putten article is not only valuable in terms of providing new angle in the examination of small power’s imperialism, his highlights on the importance of international context in the end of the article somehow has provided another perspective to examine Wesseling’s thought on Dutch case.

Wessling mentioned that it was hard to place the history of Dutch imperialism into the general discussion of European imperialism, because of the little participation of the Netherlands in the partition of Africa and international rivalries.²¹ But such argument was less convincing when we take the imperialism in China in consideration. Although rivalries occasionally happened, the imperialistic powers, especially the European countries, usually cooperated and coordinated with each other to act in unison towards China on many critical issues, and the Netherlands was one of them.

¹⁶ Ibid.

¹⁷ H.L. Wesseling and J.C. Nardin, *Dutch historiography on european expansion since 1945*. (Leiden: Leiden University Press, 1979), 138-139.

¹⁸ H.L. Wesseling, “IV. British and Dutch Imperialism: A Comparison.” *Itinerario* 13, no. 1 (1989): 69-70.

¹⁹ J.M. MacKenzie, *The Netherlands and the Rise of Modern Imperialism: Colonies and Foreign Policy, 1870-1902*. *European History Quarterly*, 23:3(1993), 461.

²⁰ Frans.P. van der Putten, “Small Powers and Imperialism: The Netherlands in China, 1886–1905.” *Itinerario* 20, no 1 (1996), 2.

²¹H.L. Wesseling, *Myths and realities of Dutch imperialism: Some preliminary observations*. Paper delivered to the second-indonesian-Dutch historical Conference, Ujang Pandang, (22-30 June 1978), 4-9.

Amry Vandenbosch considered that the Dutch insistence on neutrality policy in Europe and Asia was a way to avoid being involved into the conflicts with or among the powers.²² C.B.Wels also pointed out that the policy of aloofness and neutrality was deemed to be the best for Dutch interests.²³ If the fear of friction was the main factor that prevented the Netherlands, as a small power, from pursuing actively in imperialism policy around the world, international cooperation and common interest as the special features of imperialism in China, could allow the Netherlands to pursue and defend its own interests in this country with less restriction as long as those interests were shared by the others as well.

While Dutch imperialism has been studied by historians for decades, its presence in modern China still attracts a little interest in the academic field. Even though Van Dongen and Van Putten's works contributed significantly in this topic, the timeline was only set to the late Qing dynasty, the period of Republic of China (1911-1949) hitherto remain untouched.

Following Van Putten's steps, it would be necessary to fill in this blank if we wish to gain a more comprehensive and accurate understanding of Dutch imperialism in China, and more importantly, to provide new arguments for the contentious academic debate.

If, as Van Putten said, the smaller western powers "had hardly tried to attain political influence"²⁴ before WW1 in China, things were a little different in the post-war period. As Imperialism of Italy, and even Swiss in China has recently been studied from political and economic perspectives,²⁵ I also found out that the Netherlands actually involved in the functioning of imperialism, not least than other small powers, even the great powers. It demonstrated itself, though not aggressively, would take steps to protect their interests in both economic and political aspects, especially in the latter.

Thus this dissertation aims to find the answer to the core question, was the Netherlands a reluctant imperialist in China between 1919 and 1931.

There is a few factors that made the Sino-The Netherlands relations in this period valuable for investigation in order to further prove the views of Kuitenbrouwer and Van Putten that the Dutch imperialism used to be active in the history.

Firstly, after World War I and Russian revolution, there was a rapidly developing trend of anti-imperialism and nationalism in China since the Paris peace conference. The outrageous cry for restoring national prestige and sovereignty burst out across the whole China. It subsequently facilitated the Chinese government to engage in the struggle of "the revision of unequal treaties and the abrogation of extraterritoriality" to satisfy people's requests. Consequently, the conflicts between China and the treaty powers unsurprisingly broke out in the process, and the Netherlands inevitably involved. The reaction of Dutch government towards China's requests could be a very interesting case. Since the Netherlands, in the eye of Van Dongen, was somewhat reluctant to be one of the treaty powers, the attitude of Dutch government facing the renunciation of their privileges which they gained from unequal treaties would then be crucial for answering the main question.

Secondly, this period was characterized by uncountable military clashes among the warlords, Peking's impotent control on local authorities and the instability of the central power. The chaotic situation in China gave rise to different kinds of diplomatic frictions between the powers and China. The Dutch military presence in China will also be studied to see whether there was an inclination of gunboat policy in Dutch diplomacy in China, which is an apparent feature of imperialism.

Thirdly, 1920s was the key period for the rise of the two important Chinese political parties—Kuomintang (KMT) and Chinese Communist Party (CCP). Under the support and guidance of Soviet

²² Amry J. Vandenbosch. *Dutch foreign policy since 1815: A study in small power politics* (The Hague: Nijhoff, 1959), 206-208.

²³ C.B. Wels, *Aloofness & neutrality: Studies on Dutch foreign relations and policy-making institutions* (Utrecht: HES, 1982), 17.

²⁴ Van der Putten, *Small Powers and Imperialism*, 1.

²⁵ See Ariane Knüsel, *Tricky business: Swiss perceptions of informal imperialism in China in the 1920s*. *Journal of Modern Chinese History*, 8:2, (2014): 210-229.

; Uros Urosevic, *Italian Liberal Imperialism in China: A Review of the State of the Field*. *History Compass*, 11:12, (2013): 1068-1075.

Union, both of them fervently beat the drum for nationalism and their own radical ideology. Their political influence gradually spread and prevailed among the Chinese population in China and Dutch East Indies. Such unprecedented political influence led to significant changes in the political situation in China, which attracted the powers' attention. The growing Chinese nationalism in East Indies also became a concern for the Netherlands as they were very unwilling to see their control on the overseas Chinese being undermined. The reactions of the Netherlands towards this situation may provide a useful insight to Dutch imperialism.

This thesis will explore the following research questions: (1) Was the political intervention of the Netherlands absent in China during 1920s? (2) How the Netherlands reacted to Chinese requests for tariff autonomy, the revision of 1911 consular convention and the abolition of extraterritoriality in China? (3) Was there an inclination of gun boat policy in Dutch diplomatic policy in China? (4) Did the Netherlands relinquish all their privileges which caused harm to Chinese sovereignty by concluding new treaties with China which are based on reciprocity and equality before 1931? (5) Was the Dutch merely a passive minor partner of other treaty powers in the diplomacy with China?

The whole thesis will be divided into 6 parts: introduction, 4 chapters, and conclusion. Through answering the research questions, it will examine Dutch imperialism in China from political, economic and military aspects. Question 1 is related to the political aspect; question 2 touches upon both political and economic aspects; and question 3 is connected with military aspect. Only after the three aspects of Dutch imperialism had been investigated in all 4 chapters, then question 4 and 5 could be answered in the conclusion.

In chapter 1, it will briefly introduce the background of the restoration of China's sovereignty movement. It will also explore the attitude of the Netherlands towards the Chinese requests in terms of the revision of unequal treaty. This will help to understand what consideration they took when they later engaged in a series of negotiations on this issue with the Chinese. The political intervention of the Netherlands in China will be investigated at the end of the chapter.

In chapter 2, it will concentrate on the issue of the revision of 1911 consular convention and the negotiation for the new tariff treaty which related to both the political and economic aspects of Dutch imperialism in and outside China. The former has close relation with the Netherlands political interests concerning the overseas Chinese in Dutch East Indies. The latter is crucial to the Netherlands's economic and commercial interests, it is important to see whether the 1928 new Sino-Dutch tariff treaty is really based on reciprocity and equality.

In chapter 3, the focus will be placed on the negotiation of extraterritoriality between the Netherlands and China, and the conclusion of the new treaty in 1931. Abolishing the Netherlands's extraterritoriality means to remove the unfair restriction on the Chinese jurisdiction on the Dutch nationals. How the Netherlands dealt with China before and during the negotiation; what they gained from the negotiation, these are all very important in understanding how the Netherlands endeavored to maintain some of extraterritoriality by cooperating with great powers and deliberately postponed the negotiation with China. It will also discuss whether other privileges from the 1863 treaty which infringed China's sovereignty were abolished before 1931.

In chapter 4, the consideration of the Netherlands upon gunboat policy will be examined by analyzing the presence of Dutch warships in China's sea area, and the difference of Dutch's attitudes towards the use of military force in China in the incident of Lin-Chen train 臨城火車案 and the Dagu port incident 1926 大沽口事件. It will discuss the nature of Dutch gunboat policy in China which has not yet been discussed in the academic field.

Since this topic has not been studied extensively, primary sources are of paramount importance in the thesis.

The archives in National Archives in Den Haag are vital, which include: Nederlands Gezantschap in China (Peking, Chungking, Nanking) (nummer toegang 2.05.90), Consulaat Shanghai (nummer toegang 2.05.91), Ministerie van Buitenlandse Zaken (nummer toegang 2.05.19). Both Oudendijk and his colleagues in Shanghai routinely reported their works, the activities of different foreign legations and various aspects of affairs, for example, economic and political situations in China. Letters and telegram

records are accessible inside these archives that allowed me to explore the opinions of Minister of Foreign Affairs and the Minister of Colonial Affairs. The details of their considerations and discussions upon certain matters that concealed in those documents will be brought to light.

Other principal Dutch primary sources are equally useful. Documenten betreffende de buitenlandse politiek van Nederland 1848-1945 is a collection of documents (part of them could be found in national archives as well) related to Dutch foreign policy. This collection has been digitalized and open to public access. Some valuable documents were also found in the collection, such as the diary of Karnebeek (the Dutch minister of foreign affairs 1918-1927). Yet it is noted that the collection of diplomatic documents between 1926 and 1930 is missing here.

Given that there is no English translation on these primary sources. These sources were mainly written in Dutch, while some were written in French. Most of the translations were done by myself unless stated otherwise. As the majority of information were drawn from primary sources, it was noticed that some hand-written letters were hard to understand due to illegible handwriting. However, it does not affect the understanding of the general content.

For English primary source, “Ways and by ways in diplomacy” is the memoir written in English by Oudendijk himself (there is no Dutch version for this book, the English one is the original). The content of the book was done in chronological order. From the author’s childhood till the resignation from his last post in China. This book not only records a lot of things he witnessed and involved during his tenure in Russia, Persia and China, it also reveals his own perspective and feelings of what he faced in his nearly 40 years career. This can help us to understand his attitude on issues he dealt with as the envoy of the Netherlands in China. Like many other memoirs, one problem with it is that strong subjectivity is easily to be perceived. It is not rare that the authors may sometimes overrated their role or exaggerated their influence in certain events, and being reticent on things that might bring damages to their own or their interest group’s reputation.

Although there are limited secondary sources available, those mentioned in previous paragraphs are valuable for the understanding of related studies.

For Chinese secondary sources, Lee En Han 李恩涵, Wang Jian Lang 王建朗, Wang Dong 王棟, Li Yu Min 李育民, Tang Chi Hua 唐啟華, these Chinese historians contributed significantly in the research of abolition of foreign privileges in China, the historical context of “restoring sovereignty movement” and the Chinese government diplomatic activities, their studies offered important Chinese perspectives in this topic which help making the analysis more comprehensive when use jointly with the Western angle.

For English secondary sources, Amry Vandenbosch and Cornelis Boudewijn Wels presented a clear contour of Dutch modern diplomatic strategies and direction, which provides a basic knowledge of the background and features of Dutch diplomatic history. On the other hand, John Fairbank, Albert Feuerwerker, Turan Kayaoğlu, their researches on foreign powers presence, Sino-western conflicts and its impacts on Chinese modern history are useful for this topic.

While using these secondary sources, one must be aware of the Marxist or Kuomintang’s 國民黨 views which appeared inside the writing and undermined their objectivity. In mainland China, in spite of the improvement on the subjectivity and the “emancipation” of exploring western historical social theories since 1980s,²⁶ Chinese communist party (CCP) never stop treating education as a tool to enhance its rule (Same situation could be seen during Chiang-Kai-shek rule). Nowadays, most of the historians and their researches still reflect the influence of Chinese communist historiography.²⁷ This could be seen on how they generally deal with “imperialism in China”. For Taiwanese scholars, apart from the negative views upon western imperialism, they usually stressed the positive efforts of Kuomintang in abolishing the unequal treaties and the justification of the struggle.

Another problem of their researches is the lack of foreign primary sources, Chinese historians usually relied heavily on Chinese archives or translated foreign sources which may not be interpreted

²⁶ D. A. Martin, *The making of a Sino-Marxist world view: Perceptions and interpretations of world history in the People's Republic of China* (New York: Sharpe, 1990), 106.

²⁷ Ibid.

accurately. For example, no primary sources from Belgium were used in Tang Chi Hua's article about the revision of Sino-Belgium treaty.²⁸

There are certain limitations with the content of this thesis. Since there are still very few researches on this topic in the academic field, it would be too ambitious to go deep in the content of each chapter. On account of the complexity of the relations between different pressure groups (such as the political parties, commercial organization) and the decision making groups in the government, this thesis will only focus on those who had a final say on the matters. For instance, in chapter 2 and 3, the correspondence between Oudendijk and the Dutch minister of foreign affairs would be the main source for understanding their diplomatic struggle with Chinese government.

Further studies would be recommended and expected in the future to give us more information on the influence of different stakeholders upon the Dutch foreign policy towards China.

Another limitation would be the unavailability of Chinese diplomatic documents about the Sino-Netherlands treaty negotiation between 1928-1931. Since they are stored in Taiwan national database and have not yet been available online, therefore it was not accessible at the time of writing.

²⁸ See Chi Hua, Tang 唐啟華, A Study of Treaty Revision Negotiations between China and Belgium, 1926-1929 中比修約案研究. The academic history journal of the national Cheng Chi University 31 《政治大學歷史學報》 31(2009, 臺北), 115-163.

Chapter 1

The prelude of the struggle for China's sovereignty

This chapter will examine the background of China's treaty abolition and revision movement. This will bring the attitude and reaction of the Dutch government on the issue of renunciation of their privileges into light. The whole period will be separated into two parts. First, from the Paris conference 1919 to the special conferences of tariff and extraterritoriality. Second, from 1926 to 1931.

The first part could be seen as the preliminary step for China of demonstrating its resolution on restoring its tariff autonomy and judicial sovereignty. This chapter will mainly focus on the period when China put their demands on the table in the Paris conference to the opening of the two special conferences in 1925. The second part will explore the period from 1926 to 1931. The year of 1926 was considered by scholars like André Lecours as the beginning of "the wake of further demands for treaty revision",²⁹ China started to set out the restoration of their own sovereignty, and unfolded a series of negotiations for treaty revision and abolition with the powers in the treaty. The negotiations will be discussed in the next two chapters. The political intervention of Netherlands in China will be investigated in the end of this chapter.

1863 was a critical year for Sino-Netherlands relations. The signing of Sino-Dutch treaty marked a new episode of the bilateral relationships as the Netherlands officially became one of the members of the treaty powers to China. Before the Opium war, the Netherlands, like Britain, suffered heavily from the trade deficit with China and the undesirable Chinese jurisdiction. Following the example of British, American and French, the Netherlands equally obtained the privileges which the other powers enjoyed through the most-favoured-nation treatment in the tariff, and various rights in the interior of China (such as the right of navigation, settlement of their nationals and the purchase of land) and extraterritoriality.

When World War I was approaching its closure, China joined the side of the *Entente* and declared war against Germany and the Austro-Hungarian Empire in 1917. As a result, China successfully turned itself into one of the victorious powers in this Great War. It had enormous historical meaning for the Chinese people, because it was the first time since the Opium war that China appeared in the international stage as a victor. Using this great opportunity, China called for equal treatments in international relations. During the Paris peace conference, the Chinese delegation raised 7 points of request, which included: the renunciation of their sphere of influence, the cutting down of foreign post office and both wire and wireless telegram company, the withdrawal of foreign police and armies, the abrogation of consular jurisdiction, return of concession, return of settlement, and tariff autonomy.³⁰ Though American president Wilson promised the Chinese government that they would try their utmost to assist China to be a completely independent nation with self-determination once the League of Nations is established, China's request in fact did not raise much attention from the powers but only indifferent reaction.³¹ Furthermore, they soon found out that the powers (the Netherlands, due to its neutrality in the war, was not invited) tended to agree on transferring the German colony, Qingdao 青島, to Japan, which would amount to a serious violation of China's sovereignty. The insincerity of the powers severely disappointed the Chinese. An outrage broke out all over China and even among the overseas Chinese population demanding the Beiyang government (Peking government) 北洋政府 to quit the conference and refuse to sign the peace treaty. "Down for the imperialism", "abolition for all unequal treaties" and "Restoring national sovereignty" suddenly became popular slogans in Chinese societies.

In spite of the failure of having the positive response from the powers on constructive discussion of their requests, according to Tang Qi Hua, contrary to what was usually argued in Chinese academic field that little was achieved in the peace conference, the Chinese government had in fact already set up a clear plan for treaty revision in 1919 to follow in the future.³² In another word, they had successfully achieved

²⁹ André Lecours., *New Institutionalism: Theory and Analysis* (Toronto : University of Toronto Press, 2017), 348.

³⁰ En Han, Lee 李恩涵, *Bei Fa Qian Hou Ge Ming Wai Jiao* 北伐前後革命外交 ["The diplomacy of revolution" before and after the northern expedition] (Tai bei 台北: Xing zheng yuan guo ke hui ke zi zhong xin. 行政院國科會科資中心, 1995), 17.

³¹ *Ibid*, 87-89.

³² Chi Hua, Tang 唐啟華, *Bei Fei Chu Bu Ping Deng Tiao Yue Zhe Bi De Bei Yang Xiu Yue Shi* 被"廢除不平等條約"遮蔽的北洋修約史: 1912-1928, ["The history of treaties revision in Beiyang period which was covered by

a preliminary result with the effort of energetic, well-educated and sagacious Chinese diplomats such as Wellington Koo 顧維鈞, Yen Wei Ching Williams 顏惠慶, Chen Lu 陳錄, whose performance in the Paris conference impressed many foreigners.³³

Apart from the abolition of the treaties with Germany and Austria, China did not spare the chance to conclude equal treaties with “countries without treaty” 無約國, for example, Bolivia in Latin America, and new born states such as the Czech Republic and Poland, consular jurisdiction and most-favoured-nation treatment were not given. What was encouraging to China must be the conclusion of Sino-German treaty in 1921. Since China did not ratify treaty of Versaille, they obtained more freedom to negotiate with Germany for a better deal.

As a treaty that was based on entirely equal principle without clause of extraterritoriality, most-favoured-nation treatment and tariff restriction, Germany became the first among the treaty powers that gave up all its privileges.³⁴ Even though the treaty with Germany was merely a temporary agreement without detailed content, it still became the template that China adopted in the Sino-Austrian treaty in 1926, the first official equal treaty with a former-treaty power for China. This marked the beginning of the “treaty revision” movement. The Dutch minister in China, W.J.Oudendijk had been a middle man between China and Germany before their diplomatic relations re-established. He later praised Chinese government for their diplomatic success with Germany while he had conversation with Chinese diplomat, Yan huiqing, by calling it as “the victory of your country”.³⁵ He might not have realized that soon the Netherlands would also have to engage in the struggle of treaty revision with China.

In 1921-1922, a conference was summoned in Washington. Countries such as the Netherlands, Britain, France and Japan sent their representatives to participate. China was also invited to attend. The aim of the conference was to tackle the unsolved issues left in Paris conference in order to provide the powers an opportunity to ease the tension and prevent future conflicts in the East. In addition to the discussion on the naval disarmament, the focus laid on a number of essential issues of China that needed to be settled³⁶, such as the Chinese political, jurisdictional and administrative freedom of action; the special rights and privileges which were granted by China; and The neutrality of the powers and the recognition of Chinese sovereignty of their soil.³⁷

Though Bootsma, N.A. argued that the Netherlands had no great interests towards the issue of China,³⁸ as a member of the treaty system, Washington conference was no less important to the Netherlands than other treaty powers in regard to the future arrangements of the rights and privileges they had been enjoying for about half a century in China.

In order to understand the Netherlands’s attitude towards Chinese’s issues, and their involvements in the conference, two important people’s views must be taken into account. They are Willem Jacobs Oudendijk and Kat Angelino.

Oudendijk was the Dutch envoy in China from 1919-1931. As the highest ranking Dutch representative in China and the doyen of the diplomatic corps, his role was important, not only because he engaged in several important negotiations on behalf of his government with China, but also his interactions with his colleagues from different nations. Technology was not as advanced as it is now at that time, long-distance communication was both time consuming and inconvenient. Therefore, the

“the abolishment of unequal treaties” : 1912-1928] (Beijing 北京: Social Science Academic Press. 社會科學文獻出版社, 2010), 556.

³³ Stephen G. Craft, *V.K. Wellington Koo and the emergence of Modern China* (Lexington: The University Press of Kentucky, 2015), 18.

³⁴ Tang, *The history of treaties revision in Beiyang period*, 108.

³⁵ *Ibid*, 105.

³⁶ Fang Shang, Lu 呂芳上, *The history of Republican China volume: 2 民國史論: 中*(Taipei 台北: The Commercial Press.Ltd.台灣商務印書館股份有限公司, 2013), 263.

³⁷ Guang Yao, Jin and Jian Lang, Wang 金光耀, 王健朗主編, *Bei yang shi qi de Zhongguo wai jiao*. 北洋時期的中國外交 [The diplomacy of China during Beiyang period] (Shanghai 上海: Fudan University press 復旦大學出版社, 2006), 49-54.

³⁸ N.A, Bootsma, *Nederland op de conferentie van Washington, 1921-1922*. *BMGN - Low Countries Historical Review*. 93:1 (1978), 120.

advice and information he provided to the ministers in the Netherlands were essential to their decision making on matters related to China

In 1931, Oudendijk resigned from his post in China due to his health problems. After returning to the Netherlands, he started to write a memoir about his diplomatic career. The memoir was published in 1939, at the time the Sino-Japanese war just broke out two years before and was still ongoing. The extraterritoriality had not yet been completely abrogated. Oudendijk expressed his sympathy for China's wish on abolishing extraterritoriality and restoring tariff autonomy. As he said, he was "in favour of the most liberal attitude towards China's legitimate aspirations to free herself from the shackles of foreign interference and restriction on the full exercise of her sovereignty."³⁹ However, his reports and correspondence with the Dutch minister of foreign affairs tell a different story.

Regarding the participation of China in Washington conference, Oudendijk believed that the strengthening of Chinese international position was largely at the expense of foreign countries. The friendly gesture which America demonstrated to China on abolition of unequal treaties, was obnoxious in the eyes of Oudendijk or, perhaps hypocritical because of the relatively less and different interests they had in China⁴⁰. He described America's call for such conference as "stirring the hornet's nest",⁴¹ since the mentioned solutions could be most harmful to the Netherlands's interests in Asia. Rather than being sympathetic to China's requests in the conference, Oudendijk thought China was so greedy. In his words, it was "just like the Chinese merchant will usually offer 3 or 4 times more of the original value of the products in the business with westerners."⁴²

His real attitude towards Chinese's issues was clearly demonstrated in his letters to the Minister of Foreign Affairs. For example, on the problem of the nationality of overseas Chinese in the colony, the government should not engage in any further discussion on allowing any different intervention, he added that "the Dutch interest in this are virtually identical to British and French."⁴³

Another example was his opinions regarding the abolition of consular jurisdiction and the foreign settlements together with concessions. Oudendijk considered that the Netherlands should again, not be involved in any discussion on these matters. For the latter, they saw the necessity to keep those regions under the hand of the powers due to the stability, order and high hygienic standard, which were achieved under the western rule. The most important thing was that it provided a secure place for customs income to be collected, stored and utilized as mortgage and repayment for the foreign loan. Therefore, despite it was violating China's sovereignty, in his opinion, "they should remain for a long time as a necessary evil."⁴⁴

With regards to China's request of restoring their tariff autonomy, Oudendijk also pointed out that the time was not ripe for China to restore their tariff autonomy. He agreed that the 5% fixed tariff was inappropriate, but he feared that returning such autonomy would trigger a chain consequences that would hamper the foreign commerce and the administration of customs service in China. It would also harm their trade as a result and lead to a waste of the tariff revenue of the entire country.⁴⁵

Another important person, Kat Angelino, was an advisor in Dutch East Indies government and one of the member who represented Netherlands to attend the conference. In his letter to Karnebeek, the neutrality policy seemed to be a way to keep the Netherlands in an advantage position. Yet when it comes to things that would affect the Dutch interests, clear expression of their stance must be given.

He pointed out that if China was to restore the autonomy in tariff, it would mean that they could set up discriminative tariffs for different countries. In another word, the "open door" policy would exist in name only. If China could restore the autonomy of tariff, as a way to uphold their most-favoured-nation

³⁹ W.J. Oudendijk, *Ways and by-ways in diplomacy* (London: Davies, 1939), 321-324.

⁴⁰ J. Woltring, *Documenten betreffende de buitenlandse politiek van Nederland, 1919-1945. 1919-1930. Periode A: Dl. III: 1 sept 1921 - 31 juli 1922* ('s-Gravenhage: Nijhoff, 1977), 67, Letter(no.2253/289) dated from 8 October 1921 Oudendijk to Van Karnebeek. Peking.

⁴¹ Ibid.

⁴² Ibid, 68-69.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

treatment, the Netherlands should adopt “retaliation measures” against the imported goods for the consumption of the Chinese population in East Indies.

As the guarantee of boxer indemnity was based on the revenue of customs, and the Netherlands was one of the requestors, they wanted the Chinese maritime customs to remain in the hand of the foreigners and no changes should be made on that aspect.⁴⁶

For extraterritoriality, he traced back to the negotiations between China with Britain, America and Japan in 1902 and 1903, in which the powers had already given a conditional offer that, as long as “the state of Chinese laws” and “their administration and other conditions” become satisfying, they would consider the abrogation. Given that this condition had not yet been satisfied, an immediate abrogation was impossible. He even thought that the department of Justice in China, should temporarily recruit foreigners as officers, just as the Chinese Maritime Customs.⁴⁷

It was obvious that from these two people’s opinions, their attitudes were rather conservative, and far from sympathetic to help China restoring their sovereignty.

Such attitude was more apparent in the discussion between the Dutch minister of foreign affairs Herman van Karnebeek and British representative Arthur Balfour on how they would stand against the 10 points of China’s proposal, and how China was making use of the international conference for themselves. Van Karnebeek did not hide his desire from Balfour on discussing the possibility of bringing the issue of China before the League of Nations, but he gave up when Balfour told him it was not worthwhile to think about and he did not have a clue on how to deal with it.⁴⁸

At the end of the conference, a conclusion was reached, the powers consented to increase the rate of import tax of China to 12.5% and the permission for the levy of 2.5-5% surtax before the Likin 釐金 was abolished⁴⁹. China’s request for tariff autonomy was, however, rejected by all the treaty powers including the Netherlands. It was decided that the problem of tariff and extraterritoriality would be dealt with by the subcommittees that would be convened after the conference.

Due to the turbulent political situation in China and the Gold Franc Controversy⁵⁰, the date for convening the subcommittees which was initially set at three months after the Washington conference, was postponed several times. However, the second Zhili-Feng 直奉戰爭 broke out in 1924. There was a sudden change in China’s political situation which made the powers realise that there was an urgency to settle these matters as early as possible.

During the second Zhili-Feng war, Fengtian clique 奉系 gained the final victory in the decisive battle of Shanghaiguan 山海關之役 by bribing Feng Yu Xiang 馮玉祥, a general who served under Chili clique, to launch a *coup d’etat* against the leader of the Zhili army Wu Pei Fu 吳佩孚. Feng Yu Xiang then sent his army to Peking and overruled the Tsao Kun’s rule 曹錕, Wu was sacked from his post and left. Feng Yu Xiang later invited Sun Yat Sen 孫逸仙, Tuan Chi Jui 段祺瑞 and Zhang Zuo Lin 張作霖 to jointly form a provisional government.⁵¹ A rumour arose soon among the foreign powers that there was a potential opportunity for another *coup d’etat*, Sun and Feng might ally with each other to expel Tuan Chi Jui and Zhang Zuo Lin from the provisional government, and then establish a communist government in China. Sun’s revolutionary regime was notorious at the time in the eyes of the treaty

⁴⁶ Woltring, *Documenten betreffende de buitenlandse politiek van Nederland, 1919-1945. Dl. III*, 74, Letter dated 8 October 1921 D.A.de Kat Angelino to Van Karnebeek.

⁴⁷ Ibid, 76.

⁴⁸ Ibid, 109, the diary of Herman van Karnebeek during the conference of Washington dated from 18 November 1921.

⁴⁹ Likin is a tax which was first levied in 1853 by Chinese local officials on goods that moved inside the empire except the treaty ports, it was initially set up to financially support local governments on the suppression of Taiping rebels. But after the rebels, this tax continued to be levied by the provinces in China until 1931, when it was finally abolished by the nationalist government. See Robert Nield, *China's foreign places: The foreign presence in China in the treaty port era, 1840-1943*. (Hong Kong: Hong Kong University Press, 2015), 17-18.

⁵⁰ Gold Franc Case was a dispute between China and France on the annual payment of the Boxer indemnities, See D. Wang, *China's unequal treaties: Narrating national history*. (Lanham, MD: Lexington Books, 2008), 67.

⁵¹ Chi Man, Kwong. *War and geopolitics in interwar Manchuria: Zhang Zuolin and the Fengtian clique during the Northern Expedition*. (Leiden: Brill. 2017), 94-95.

powers, especially after the conflict of tariff surtax in 1923 in which Sun demanded a share of Chinese customs surplus⁵². Oudendijk always referred him as a trouble maker. The reason for such resentment was naturally attributed to his alliance with Soviet Russia, who were at odds with the treaty powers.

As the Chinese Communist Party had no substantial military and political power at the time, Soviet Russia approached different warlords to seek cooperation with them in attempt to extend their influence in China. Sun was one of those militarists who decided to work with Soviet and received valuable supports to strengthen his political and military powers. There is no doubt that Soviet Russia had tremendous influence on Sun.⁵³

On 31 May 1924, the Peking government established diplomatic relations with Soviet Union. The latter then sent Karakhan to Peking as their new envoy. In early 1919 and 1920, Lenin had already made two declarations that Soviet government would unconditionally abrogate all the privileges and territories they obtained during the Tsar's reign and abolish the unequal treaties with Chinese government.⁵⁴ Beyond doubt, such declarations were gladly welcomed by the Chinese but not the treaty powers. Oudendijk reported that Karakhan always taunted the treaty powers publicly for their oppression and the exploitation in China which was based on the unequal treaties.⁵⁵ He realized that the participation of Karakhan could endanger the operation of the diplomatic corps, especially if he was to continue encouraging China to break and violate the treaties with the powers. Thus, he considered that Karakhan should be entirely excluded out from "any discussions and actions" in order to maintain the unanimity of the treaty powers for defending their treaties.⁵⁶

After the first *coup d'état* in October, Oudendijk had two meetings with Zhang Zuo Lin. They talked about the increasingly strong Bolshevik propaganda in China, and how it would affect their relations with all foreign powers. Zhang then sounded out the attitude and reaction of the powers on this situation. Oudendijk did not give Zhang a definite answer, but implied that if China unilaterally abolish the treaties, the powers would be very unpleasant and might not acknowledge the new government under Zhang's rule.⁵⁷ Later when Zhang started to express his concern that Feng Yu Xiang and Sun Yat Sen might have another *coup d'état* against him and Tuan Chi Jui, he told Oudendijk that he would not succumb to such conspiracy. However, he needed the support from the foreign powers, otherwise he would return to FengTian 奉天 with his army. It was not hard for Oudendijk to imagine that if China was to be controlled by the anti-western nationalist or communist government, especially their slogan, "abrogation of all unequal treaties" against the treaty powers under the influence of Karakhan, was pervading at that time. Unilateral abolition of their treaties might come true, which was literally the worst situation any treaty power would like to see.

To cope with this potential risk, Oudendijk held a meeting with the envoys of the powers to gather their opinions on providing the moral support and acknowledgement to the provisional government. Even though Zhang did not promise that he would not allow unilateral abolition, as a warlord with certain military strength, he was cooperative to them, at least he expressed his willingness of working with the foreign powers against the Bolsheviks penetration. Nearly all powers consented to lend a helping hand to Zhang, but the prerequisite was that the provisional government must abide the treaties with the respected nations, and respect their rights in China. Except from France which was still hesitated because of the unsolved Golden Franc case, all other powers guaranteed that the resolutions passed in the Washington conference would be implemented as soon as possible.

⁵² Arthur Nichols Young. *China's nation-building effort, 1927-1937: The financial and economic record* (Stanford, Calif.]: Hoover Institution Press, 1971), 42.

⁵³ Pantsov, Alexander. *The Bolsheviks and the Chinese Revolution, 1919-1927*. Chinese Worlds. (Richmond: Curzon, 2000), 45.

⁵⁴ Jianlang, Wang, *Unequal Treaties and China*. Honolulu, HI: Enrich Professional Publishing, 2016. *eBook Collection (EBSCOhost)*, EBSCOhost (accessed January 18, 2018). 95.

⁵⁵ Nationaal Archief, Den Haag, Nederlands Gezantschap in China (Peking, Chunking, Nanking), nummer toegang 2.05.90, 265, Letter (no.1711/259) dated from 17 October 1924 W.J. Oudendijk to Van Karnebeek. Peking.

⁵⁶ Nationaal Archief, Den Haag, Ministerie van Buitenlandse Zaken: Geheime Rapporten en Kabinetsrapporten, 1868-1940, nummer toegang 2.05.19, 273, Letter (no.228) dated 10 September 1924 from W.J.Oudendijk to Van Karnebeek .Peking.

⁵⁷ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 243*, Letter (no.1971/291) dated from 5 December 1924 W.J.Oudendijk to Van Karnebeek. Peking.

However, Van Karnebeek did not fully agree with their plan. In his view, the resolutions were undesirable. He doubted whether it could increase the prestige of the west; he was even worried that it might give China an impression of them being impotent and weak. Yet, since the Dutch government gave no objection during the conference, they could only follow the decision of the others in this issue.⁵⁸

As a result, the special conference of tariff was convened in the October of 1925. This time Oudendijk attended and acted as the representative of the Netherlands. At the beginning of the conference, he helped to settle the dispute between China and other powers on the issue of the surtax, which hampered the continuation of the conference. Oudendijk took the initiative and called for a several unofficial meetings in Dutch embassy, which provided a platform for China and other powers to exchange their opinions.⁵⁹ Such meetings were held again later when Japan and China had a serious divergence on extra-surtax. Though Netherlands seems to always be a middle man, there was exception. When Italy secretly proposed to have all the representatives to come out with a proposal for tackling the debt issue of China, behind the back of the Chinese representative, even though Oudendijk realized the Italian's suggestion was unfair and disrespectful to China, concerning the disunity among the powers might put them at a disadvantage in a negotiation with the Chinese, he eventually agreed with such suggestion.⁶⁰

Later in April 1926, it turned out the rumour was true. Feng Yu Xiang launched another *coup d'état* and expelled Tuan Chi Jui from Peking, the Zhili-Feng clique allied army then pushed to Peking against Feng Yu Xiang. Due to the anarchism of the government, the conference could not continue, concerning the increasingly expensive cost, many foreign experts and envoys decided to leave Peking. There was no discussion regarding the further arrangement following the interruption of the conference. For this reason, Oudendijk proactively invited the powers to work out a solution. They then reached unanimity that, what had decided in the conference should not be changed under the new regime.

After Zhang Zuo Lin rapidly defeated Feng Yu Xiang's army, he became the leader of Beiyang government. But his cooperation with the powers did not end. In 1927, Zhang's metropolitan police raided the Soviet embassy which was situated in Peking Legation Quarter. They arrested many Chinese communists and confiscated a great amount of secret documents concerning the activities of CCP and Soviet Russia in China.⁶¹ Even it was against the diplomatic tradition, in fact this raid was permitted by Oudendijk and other envoys. As the doyen of the diplomatic corps, Oudendijk himself believed this action is necessary since he found out that many Chinese revolutionaries gathered in places which were under the protection of Soviet Russia, he feared that Soviet Russia and CCP might be plotting a communistic revolution and anti-western movement in this country, if they succeed, their interests would be put at risk.⁶² Therefore, Zhang Zuo Lin successfully gave CCP a heavy blow with the support of the treaty powers including the Netherlands.

As it has shown in this chapter, although most of the time the Netherlands declared to be neutral on China's matters, they collaborated with other treaty powers on several occasions in order to maintain the common interests they shared with them during the Washington conference and the special conference of tariff. This kind of cooperation between the Netherlands and other powers could also be seen in the political intervention in China's civil war, as they attempted to prevent the Kuomintang from obtaining complete control of the Chinese government. This also to undermine the influence of Soviet Russia and Chinese communist party which held themselves against the treaty system in China.

It revealed a fact that the Dutch neutral policy, to large extent, aimed at not letting itself dragged into the frictions between the treaty powers. For this reason, when it came to the matters between China and the treaty powers, if they were related to Dutch interests in China, the Netherlands would still join

⁵⁸ J. Woltring, *Documenten betreffende de buitenlandse politiek van Nederland, 1919-1945. 1919-1930. Periode A : Dl. VI: 1 sept 1924 - 31 augustus 1925* ('s-Gravenhage: Nijhoff, 1992), 156, Telegram (no. 49.) dated from 4 December 1924 Van Karnebeek to Oudendijk.'S-Gravenhage.

⁵⁹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 265*, Letter (no.87/22) dated from 18 January 1926 Oudendijk to Karnebeek. Peking.

⁶⁰ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 265*, Letter (no.622/128) dated from 29 April 1926 Oudendijk to Karnebeek. Peking.

⁶¹ C.Martin, Wilbur, and Julie Lien-ying, How, *Missionaries of Revolution: Soviet Advisers and Nationalist China: 1920-1927*. Studies of the East Asian Institute (Cambridge: Harvard University Press, 1989), 1.

⁶² *NL-HaNA, BuZa / Gezantschap China, 2.05.19, 275*, Letter (no.588/91) dated from 16 April 1927 Oudendijk to Beelaerts, Peking.

the side of the latter rather than staying neutral. Therefore, Van Dongen's statement was not accurate as he claimed that "it was neutrality carried the day" in regard to the Netherlands policy concerning China.

On the other hand, from the correspondence of some important Dutch officials, it is beyond doubt that the Netherlands was indifferent with China's requests for restoring their sovereignty in the very beginning. This attitude somehow attributed to their suspicion and prejudice towards the "backwardness" of China in different aspects. Although their concerns were to some extent reasonable, but it could not in any way justify their refusal to completely surrender their privileges which they obtained from the unequal treaties.

Chapter 2

The conclusion of the new tariff treaty and the problem of consular convention

Both chapter 2 and chapter 3 will focus on the critical period of the treaty revision movement between 1926 and 1931. In modern Chinese history, the Netherlands concluded two unequal treaties with China, one was the 1863 Sino-Dutch commercial treaty, and the other one was 1911 consular convention. The first treaty mainly dealt with the tariff issue and extraterritoriality; the latter was related to the problem of the Dutch's control over the overseas Chinese in Dutch East Indies. This chapter will first explore the issue of consular convention, then the tariff issue in 1863 Sino-Netherlands treaty. The extraterritoriality problem will be examined in the next chapter.

In 1920s, the Netherlands had to face the demands for the revision of the unequal treaties from the Beiyang government and the nationalist government, and also the supporting voice from the Chinese population in Dutch East Indies for their motherland. Although a general agreement on the solutions was reached upon the problems of extraterritoriality and tariff in the two special conferences, but the Netherlands and other treaty powers felt reluctant to fulfil their promises afterwards. However, as the Chinese government's attitude became gradually tough following the political changes in China, such as the growing threat of soviet political influence, the rise of the nationalist government and the fall of Beiyang government. The powers started to find it increasingly impossible to avoid China's requests by postponing the negotiation or simply ignoring it. As usual, the Netherlands cooperated with other great powers in the negotiation in a bid to save as many privileges as they could.

During the beginning of the First World War, Beiyang government grasped the opportunity to deal with the unequal treaties with Germany and Austria. Since they declared war upon these two countries, according to international law, China had the grounds to announce the abolition of their treaties. China then decided to place all the imported goods from Germany and Austria under the national formulated tax rate, but because of the refusal of Inspector-General of Chinese Maritime Customs Service, they failed to achieve such change.⁶³

On the other hand, with regards to the consular jurisdiction, while the war was still ongoing, they invited the Netherlands to temporarily take over the judicial affairs of all German and Austrian nationals. When the war was over, the Chinese government, under the Netherlands's protest, declared that all the German and Austrian nationals should be subject completely to the jurisdiction of China.⁶⁴ This has been regarded as the first time China successfully abolished foreign privileges in the modern history, it also caused a breach in the camp of treaty powers.

The treaty revision movement reached a peak in 1926. In addition to the treaties concluded with Germany and Austria which were mentioned previously, Chinese government soon strived to launch a series of negotiations with other powers whose unequal treaties were still valid.

For The 1911 consular convention, it was actually an historical problem which could be traced back to the final decade of the Qing government.

During the late Qing dynasty, although the ancient empire was facing great difficulties maintaining its survival, they did not ignore the importance of hundreds of thousands of their nationals overseas. As a response to the requests from many overseas Chinese who wished to place themselves under the protection of the Chinese government, the first nationality law of China, the Qing Citizenship Law was issued in 1909. According to the new law, all Chinese, whether his/her birthplace was in China, were citizen of the Imperial China.⁶⁵ The next year, Netherlands also issued a new nationality law which *Jus soli* (birth within the country) became the principle. In another word, they claimed that all Chinese whose parents settled in Dutch East Indies were Dutch national.⁶⁶

⁶³ Wang, *Unequal Treaties and China*, 53.

⁶⁴ Tang, The history of treaties revision in Beiyang period, 64-66.

⁶⁵ Leo Suryadinata, *The making of Southeast Asian nations: State, ethnicity, indigenism and citizenship* (Singapore: World Scientific, 2015), 86.

⁶⁶ Amry J, Vandenbosch, *Dutch Foreign Policy since 1815: A Study in Small Power Politics* (The Hague: Nijhoff, 1959), 210.

Since Netherlands and China both had declared jurisdiction on the overseas Chinese, they sought to solve the problem by negotiation.⁶⁷ As a result, both sides concluded a consular convention in 1911. The Netherlands agreed to grant China the right to establish their consulate in Dutch East Indies. In exchange, China acknowledged all the Chinese who were born in Dutch East Indies should be subject to Dutch law, yet they should have the right to choose to be either Chinese or maintain their Dutch citizenship once they left Dutch territories.⁶⁸ However, according to the Article 6 of the convention, it limited the function of Chinese consuls, they were not regarded as diplomats, but more like commercial agencies of Chinese subjects⁶⁹. Since the Dutch government prohibited intervention by Chinese consuls in most of the disputes involved Chinese according to the 1911 convention, the consuls later found themselves hard to provide sufficient protection to the Chinese subjects. As a result, the discriminatory laws in Dutch East Indies against the Chinese led to a series of economic deprivation and judiciary injustice.⁷⁰

After the First World War, the Chinese merchants in Dutch East Indies sent petitions to Peking and called for revision of the 1911 convention. They received a lot of sympathy from many Chinese political figures, such as Wu Ting Fang 伍廷芳, Lu Rong Ting 陸榮廷 and Tang Ji Yao 唐繼堯. In 1920, Beiyang government officially sent a memorandum to Oudendijk and expressed their desire for the modification of the 1911 convention. However, they only received an ambiguous reply from Oudendijk. After a year, the Dutch government directly rejected the Chinese request. When China proposed granting equal treatment to the overseas Chinese which the European and Japanese were enjoying, the Netherlands used the excuse to refuse them by referring to the differences between Chinese and Dutch family law.⁷¹

The effort of the Dutch government to keep influence of Chinese authority away from Dutch East Indies may be seen in an incident happened in 1920. At the time, the Chinese government expressed their wish to send a *vertrouingscommissaris* to Dutch East India in order to conduct researches on the situation of Chinese merchants and the educational affairs of the Chinese in the colonies. However, the advisor of the Chinese affairs, Mouw, advised the Governor-General to reject their entry for the reason that they had not asked for the permission. The Governor-General accepted his advice and explained that if they allowed such entry, it would implicitly mean that Chinese population in their colony need consolation. Their request could only be granted in exceptional circumstances. Since Oudendijk did not know the attitude of the Governor-General, he had endorsed the pass of the Chinese representatives. The governor then asked the Java-China-Japan Line to reject the passage of the Chinese representatives. Due to the concern of the harm to Sino-Dutch relations, Oudendijk tried hard to dissuade the Governor-General of his decision, he was still unable to change Governor-General's mind.⁷²

Despite Oudendijk's effort to dissuade the Governor-General on the above matter, he did not hold the same attitude towards other issues with the Chinese. He held no sympathy on China's request for convention's revision. In 1921, Oudendijk realized there was a continuous activity in Dutch East Indies which was stirred by the Chinese in the Paris conference in early 1919. The overseas Chinese held a referendum and sent announcements to both Peking and Paris, requested for the abolition of consular convention and raised voice against the Netherlands. Long before the Washington conference, he expressed his worries that it would give opportunity for the Chinese to bring the convention issue on the table. He then urged the Dutch government to reject China's demand on "dragging the whole Chinese population under Chinese consul's interference", because it was nothing but a "political suicide" especially when the future development of Dutch East Indies was unpredictable.⁷³

⁶⁷ Michael B. Hooker, *Law and the Chinese in Southeast Asia* (Pasir Panjang: Singapore Institute of Southeast Asian Studies, 2002), 171.

⁶⁸ Jayati Bhattacharya and Coonoor Kripalani, *Indian and Chinese Immigrant Communities: Comparative Perspectives*. Anthem-ISEAS India-China Studies, (London; New York: Institute of Southeast Asian Studies/Anthem Press, 2015), 44.

⁶⁹ Mary Somers Heidheus, *Southeast Asia's Chinese Minorities* (London: Longman, 1974), 95.

⁷⁰ Jian, Zhang 張堅, *A Perspective to the Development of Overseas Chinese Nationalism (1912-1928)* (Unpublished doctoral dissertation. Xiamen University, 2002), 121-122.

⁷¹ *Ibid.*, 124-125.

⁷² J. Woltring, *Documenten betreffende de buitenlandse politiek van Nederland, 1919-1945. 1919-1930. Periode A: Dl. II: 1 juli 1920 - 31 augustus 1921* ('s-Gravenhage: Nijhoff, 1977), 20, The record of law clerk of department of justice concerning the dispatch of Chinese *vertrouingscommissaris* dated 23 July 1920.

⁷³ J. Woltring, *Documenten betreffende de buitenlandse politiek van Nederland 1919-1930. Periode A: Dl. III: 1 sept 1921 - 31 juli 1922*, 74, Letter dated 8 October 1921 D.A.de Kat Angelino to Van Karnebeek.

In the middle of 1926, Oudendijk started to notice that there was new wave of calling for the revision of the 1863 treaty and the 1911 consular convention in Chinese press.

On 29 August 1926, there was an article entitled “An appeal for the modification of Sino-Netherlands treaty” published in North China Daily News 北京日報, it reported an interview with an overseas Chinese who known as Lim Man Chi 林滿志. Lim was the president of Zhong Hua Hui 中華會 which was a Chinese union with members who were mostly well-educated or wealthy Chinese in Dutch East Indies, their purpose was to improve the social position of the overseas Chinese⁷⁴. The union sent Lim to China, to persuade the Beiyang government to request modification of the 1911 convention with the Netherlands, as it could be revised every 4 years. However Peking was occupied by the war and negotiations of other treaties at the time. Therefore, he could only seek help from the Nationalist government.

In the interview, Lim traced back the origin of the problem to the 1911 consular convention. He accused the Dutch economically deprived and judicially discriminated the Chinese. He also stated that despite the freedom the Dutch gave them to choose their nationality, they used dual strategies to influence overseas Chinese to keep their Dutch nationality. Those who did so could enjoy various privileges. In contrast, those who claimed themselves to be Chinese would be discriminated or abused by the law legislated by the Dutch.

Several overseas Chinese organizations in Dutch East Indies also published their petitions in the newspapers, For example, the Chinese general chamber of commerce in Surabaya 泗水 and Jember 任抹 published their declarations in North China Daily News respectively on 20 February⁷⁵ and 16 April in 1926.⁷⁶ They complained how terrible the Chinese were treated in Dutch East Indies and urged the Chinese government to abrogate all unequal treaties once they expired. On 26 April, Wang Kwan Shing 王廣圻 also delivered a speech in the Netherlands to ask for the support of the abolition of unequal treaty.

In Oudendijk’s reports to Van Karnebeek, he treated all the accusations in these articles against Dutch East Indies, as “an old lie”, but he decided to “pass by tacitly”. Oudendijk suspected the declarations of these Chinese organizations and the rumours that China was prepared to open a negotiation with the Netherlands, were the testing method of the Wai Chiao Pu 外交部 (The Department of Foreign Affairs) of Beiyang and Nationalist government in order to form an irresistible pressure of public opinion against the Netherlands.⁷⁷ Beelaerts also deemed it inadvisable to give any response to the messages in this “press-campaign”, since “it would only give new nutrition to the rumours” and may cause more attention on the revision issue.⁷⁸

On 9 June 1927, the minister of foreign affairs in Nationalist government Wu Chao Chu 伍朝樞 requested the Dutch consulate in Shanghai to transfer their demand for the abolition of 1911 consular convention to the Dutch government. But the Dutch consul refused by saying that the Dutch envoy in Peking would handle this matter with Beiyang government “in due time”.⁷⁹

On 30 October, the Beiyang government announced that they had no intention for the revision of consular convention and claimed that their target was only the 1863 commercial treaty. The problem of the 1911 consular convention subsequently remained unsettled, partly because of the Beiyang government being occupied by numerous other negotiations which was eventually overthrown in 1928, the other reason was the indifferent and evasive attitude of the Netherlands. Particularly for the Netherlands, they were fully aware that the growing “overseas Chinese nationalism” and the increasing China’s political influence would be hazardous to their colonial rule. Granting too many rights and providing better treatment to their Chinese population may also lead to the disappointment of the

⁷⁴ Minghuan, L, *We Need Two Worlds': Chinese Immigrant Associations in a Western Society* (Amsterdam: Amsterdam University Press, 1993), 54.

⁷⁵ North China Daily News 20 February 1926.

⁷⁶ North China Daily News 16 April 1926.

⁷⁷ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter (no.954/149) dated from June 1927 from Oudendijk to Beelaerts. Peking.

⁷⁸ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter (no.21864/99) dated 28 July 1927 from Beelaerts to Oudendijk. S’Gravenhage.

⁷⁹ North China Daily News 29 June 1926.

indigenous Indonesian. It may inspire them to request the same from the colonial government, this kind of situation was the last thing the Netherlands would want to see.⁸⁰

The 1911 convention automatically renewed itself in 1927, until the end of World War II, this convention was not revised or abolished. Both China and the Netherlands later focused on the revision of the 1863 treaty and the tariff issue.

As what was decided in the conference of tariff, the powers consented to acknowledge tariff autonomy of China with condition of abolition of Likin. Chinese government assured that once they could enjoy the tariff autonomy, they would not obstruct the foreign trade which was “the goose with golden egg”. Nevertheless, Oudendijk shared the concern most of the other foreigners had, he did not trust the Chinese government. Rather than having “a healthy modern concept of economics” he believed, “they would work whatever they could against the foreign trade”. In order to protect the Dutch commercial interests, he deemed it necessary to conclude “an advantageous treaty” with China, but given that Netherlands could neither exert great political pressure nor offer considerable tariff-benefit back, such task which was “not impossible, but exceedingly difficult”.⁸¹

Since 1927, as powers like Britain, America and Japan had started discussing the opening for negotiation regarding their treaties with China. Oudendijk began to wonder whether the Netherlands was ready to conclude an equal treaty with China, and whether they should give a signal that they did not object to have an informal meeting in Peking for the question, or they should just observe without any action.⁸²

He believed the Netherlands should prepare for the revision of 1863 treaty in due time. Because once China concluded the new treaty with one or more great powers, a general treaty revision would just be a matter of time. The Netherlands would not be able to enjoy the privileged position for long after the great powers had given up theirs in China.⁸³

However, Oudendijk suggested that they should not reveal their attitude too soon, as it would “only awake the sleeping dogs (China) and raise their appetite, which they (China) will satisfy by blackmail”. The declaration should only be made when the Dutch government decided to give up extraterritoriality, and show China its goodwill and respect for their territorial sovereignty.⁸⁴

China accused the powers of imposing the unequal treaties on them, Oudendijk did not agree. In his view, most of the unequal treaties concerning China’s tariff and extraterritoriality were concluded voluntarily by China with powers including the Netherlands, even with small countries like Peru, Denmark and Belgium.⁸⁵ However, Oudendijk seemed to ignore the fact that, even though the Netherlands did not directly threaten China to conclude the Sino-Dutch treaty in 1863 by war, they did intentionally send a warship “Vice Admiraal Koopman” to Tientsin, where the negotiation would be held, in order to exert military pressure on the Qing government⁸⁶. Powers including the Netherlands actually took advantage of the Qing government’s fear of having another conflict with the western countries, especially after they had tasted the humiliating defeats against the French and British in two Opium wars in 1842 and 1860. Moreover, they also benefited from the ignorance of the Qing government on how the treaties would undermine their sovereignty. It was not until China started to have deeper understanding of the modern concept of sovereignty and the knowledge of international law, they just realized the unfairness of the unequal treaties and requested for revision and abrogation.⁸⁷

Although Oudendijk doubted the hostility of China would trigger a war between them and the powers, yet he feared that China may use methods such as unilateral treaty termination which,

⁸⁰ Leo Suryadinata and Chinese Heritage Center, & Institute of Southeast Asian Studies, *Ethnic Chinese in contemporary Indonesia* (Singapore: Chinese Heritage Centre: Institute of Southeast Asian Studies, 2008), 48-50.

⁸¹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter (no.87/22) dated 18 January 1926 from Oudendijk to Van Karnebeek. Peking.

⁸² *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter (no.758/116) dated from 10 May 1927 Oudendijk to Beelaerts. Peking.

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ Van Dongen, *Tussen neutraliteit en imperialisme*. 41.

⁸⁷ Wang, *Unequal Treaties and China*, 9-10.

accompanied by encouraging economic boycott, like what China did against Belgium to achieve their diplomatic goal.⁸⁸

On June 9 1927, the Wai Chao Pu of the Peking's government declared that they were ready for the modification of the treaties and ordered Wang Kwan Shing to inform the Dutch government,⁸⁹ but they remained silent to China's call. Therefore, on 24 June, the Wai Chiao Pu instructed Wang to conduct a strong protest and urged the Netherlands to give a clear reply. China became impatient since there had yet been a clear attitude from the Dutch government on their request. Peking's Minister of Foreign Affairs, Wang Yin Tai 王蔭泰 then planned to raise inquiry during the meeting with Oudendijk.⁹⁰

Wang pointed out the urgency for modification when he met Oudendijk in the end of June. Yet Oudendijk only expressed his deep regret, and replied that he needed to wait for the instruction from The Hague.⁹¹

In August, Wang Yin Tai invited Oudendijk again to have a discussion concerning the recent diplomatic activities of the Nationalist government. During their meeting on 7 August, Wang began by clarifying that they had no knowledge about the Nationalist government's declaration on abolition of the 1911 convention and the 1863 treaty. He claimed that to abolish the 1911 convention was, to him, a total foolishness.⁹²

Wang believed that KMT had been conducting propaganda in South Eastern Asian colonies and received enormous financial support from Chinese population there. As Nationalist government regarded themselves as the defender of the oversea Chinese, it embarrassed the Peking government. Wang grumbled that their government could do nothing with it as they could not argue with their competitor's claim on unequal treaties due to the public pressure.⁹³

Oudendijk then started to convince Wang that the treaties between the Netherlands and China were not that important. He further persuaded Wang that there was no reason for revision of their treaties since they did not stand in the way of China. He stated that China should have all their attention on their treaties with Britain, America, Japan and France which had not yet been revised. It was evident that Oudendijk intended to have the Peking government focusing on the treaties with the great powers, and temporarily leave Sino-Dutch treaty revision aside.⁹⁴

To soften the attitude of the Peking government towards the Netherlands, Oudendijk emphasized that there had been no problems between them, and that the Dutch government was always a good friend to China. He reminded Wang that the Netherlands did not ask for concession in Tientsin 天津 like other countries did, they also provided their support for China in the first tariff conference.

Wang then replied that it was not a right moment for him to propose the revision of the treaties with the Netherlands, or even start negotiations for that. But he proposed to Oudendijk that if Oudendijk and the Dutch government could make a declaration, claiming they would be prepared to negotiate a new commercial treaty with Peking at a desirable timing. By making the Dutch government to make such a declaration, he wished to offset the increasing influence of Nationalist government.⁹⁵

Oudendijk promised Wang that he would delivery this request to their Minister of Foreign Affairs, as he also expressed that he wanted to improve the image of the Netherlands in China. Later in his letter to Beelaerts, he suggested that the declaration should not give an impression that the Netherlands was forced to yield to Peking's request. Oudendijk was also cautious that Wang may force them to open a negotiation. Thus, they should "find a formula (solution)" to make sure the declaration would not expose

⁸⁸ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Letter (no.758/116) dated from 10 May 1927 Oudendijk to Beelaerts. Peking.*

⁸⁹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Letter (no.966/151) dated from 9 June 1927 Oudendijk to Beelaerts. Peking.*

⁹⁰ North China Daily News 24 June 1927

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Letter (no.1340/2044) dated from 4 August 1927 Oudendijk to Beelaerts. Peking.*

them to dangers. To prevent themselves from getting into the same situation as Belgium, which failed to resist China's request,⁹⁶ the Netherlands should ensure that no premature renunciation of rights could be derived from the declaration.⁹⁷

Oudendijk also warned Beelaerts that if they refused this request, there was a risk that Peking would align with the Nationalist government to oppose the unequal treaty. He was afraid that if Beiyang and Nationalist government lined up with each other, there would be no longer any bargaining space and no chance to postpone the revision.⁹⁸

However, the Dutch government ignored the proposal of Wang and Oudendijk's opinion. On 24 Aug, the Dutch government, by publicly expressing their doubt on Nationalist government's capacity to maintain the stability and present situation in China. They announced that they refused to begin the negotiation.⁹⁹

After the announcement, on 4 October, Beelaerts made it clear to Oudendijk he did not agree with the suggestion of Wang, and would not agree to make the declaration. It was because there was no time limit for the 1863 treaty. He instructed Oudendijk that if Wai Chiao Pu mentioned the request again, he should give a verbal reply that it was unreasonable to request them to make such declaration. Beelaerts deemed it preferable to keep observing how the great powers were dealing with China in this issue before they took any action.¹⁰⁰

In June 1928, the revolutionary army of the Nationalist government occupied Peking, Zhang Zuo Lin had already retreated back to their base in North-Eastern China, The Northern expedition eventually came to an end. In July, the new master of Peking declared that the unequal treaties which were still valid, should soon be abolished by the Nationalist government, and the new treaties would be concluded.

Regarding the fall of Beiyang government and the new declaration of the Nationalist government, Oudendijk advised Beelaerts that they should not reject China's request for the 1863 treaty revision this time, but they should set out three conditions to China.

Firstly, all the Dutch subjects or Dutch goods should in no way be treated less favourably than other countries under the basis of reciprocity. Secondly, the then present treaty should remain valid until the finalization of modification, or when it had to be replaced by a new treaty. Thirdly, the treaty between the Netherland and China would only go into effect after China concluded the new treaties with other powers who participated in 1922 Washington conference. The last condition was clearly a method to postpone the effective date of the new treaty for as long as possible.¹⁰¹

The three conditions could also guarantee that no opportunity would be given to the Nationalist party for unilateral termination of the old treaty, or to declare the application of the provisional agreement. In this case, the old treaty would still be valid and the Nationalist government would be held responsible for all damages brought to Dutch interests in China by not fulfilling their duties in the 1863 treaty.

On 14 September, Oudendijk received a note from Wang. They presented three principles as the basis for the upcoming new tariff treaty. They were the abolishment of restriction on China's import and export taxes, the equality and reciprocity for both lands in tariff affairs, and the date of the validation of the new treaty.

⁹⁶ In 1926 Beiyang government declared that the 1865 Sino-Belgium treaty was void and opening negotiation with Belgium on concluding the new equal treaty, after the fall of Beiyang government, a new Sino-Belgium treaty was signed by Nationalist government and Belgium in 1928, Belgium acknowledged China's tariff autonomy and renounced their extraterritoriality in principle. Tang, *A Study of treaty revision negotiations between China and Belgium*, 115-116.

⁹⁷ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter (no.1340/2044) dated from 4 August 1927 Oudendijk to Beelaerts. Peking.

⁹⁸ *Ibid.*

⁹⁹ North China Daily News. 24 August 1927.

¹⁰⁰ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter (no.29637/128) dated from 4 October 1927 Beelaerts to Oudendijk. S'Gravenhage.

¹⁰¹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter (no.1227/199) Oudendijk to Beelaerts. Peking. 6 August 1928.

Oudendijk found the Chinese proposal “a good solution” to the question of treaty revision, and that the Netherlands should accept the proposal. As he was glad to see the Chinese government conceded to offer most-favoured-nation treatment without mentioning the extraterritoriality issue. The principle and the solution decided in the 1925 tariff special conference were generally accepted in Chinese proposal as well.¹⁰²

For that reason, Oudendijk believed they should no longer delay the negotiation with China when other powers had already accepted it in principle, but they should still keep an eye on what was the best deal the great powers could obtain as they had greater interests in China. Oudendijk also hoped that the opening of negotiation could reveal their “good will, kindness and helpfulness” which, could ease the atmosphere of extremism against foreigners in China, especially “we are obliged to appear with harshness in our colonies”.¹⁰³

Oudendijk warned Beelaerts the later their response the less impressive it would be to China. If the Netherlands became one of the last to enter into the negotiation with China, the danger would be unimaginable. It was because after the great powers acknowledged China’s tariff autonomy, there would be no room for any possible protests from small powers like the Netherlands in case of dispute.

To start the negotiation, Oudendijk asked for the permission to pay a visit to Nanking which was the head quarter of Nationalist government, since nearly all the other envoys had already done the same. He reiterated that the government should utilize this opportunity to accept the “reasonable” and “satisfying” proposal in case there was any unexpected change of KMT attitude.

Beelaerts shared the same view with Oudendijk that it was of great interest for the Netherlands to be among the first group of powers to conclude the new treaty with China. However, Beelaerts did not think Oudendijk should go to Nanking at that moment. He sent an aide-memoire to Oudendijk by adding that the necessity of consulting other powers, the new treaty should contain the unconditional most-favoured nation treatment, and the old treaty should remain valid until the conclusion of the new one.

Moreover, he instructed Oudendijk should, following the example of British, requested the fixed tariff for certain articles which they concerned the most. There were 7 goods in total including sugar, petrol, silk, paper and so on. Nevertheless, Beelaerts deemed it difficult for them to offer the fixed tariff as compensation, especially in Dutch East Indies. This was because if they were going to do so, they would also need to adjust their tariff in their colonies. Beelaerts pointed out this was unnecessary since their cooperation on restoring China’s tariff autonomy was already a huge concession.¹⁰⁴

Oudendijk reminded Beelaerts that Chinese government would only accept the treaty that based on reciprocity, he believed the Dutch government must at least provide fixed tariff for Chinese products which were imported to the Netherlands. He was convinced that unilateral fixed tariff could cause a great danger as the Chinese government might demand abolition of extraterritoriality or raise the question of the issue of overseas Chinese in Dutch East Indies again. He suggested if it was impossible to Beelaerts, then they should be satisfied with only the most-favoured-nation treatment. He also told Beelaerts that he had exaggerated their efforts in the tariff conference.¹⁰⁵

When Oudendijk went to Nanking on 28 October, he had a meeting with the director of the European-American and Asian Department, Hsu Mo 徐謨. They agreed to come to a separated arrangement concerning the fixed tariff for some goods. Hsu later presented the draft of the treaty which comprised of 4 articles. Article 1 concerned the acknowledgement of China’s tariff autonomy and non-discriminatory treatment of tariff for both parties; the Article 2 was about the preparedness for both parties to have negotiation on the new treaty of commerce and navigation, which based on equality and respect on each other sovereignty. Article 3 stipulated that if there is any conflict or inconsistency

¹⁰² *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Letter (No.1408/237) Oudendijk to Beelaerts. Peking. 21 September 1928.*

¹⁰³ *Ibid.*

¹⁰⁴ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (no.17) dated from 19 October 1928 Beelaerts to Oudendijk. S’Gravenhage.*

¹⁰⁵ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (no.21) dated from 23 October 1928 Oudendijk to Beelaerts. Peking.*

between the Dutch version and the Chinese version, the English version shall be the prevailing version. Article 4 was about the validation date of the treaty.¹⁰⁶

Regarding Britain's attempts to have the rate of tariff surtax fixed for three years, Oudendijk considered it was satisfactory to the Netherlands, so was to all the powers which participated in tariff conference. Chinese government accepted British request, yet they wished to increase the rate of surtax on some items. Oudendijk then insisted the surtax on those 7 goods previously mentioned by Beelaerts should be fixed for three years as well.¹⁰⁷

After taking a glimpse on the draft proposed by the Chinese minister of foreign affairs Wang Cheng Ting 王正廷, Beelaerts questioned Oudendijk why he accepted the article 2 as he found it undesirable, since the Netherlands may be forced to conclude a new treaty with China which may abolish their other privileges of 1863 treaty. He believed taking initiative in that issue was inappropriate for them because the "interests of other powers are bigger".¹⁰⁸ Therefore Oudendijk should leave this problem to other powers.¹⁰⁹ Under Beelaerts's objection, Wang later had to make concession and removed Article 2 in the draft of the treaty.¹¹⁰

In addition to insisting on the fixed rate tariff for all 7 items for a certain period, since Beelaerts did not change his mind¹¹¹, Oudendijk avoided mentioning Dutch compensation to China during the negotiation since they had great interests with the lucrative imported goods, such as sugar and petrol (which occupied one-ninth of the total volume of petrol import of China) from Dutch East Indies. As such, they rather not "to give or promise" any fixed tariff or tariff reduction for China.¹¹²

The biggest problem that Oudendijk concerned was that he found the Article 1 in the draft was "completely implausible". Because it only guarantees the "non-discriminatory" treatment on goods imported by Dutch nationals. It means that their goods could enjoy the guarantee only if they were imported by their own nationals. It would then be a problem for the Netherlands since there were many merchants of different nationalities who helped import their goods to China. Oudendijk particularly concerned that it would impose a great danger to their exportation of sugar, which was held in the hand of the Chinese merchants.¹¹³

Few days after his arrival in Nanking, Oudendijk went to Shanghai to collect information from the British General Consulate in Shanghai. During the private meeting with the French envoy, he found out that there was a "non-discriminatory" treatment in the draft of Sino-French tariff treaty which guarantee based on the origin of goods, rather than the nationality of exporters. He suddenly realized that the Chinese government was trying to divide the powers into two groups. They provided the guarantee of most-favoured treatment based on the nationality of the exporters to one side, and based on the origin of goods to the other. Oudendijk original thought that the tariff was applicable to both their nationals and goods from their territories. Now, it means that "the non-discriminatory treatment for them would be reduced into (by) half". After realizing the strategy of China, Oudendijk said, "Therefore I decide that I should not give way."¹¹⁴

He subsequently added a third paragraph in Article 1, by which it would provide a 'double guarantee' for imported goods to cover both the nationality of exporter and the origin of goods. On 3 December, Oudendijk had another meeting with Hsu and presented him with the revised draft with the additional

¹⁰⁶*NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (no.1) dated from 3 November 1928 Oudendijk to Beerlaert. Nanking.*

¹⁰⁷*NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (no.2) dated from 9 November 1928 Oudendijk to Beelaerts. Shanghai.*

¹⁰⁸ Ibid.

¹⁰⁹*NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (no.43) dated from 13 November 1928 Beelaerts to Oudendijk. S'Gravenhage.*

¹¹⁰*NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (no.5) dated from 19 November 1928 Oudendijk to Beelaerts. Nanking.*

¹¹¹*NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (no.7) dated from 6 December 1928 Oudendijk to Beelaerts. Nanking.*

¹¹² *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (no.8) dated from 7 December 1928 Oudendijk to Beelaerts. Nanking.*

¹¹³ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267, Telegram (Reis- no.3) dated from 7 December 1928 Oudendijk to Beelaerts. Shanghai.*

¹¹⁴ Ibid.

paragraph in Article 1. Such amendment literally irritated him. Hsu found Oudendijk's request for double guarantee on "non-discriminatory" treatment completely unreasonable. He said they were merely willing to provide such favourable treatment for the goods exclusively imported by the Dutch nationals.¹¹⁵

Later, Oudendijk was notified that his request on the fixed tariff for certain items and the additional third paragraph were rejected by Wang Cheng Ting as it would infringe China's tariff-autonomy. Oudendijk argued with Hsu about the rejection on his demand. Hsu referred to what Wang said, since "non-discriminatory" treatment was not given to the origin of goods in their treaty with America, it should also not to be offered for the Netherlands. Oudendijk refuted that they had not been consulted by America before they concluded the treaty. Therefore, they should not be bound by it for this reason. However, Hsu stood firm in this issue.¹¹⁶

Oudendijk then turned to the British envoy, Miles Lampson, for support. He reminded his British colleague about the potential problem on the single guarantee of the "non-discriminatory" treatment. Lampson made it clear that they wanted the guarantee not only covering exporters of their nationals but also the goods from their territories.¹¹⁷ Thus, Oudendijk decided to work together with the British on this subject. He encouraged them to make the same request to China. On 12 December, Lampson informed Oudendijk that London instructed him not to sign the treaty contains only single guarantee.¹¹⁸

Later, Oudendijk had a meeting with Wang and he again mentioned the request for double guarantee, but Wang replied to him that "you want to have the whole pie and we can only give you half".¹¹⁹

As Oudendijk was instructed to insist on the third paragraph, on 15 December, he informed Wang Cheng Ting that he was always ready to sign the treaty once the third paragraph was accepted. Wang rejected the request again. The next day, Oudendijk claimed that he decided to leave on 20 December by taking weekly express-train to Peking. He threatened Wang that how disappointed the Dutch government would be if he had to return to Peking with an incomplete task, and that is because China refused to accept their offer on tariff autonomy. The Chinese government would have to take full responsibility for the failure.

The next day Oudendijk announced officially again that he was going to leave and sent Wang the text of the treaty which he would be ready to sign. Wang eventually yielded under Oudendijk's pressure. On the same day, Britain succeeded to seize the double guarantee from China as well. As a result, the Sino-Netherlands tariff treaty was signed on 19 December 1928.¹²⁰

After the long negotiation between China and the Netherlands on the issue of tariff, the Netherlands finally acknowledged China's tariff autonomy which they had promised in line with what other powers did in the special tariff conference. Nevertheless, since the Netherlands had no intention to renounce some of their privileges during the process, China actually needed to make concessions to restore their own tariff autonomy.

This chapter has shown that how the Netherlands hindered China on restoring their tariff autonomy by requiring concessions from them in the new tariff treaty, and how they successfully avoided the revision or abolition of their 1911 consular convention in spite of the request from Beiyang and Nationalist government.

At the very beginning, Beelaerts had already made himself clear that he preferred only to give unofficial assurance of their help to China towards the treaty revision, rather than put it in the article as it might restricted them in the future. While Oudendijk insisted on the number of years for the fixed tariff on the 7 articles Beelaerts asked for, following Beelaerts's instruction, he decided to remain silent when it came to the matter of Dutch compensation. No promise on neither fixed tariff nor reduction of tariff was given to the Chinese government in return.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Telegram (no.10) dated from 12 December 1928 Oudendijk to Beelaerts. Peking.

¹¹⁹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter (no.318) dated from 27 December 1928 Oudendijk to Beelaerts. Peking.

¹²⁰ Ibid.

Moreover, though the most favoured treatment was based on reciprocity, it could still allow Netherlands to enjoy some favoured treatments on tariff for a certain period. Those treatments were obtained by other great powers, which could be harmful to the Chinese economic and industrial development, for example, Japan demanded the guarantee from China for having the current tariff for goods like cotton, seafood and flour fixed for 3 years, and 1 year for grocery.¹²¹ Also, in Sino-British treaty, the annex inside stipulated that the future “new national tariff” of China should not be different from the rate decided in 1926 tariff conference. While the Netherlands could then benefit from all these unreasonable restrictions the powers placed on the tariff issue of China, it should not to be ignored that the Netherlands itself also demanded for fixed tariff on some of their important articles, for example, petrol and sugar, for one year, and the national tariff should only be effective two months after the promulgation of the new treaty.¹²² These demands actually restricted on Chinese tariff autonomy to some extent in short terms.¹²³

Furthermore, the Netherlands frequently collected information from other power and cooperated closely with them, especially with Britain and France, in order to get the best deal from the negotiations. That was why after he had communicated with his French colleague, he realized that the Netherlands should ask for the “non-discriminatory” treatment to cover both exporters of their nationality and goods from their territories. He then reminded Britain of this point and encouraged British to exert the joint pressure on China, which Chinese government deemed it as the violation of tariff autonomy. When Wang insisted it is not acceptable, Oudendijk then threatened Wang to end the negotiation and warned Wang the possible disappointment it would cause to their government. Eventually Wang was forced to made concession not only to the Netherlands, but to Britain as well. It indicated that when the Netherlands felt the necessity to protect their interests in China, instead of being “reluctant” as how H.L. Wesseling described,¹²⁴ they could be active and even persuaded the great powers together to force China to make concession.

The revision of 1911 of consular convention was also unsuccessful due to the negligence of Beiyang government and the negative attitude of the Netherlands. The overseas Chinese in Dutch East Indies thus remained under the strict control of the Dutch colonial government.

During the negotiation of the new treaty, the Netherlands initially wanted to keep the extraterritoriality for as long as other great powers did, but shortly after that, they realized they could no longer avoid the problem and had to tackle it instead.

¹²¹ Zhao Xuan, Chen 陳昭璇, Japan and special tariff conference in Peking 日本與北京關稅特別會議. *Bulletin of the Institute of Modern History Academia Sinica 近代史研究所集刊*, (15) (1989): 279.

¹²² *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 267*, Letter from 19 December 1928 Oudendijk to Wang Cheng Ting. Nanking.

¹²³ Yu Min, Li 李育民, *Zhong Guo Fei Yue Shi 中國廢約史* [The history of abolishment of unequal treaties in China] (Beijing 北京: Chung Hwa Book Company 中華書局, 2005), 682-684.

¹²⁴ Wesseling, *British and Dutch Imperialism: A Comparison*, 70.

Chapter 3

The conclusion of 1931 extraterritoriality treaty

Turan Kayaoğlu argued that law was commonly used by the powers “as an imperial tool”,¹²⁵ he illustrated that extraterritoriality could be seen as a tool for the western powers to impose their western legal systems on non-western states. This kind of “legal imperialism” could justify their violation on these state’s sovereignty.¹²⁶ Extraterritoriality system in modern China began to develop with the concession of consular jurisdiction since 1840s.¹²⁷ Through the unequal treaty, the powers including the Netherlands obtained unilateral judiciary privileges which allowed the foreign nationals and firms to enjoy exemption from Chinese jurisdiction.¹²⁸

This chapter aimed to focus on the problem of extraterritoriality between China and the Netherlands. During the negotiation of tariff treaty, the Netherlands tried to avoid starting any negotiation with China on abolition of extraterritoriality, they gave an excuse that they would only take action following the other great powers. However, after the Nationalist government occupied Peking, the unification of China was only the matter of time. Driven by the desire to enhance their rule by increasing their reputation, they did not intend to let the extraterritoriality issue remain unsolved. They took the initiative to open negotiation with the powers. The Netherlands eventually concluded the treaty with China in 1931. It was not surprising that they tried to employ the same strategies which they used in the previous negotiation to maintain the privileges they still hoped to enjoy in China.

As mentioned in chapter 1, the issue of extraterritoriality in China was discussed in Washington conference in 1921-1922, a special committee was created which involved the participation of the Netherlands, to investigate the current situation of the judicial development and extraterritoriality in China. According to the final report published by the committee, it pointed out the existing problems of Chinese jurisdiction and came to the conclusion that it was not yet the right time for the powers to relinquish their extraterritorial rights.¹²⁹ But China did not give up on restoration of their judicial sovereignty.

During the negotiation of tariff treaty, whenever China raised the question of extraterritoriality, the Netherlands only avoided the discussion by making excuses that they would start to negotiate once the other powers were prepared as well.

On 27 April 1929, Wang Cheng Ting presented a formal note to Oudendijk that they wished they could cooperate with Chinese government and help remove the restriction on their judiciary sovereignty. This formal note was also sent to the envoys of other powers.

Oudendijk did not respond to Wang’s note immediately, American ambassador told Oudendijk that the chief of the state department division of far eastern affairs, Stanley Hornbeck, thought it was too early to abandon extraterritoriality, he subsequently began to draft the note as the reply to Wang.¹³⁰

Oudendijk did not forget to take the notes from the great powers as references. Although he and the representatives of France and Britain all agreed to take America’s draft of reply as example, he believed their reply should not be copied word for word, especially the complaints which appeared in America’s draft.¹³¹ He considered it would be enough for them to show their willingness and sympathy on their requests about the abolishment of extraterritoriality. There were two things that were taken into account by Oudendijk. Firstly, without making a complaint, it would make the reply easier to be accepted and would not irritate China. Secondly, it would avoid giving the Chinese government a feeling that the

¹²⁵ Turan Kayaoğlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China*. (Cambridge: Cambridge University Press, 2010), 1.

¹²⁶ *Ibid*, 46.

¹²⁷ John K, Fairbank and others, *The Cambridge history of China. Vol. 12-13: Republican China 1912-1949*. (Cambridge: Cambridge University Press.1983), 150.

¹²⁸ *Ibid*.

¹²⁹ *Report of the Commission on Extraterritoriality in China, Peking, September 16, 1926*.

¹³⁰ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.142) dated from 3 May 1929 Oudendijk to Beelaerts. Peking.

¹³¹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.148) dated from 9 May 1929 Oudendijk to Beelaerts. Peking.

Netherlands was unwilling to give up such right, and that they were merely following the decision of other great powers.¹³²

The most important thing Oudendijk concerned the most, is that they should mention the cooperation of the Netherlands in the conference of Washington for calling up an international commission and investigation for extraterritoriality in their note. As he realized that the note from which the Chinese sent to him deliberately ignored mentioning the participation of the Netherlands in Washington conference, he believed it was entirely a setup for them. Oudendijk subsequently suspected that the Chinese government tempted to announce publicly the opening of the immediate negotiation with the Netherlands, by which they would divide the related 6 powers into two groups, and the Netherlands would be placed with Brazil and Norway, which seemed to be less difficult to handle; Britain, France, America would be in another group. He then emphasized they must not let themselves being separated from other Washington signatory powers when negotiating with China. Oudendijk was afraid that the failure of Belgium and Italy in keeping their extraterritoriality would be repeated by them and that China might force the Netherlands to abolish the extraterritoriality. The remark of their role in Washington conference, was aimed to demonstrate the close connection the Netherlands had with America, Britain and France. He believed they should let Britain “to play further the role”, as they were the pioneer and the greatest interest holder among other powers. Beelaerts also agreed with Oudendijk on this point.

In the extract from Oudendijk report, it remarked that if “in the future the resistance against the Chinese wishes for the complete recovery of sovereignty within their territory will have to be given up or slackened, so that when the powers decide to abandon their present advanced positions, it will be an absolute necessity to determine beforehand to what line in the rear they will allow themselves to be pushed back”, and the possible bottom line would be the complete abrogation of the privileges enjoyed by the foreigners, “when the time has not yet come for a complete surrender”.¹³³

Later Oudendijk decided to send the answer together with other 5 nations in reply to Wang Cheng Ting’s note dated 27 April. As planned, they reminded Chinese government of their “good will” and “unalterable sympathy” for the effort in restoring Chinese sovereignty on jurisdiction, but the pre-requisition was that the Chinese judiciary reform had to be successful enough to modernize the judiciary system which could guarantee the independence and impartiality of their jurisdiction, then they would be willing to “act in unison” with other Washington’s powers to achieve of Chinese’s aspiration. In another word, they rejected China’s request.

On 9 September, Wang replied to the Netherlands’s memorandum regarding Oudendijk’s concern that “there is a close relationship between the security of Dutch national’s lives and properties in China on the one hand and the question of the abolition of extraterritoriality on the other.” He refuted that he did not see there was such a connection between those two things. He pointed out such privilege “had the most injurious effect on their relations with the Chinese”. He assured Oudendijk they had no need to worry about their national’s lives and properties since they would be placed under the protection of international law. Again he urged the Dutch government to discuss the necessary arrangement of abolition of extraterritoriality.¹³⁴

After China made such request to the Dutch government, it seems to arise fear of the Dutch in China. A letter from a bishop of Apostolic vicariate in Shansi to Oudendijk revealed their concern of losing the extraterritoriality. It said “The privilege of extraterritoriality for us is a question of life, a condition sine qua non, for a peaceful stay and fruitful activities in the interior of China”. He then mentioned how he feared the unfairness of Chinese jurisdiction and those terrible tortures on suspects which they heard from the others.¹³⁵ The Dutch consulate in Shanghai also reported that Dutch merchants expressed their concern about losing their judiciary privileges in China. The above information, to some extent, increased Oudendijk’s unwillingness to give up extraterritoriality.

¹³² Ibid.

¹³³ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.1148) dated from 12 July 1929 Beelaerts to Oudendijk. S’Gravenhage.

¹³⁴ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.1671/291) dated from 16 October 1929 Oudendijk to Beelaerts. Peking.

¹³⁵ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter dated from 20 September 1929 Fortunatus Spruit to Oudendijk.

Although the American government expressed its doubt towards the extent of the implementation of the commission's recommendation to the Chinese government. British also considered that the reforms of 'Chinese law books (code of law)' were still not "living in reality". C.T Wang ignored the objection of the foreign powers and insisted that the extraterritoriality would be ended after 1929.

Oudendijk knew Chinese government had an infallible weapon. State-sponsored boycott, even the great powers may not be able to resist. Oudendijk said "if the Great Britain, America and France eventually agree to consider Chinese request, Netherlands would not be able to refuse to do the same." It turned out to be the reality.

Later Britain had promised to consider China's request, which was to bring the negotiation further in an unconditional way. However, the Netherlands went little further by requiring certain conditions to be met before accepting China's request. They asked for "a careful preliminary study" before opening the discussion on the issue.

What made Oudendijk very disappointed was the American government's announcement that they would not refuse to open the negotiation immediately with China without asking for a proposal before hand. It was evidenced that America decided not to stand firm, Oudendijk deplored "it would be a huge regret, if the connection among different related countries in this matter is to be broken again, and America acted completely unilateral just as they were in the tariff affair." The absence of unity among powers made the Netherlands even harder to keep the extraterritoriality.¹³⁶

Oudendijk saw that Washington tried to be friend with China in the cost of Britain and before Britain. The sad thing to Oudendijk was that Britain was no longer a strong influence in China, and not powerful enough to protect their interests. He mourned that the prestige of the foreign powers dropped to an extent that "It had never been like this before."¹³⁷

While Britain consented to open negotiation as soon as possible. America also wished the other powers to follow them in order to maintain their solidarity. "I found the attitude of America dangerous and deplorable... It would undoubtedly lead to premature abolition." Yet Oudendijk knew the Netherlands has no choice since they could not work alone.¹³⁸

With so much unwillingness, on 11th November, after Oudendijk asked for the authorization from his government, he informed C.T.Wang that they were ready to open discussion of abolishing extraterritoriality. The Netherlands could only follow America and Britain reluctantly.

As the powers believed the evolutionary abolition of extraterritoriality is more preferable, there were two possible options, to take place geographically or by subjects. Beelaerts supported the British proposal, abandonment of the extraterritoriality by subjects and simultaneously by geographic. But he suggested that the foregoing civil jurisdiction would be the most they prepared to accept, and it was only with satisfactory constitution of the tribunals, which Beelaerts was referring to the collaboration of foreign judges in the court. He also reminded Oudendijk that he should follow the course of action agreed by other powers.¹³⁹

As the powers held a strong feeling of objection towards complete abolition of extraterritoriality. They had considered to bring the dispute to the Permanent Court of international justice. Yet British government preferred not to use this method.¹⁴⁰

On 26 December, the Chinese government declared that all foreign nationals who were still enjoying the privileges should abide by the laws, ordinances and regulations duly promulgated by the government of China.

¹³⁶ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.1671/291) dated from 16 October 1929 Oudendijk to Beelaerts. Peking.

¹³⁷ *Ibid.*

¹³⁸ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.32) dated from 25 October 1929 Oudendijk to Beelaerts. Peking.

¹³⁹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.27) dated from 22 November 1929 Beelaerts to Steenwijk. S'Gravenhage.

¹⁴⁰ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.2030/351) dated from 16 December 1929 Oudendijk to Beelaerts. Peking.

This action gave rise to fierce objections from the powers including the Netherlands. France insisted that the abolition should be progressive and gradual. They would reserve their liberty of action and made it clear that they would treat the unilateral abrogation on 1st January as ineffective. Britain noticed the Chinese government that their nationals and properties shall continue to enjoy their status and privileges until an agreement is reached following negotiation.¹⁴¹ Beelaerts also informed the Dutch *chargé d'affaires* G.W.de Vos van Steenwijk in China that they would not consider such abolition, which was against the international right, to be legitimate. Until 1930, only the Netherlands, Britain, the United States and France remained working together on the issue of abolition of extraterritoriality.

To Steenwijk, the powers were not on the same page on this matter, it was important to recognize that this would lead to the result that powers have to forgo part of their extraterritoriality rights. If that was the case, with no doubt, the Netherlands would also need to follow their path. He then provided his opinions on to what extent they should sacrifice their privileges.

He pointed out that Article 6 was the provision in 1863 treaty that related to extraterritoriality. The only way to abolish the extraterritoriality is either by modifying the old treaty, or concluding another treaty. Steenwijk held strongly against the revision of the 1863 treaty as he believed once they removed Article 6 from the treaty, the Chinese would undoubtedly grab the chance for general revision and would ask for a new treaty which based on reciprocity. As a consequence, all the articles were to be “loose screws”. The most dangerous part was, if they gave opportunity to China to remove Article 15 which guaranteed them the most-favoured nation treatment and related to most of the privileges which the Netherlands and Dutch nationals possessed in China. It was obvious that they should avoid letting the Article 15 being abolished.¹⁴²

What Steenwijk was worried about the most, was that China would probably ask for reciprocity in the new treaty. Steenwijk referred to one of the political aims of the Kuomintang: Replacing the unequal treaty by a treaty based on equality and reciprocity. Given that reciprocity had already been provided in the tariff treaty of 1928, he started getting pessimistic that if they have to give the same thing in the next treaty, they would be forced to provide China more rights than they could permit in the Netherlands-Indies. The worst case scenario for Steenwijk was the complete freedom of the East Indies government in their policy upon overseas Chinese would come to an end.¹⁴³ This concern were taken into account by Oudendijk and Beelaerts later during the negotiation.

In February, British envoy informed Steenwijk that America was prepared to relinquish the criminal jurisdiction (not in the settlement) and would be satisfied with just having an observer in court, not a co-judge. He did not forget to point out to his American colleague the danger of separate negotiation in Washington rather than in China. Steenwijk suspected America was prepared to make further concession to China in order to secure the most-favoured-clause. Since there was not yet any negotiations with other countries in Nanking about extraterritoriality, he believed paying Nanking a visit was not advisable at that moment. He intended to wait for the result as the British would have another negotiation in about a few weeks' time. Another concern is that British was still the only power engaging in the discussion with China, if the Netherlands took action at such a moment, they would divide themselves from other great powers.¹⁴⁴

Steenwijk still believed it was desirable for the powers to align, since it was the only way to achieve the best result which would provide certain guarantees. “The sacrifice for criminal justice must be postponed as long as possible in the opinion of the Dutch government...they also agreed that it would be dangerous to easily sacrifice the civil jurisdiction”.¹⁴⁵ Beelaerts held the same view that it would be better for them to wait and observe how the negotiation between China and Britain was going before they start the negotiation.¹⁴⁶

¹⁴¹ Ibid.

¹⁴² *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.184/32) dated from 29 January 1930 Steenwijk to Beelaerts. Peking.

¹⁴³ Ibid.

¹⁴⁴ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.400/68) dated from 1 March 1930 Steenwijk to Beelaerts. Peking.

¹⁴⁵ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.8976/128) dated from 27 Maart 1930 Beelaerts to the envoy of the Netherlands in Washington Mr. Van Royen. 'S.Gravenhage.

¹⁴⁶ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.8976) dated from 27 March 1930 Beelaerts to Steenwijk. 'S.Gravenhage.

However, things continued to go pessimistic for Netherlands. In September 1930, Oudendijk expressed his regret over America's decision of having the negotiation with China in Washington rather than in China. The decision represented the sole action of America for the negotiation of extraterritoriality. On the other hand, he anxiously looked at the increasingly passive attitude of Britain who consecutively made concessions to China such as the relinquishment of their concessions like JiuJiang 九江, Weihaiwei 威海威 and Hankow 漢口. Oudendijk was convinced that the extraterritoriality would be abolished within a short period of time after his long term contact with the principal authorities in the foreign office in London.¹⁴⁷

Not only the cooperation among the powers was totally absent, he realized that Chinese government so far only planned to have negotiations with France, America and Britain; the Netherlands, Brazil and Norway were ignored. What could be a little bit of comfort for him was that, he believed the negotiations would somehow lead the Chinese government to accept the geographical basis for the abolition and a few important commercial centres would be excluded in this for as long as possible.¹⁴⁸

Moreover, as he saw that the Nationalist government focused on dealing with the three great powers at that moment, and Japan recently ignored the announcement of the Chinese government which claimed that their treaty remained valid, he proposed two solutions to the Dutch government on this issue.

The firstly possible solution was, if China continued on the present tacit way to deal with the Netherlands on the issue, then they should calmly wait for the results of the negotiations with Britain and America. Although there would be no extraterritoriality in the interior of China, he presumed that Shanghai, Tientsin, Hankow and Canton, places where most of the Dutch lived, would remain untouched from the influence of Chinese jurisdiction. This is also the reason why they preferred gradual abolition geographically.¹⁴⁹

Alternatively, if China decided not to follow the tacit way, they should avoid the friction with Chinese government and have a separate meeting with the nationalist government in their head quarter, Nanking. The basis of the negotiation should be the Article 14 of the British-American draft which stipulated that their nationals "shall enjoy all exemptions from Chinese jurisdiction which may be enjoyed by the nationals of any other country and shall be subjected to no discriminatory treatment in regard to taxation, judicial, or any other matters concerned compared to Chinese nationals or nationals of any other country." In order to avoid the conflict in Dutch East Indies, Oudendijk suggested to omit "the assimilation with the nationals of the country itself" in their draft. It would be enough for them as long as they could enjoy the most-favoured nation treatment. As he considered that America and Britain would insist on the equal rights with the nationals of China, Dutch nationals could enjoy those rights as well while the native population of Dutch East Indies would be completely excluded from the issue.¹⁵⁰

However, Beelaerts refused to authorize Oudendijk's proposal of going to Nanking for the meeting with the Chinese government. He believed it would be advisable only "if treaties between China and great powers are probable in the near future." He considered that Oudendijk's suggestion was unacceptable, as the most-favoured nation treatment would mean that they needed to provide the same treatment to Chinese as same as European. That was something the minister of colonies considered impossible without "special clause for this assimilation".¹⁵¹ Beelaerts was wondering whether they could just avoid extending the reciprocity to the Netherlands and colonies, limit the treaty merely to abolition of extraterritoriality in China, under the condition of which, Dutch nationals could still enjoy all privileges of exemptions of local jurisdiction, taxation and other matters, such as the right of the possession of real property, expropriation, residence and so on, which would be granted to any other powers. In other words, their draft should be limited with clause "guarantees enjoyment of all conditions

¹⁴⁷ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.1375/238) dated from 11 September 1930 Oudendijk to Beelaerts. Peping.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.25) dated from 18 November 1930 Beelaerts to Oudendijk. S'Gravenhage.

and guarantees obtained by other powers”. He then instructed Oudendijk to only have a general conversation with the Chinese government and not to ask for a proposal from China.¹⁵²

On 17 December, to Oudendijk’s surprise, the Chinese government suddenly sent them a formal proposal regarding the issues of extraterritoriality, expecting to entirely settle this matter in February 1931. While they wished the abolition of consular jurisdiction could be achieved through negotiation, they implied that “other methods” would be possibly adopted by them if negotiation fails.¹⁵³

Oudendijk was furious that America and Britain were the countries which took the initiative on the abolition of extraterritoriality, yet they harvested no recognition for their proposals from the Chinese government and even lost the initiative to China. He believed that following the strong attitude of the Chinese, collective negotiation of the powers was virtually useless, Oudendijk once again blamed it on the separate movement of America.¹⁵⁴ As he concerned that the Netherlands would be restricted by the drafted proposal from the Chinese government as the basis of the negotiation. It would be more beneficial for them to have a decision as fast as possible. He insisted they must hold on to the non-discriminatory principle to obtain all the things the great powers had for their own nationals. Moreover, they should keep the treaty of 1863 valid for as long as possible.

As Beelaerts agreed to discuss the issue on the basis of China’s proposal, Oudendijk went through proposal and deemed it necessary that there should be a most favoured nation treatments in reciprocal treatment between the two parties.¹⁵⁵ On 9 February, Wang Cheng Ting delivered a speech that indicated China’s determination on abolishing the extraterritoriality, implied that Britain and America whose proposals were rejected by the Chinese government, the powers should not attempt to force China to compromise¹⁵⁶.

Under this situation, Oudendijk realized there would be a great difficulty to reject the China’s proposal. He noticed Beelaerts that he would simply guarantee the most favoured nation treatment and leave the thorny parts of the issues to the great powers and yet they could start the negotiation without offering reciprocity which Beelaerts inclined to avoid¹⁵⁷. Through the most favoured treatment, Oudendijk hoped their nationals would remain subject to their own consular courts only, just as the nationals of other countries. Even in places where Dutch nationals were subject to Chinese courts, they would be tried in the special chambers which contain foreign judges or legal councils. While Oudendijk was communicating with Beelaerts about the draft of the treaty, they reiterated that they should ensure the Chinese would not enjoy the same treatment in Dutch East Indies as similar to which the Dutch nationals had, and should even prevented the Chinese government from claiming it in the future.¹⁵⁸

It was not hard to see Beelaerts’s intention of preserving part of their privileges of the Netherlands in China by looking at his amendment of the draft which was sent to China. In Article one, he found the phrase “the principle of China’s full sovereignty in all matters of jurisdiction and taxation shall apply”, was too absolute that China might settle all the possible disputes of treaty in the future by the principle of their full sovereignty, that means they would not enjoy the special rights that other countries may obtain.¹⁵⁹

He instructed Oudendijk to make sure the most-favoured nation treatment would include the exemption of “non-judicial laws or ordinance which would harm their trade, for example demanding

¹⁵² Ibid.

¹⁵³ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.2012/356) dated from 19 Decmber 1930 Oudendijk to Beelaerts. Peping.

¹⁵⁴ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.2028/357) dated from 22 December 1930 Oudendijk to Beelaerts. Peping.

¹⁵⁵ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.5/2) dated from 2 January 1931 Oudendijk to Beelaerts. Peping.

¹⁵⁶ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.65) dated from 11 February 1931 Oudendijk to Beelaerts. Peping.

¹⁵⁷ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.8) dated from 18 February 1931 Oudendijk to Beelaerts. Peping.

¹⁵⁸ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.76) dated from 18 February 1931 Oudendijk to Beelaerts. Peping.

¹⁵⁹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.6334/40) dated from 27 February 1931 Beelaerts to Oudendijk. S’Gravenhage.

bank deposit,¹⁶⁰ and allow them to request of a Dutch judge to sit in the special court when the case involves Dutch nationals, like what other powers was allowed to do.¹⁶¹ In order to not touch upon their privileges in the 1863 treaty, he asked Oudendijk to remove Article 4 from his draft that concerned the rights of travelling, residence, trade and immovable property covered in Article 2 and 3 in the 1863 treaty which, Beelaerts considered to be “non-withdrawable” as they had no relations with Chinese jurisdiction. By removing Article 4 he also wished to reserve the right of short shipment from China in Dutch East Indies, which might give rise to the “insurmountable objections” from the Java-China-Japan line company.¹⁶²

Furthermore, he added an article in the draft which stipulates that, in case of divergence concerning the interpretation, application or execution, which could not be settled by diplomacy, either party could submit a dispute to the International Permanent Court which “shall have competence to hear and determine them”. This was actually a way to allow the Netherlands to place restriction on China’s sovereignty by upholding their rights when they have problems with the interpretation of the treaty.¹⁶³

With the instruction of Beelaerts, Oudendijk left Peking for Nanking on 15 March in order to begin the negotiation.

On 18 March, Beelaerts sent a telegram to Oudendijk suggesting that there should be an additional insertion in Article 3, the sentence “and all other matters which so far have been included in general exemption which the Dutch nationals have been enjoying in China” after “expropriation of property for reasons of public interest the Netherlands nationals, firms, companies and corporations shall be accorded the same treatment and shall possess the same rights and enjoy the same exemptions as are or shall hereafter be accorded or possessed or enjoyed by the nationals of any other countries.”¹⁶⁴

Beelaerts pointed out that this insertion could prevent China from abolishing some of their rights obtained from the old treaty by Article 3 of the new treaty. Also it would embrace the applicability of Chinese laws and ordinance without giving the impression that the old treaty was no longer applicable. But he reminded Oudendijk, if China rejects fiercely then he should not insist.¹⁶⁵

On 21 March, in the report of the meeting between Oudendijk and Hsu Mo. There was an objection from Hsu on the draft from the Netherlands. For article 1, Hsu proposed that it should clearly state that “all provisions which limit China to exercise jurisdiction over all persons within its domain should be abrogated”, and the Dutch nationals should “be amenable to Chinese laws, ordinances and regulations and the jurisdiction of Chinese law courts”. As Beelaerts was afraid their privileges obtained from Article 2 and 3 in the old treaty would thus be abolished, he proposed to add “according to the principle of extraterritoriality”, and removed the sentence stipulated that Dutch nationals would be amenable to Chinese laws and jurisdiction, to leave a grey area in this article.¹⁶⁶ Though Oudendijk removed the Article 4 in their draft, he told Beelaerts that since the Chinese government found this issue very important and other powers also mentioned those rights in the negotiation, he then suggested they should also include this issue in discussion.¹⁶⁷

Regarding the request of Hsu that the words “shall be under the same conditions” should replace the phrase “shall possess the same rights and enjoy the same exemptions as are or shall hereafter be accorded to or possessed or enjoyed by the nationals of any other country” in Article 2 and 3 in the Dutch’s draft, which were about the treatments of Dutch nationals regarding the judiciary affairs and

¹⁶⁰ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.16) dated from 5 March 1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁶¹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.15) dated from 5 March 1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁶² *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (no.9136/56) dated from 18 March 1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁶³ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.18) dated from 11 March 1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁶⁴ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.1) dated from 18 March 1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁶⁵ *Ibid.*

¹⁶⁶ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.4) dated from 24 March 1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁶⁷ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Letter (reis- no.3) dated from 24 March 1931 Oudendijk to Beelaerts.Nanking.

other matters, such as exemption of military service and taxation. This request was acceptable to Oudendijk, but not Beelaerts, as he was worried that the most-favoured treatment would be conditional. If a third party agreed to make benefit or special concession to obtain this treatment, the Netherlands would also need to follow the acceptance of such request, would “contradict our policy of commercial treaty”¹⁶⁸

On 28 March, Oudendijk continued to report the progress of the negotiation, he replied to Beelaerts that they had not come to an agreement on the amendment of Article 1, Oudendijk suggested the text Beelaerts provided should simply be substituted with “subject to laws, ordinances and Chinese rules and Chinese modern courts.” Because of the insistence of China on placing “shall be under the same conditions” in Article 2 and 3¹⁶⁹, Oudendijk then proposed to add “but Dutch subjects would receive the treatment not less favourable than which were accepted by nationals from all other countries”, but Beelaerts did not accept China’s request. With regards to Article 4, which was about the International Permanent Court, was also refused by China.¹⁷⁰

After a long bargain between Oudendijk and Hsu, negotiation came to a deadlock. Wang Cheng Ting claimed that they would rather not to conclude any treaty if they have to accept the interference of the permanent court, as there was only one judge from China in the Permanent Court which contained another 14 judges from other countries including treaty powers, this clause would only benefit the treaty powers in terms of upholding their treaty privileges in China. Beelaerts eventually agreed to remove Article 4, but firmly objected to give concession on many other points.¹⁷¹

When the Chinese proposed an amendment in Article 2 and 3 which could grant Chinese the reciprocity, Oudendijk discussed this problem with Hsu. He directly told Hsu that the Netherlands just needed to help China in the question of extraterritoriality abolition, but “she sees no reason for assuming new obligations in her own territory”, even Oudendijk expressed his sympathy on this question towards China in his letter to Beelaerts. Beelaerts did not soften his attitude, he instructed Oudendijk that reciprocity could only be granted in the special article which stipulated all the Chinese nationals would possess and enjoy the same rights in the Netherlands just as the nationals of other powers. Yet specification must be made to confirm that “the Netherlands” was referring to “the territory in Europe” only and did not include Dutch East Indies.¹⁷²

Given that the Chinese remained uncompromising, Oudendijk once again used the strategy which he adopted during the negotiation of the tariff treaty with Wang. He sent their draft of the treaty to the Chinese government which they were ready to sign at any moment, threatened them by his departure back to the north after few days in order to force Wang to accept the treaty which they found far from satisfying.¹⁷³

On 23 April 1931, the Sino-Dutch treaty was concluded. In addition to the removal of Article 4, the treaty was amended a little in response to the requests of China. Under the objection of Beelaerts and Oudendijk, the privileges of the 1863 treaty were not completely abolished by this treaty. Even the Dutch consented to have reciprocity as basis of Article 2 and 3, it is worth to note that the special clause in the attachment made it clear that reciprocal treatment was not extended to and available in Dutch East Indies. The treatment to the Chinese could not be the same as European and Japanese. Moreover, the most-favoured nation treatment was still given in the new treaty. It allowed the Netherlands to continue to enjoy some of the privileges of extraterritoriality from the treaties of other great powers, such as their

¹⁶⁸ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.4) dated from 24 March 1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁶⁹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.6) dated from 28 March 1931 Oudendijk to Beelaerts. Nanking.

¹⁷⁰ *Ibid.*

¹⁷¹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.9) dated from 18 April.1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁷² *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Telegram (no.9) dated from 18 April.1931 Beelaerts to Oudendijk. S’Gravenhage.

¹⁷³ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 271*, Oudendijk’s Report of the conferences with Hsu Mo dated from 11 to 13 April 1931.

judiciary privileges could remain in the concessions like Shanghai and Tientsin due to the diplomatic effort of Britain against China.¹⁷⁴

This chapter indicated that the Netherlands did not entirely renounce their extraterritoriality in China during 1920s, their reaction to China's requests was the same as they dealt with the problem of tariff treaty and 1911 convention. Before and during the negotiation, the Netherlands tried its best to postpone the opening of negotiation by using the excuse that they would follow the great powers action. Considering the diplomatic failure of Belgium, Spain and Italy, the Netherlands insisted on not having separate negotiation with China. During the negotiation, instead of complete abolition of extraterritoriality, the Netherlands supported the proposal of gradual abolition of extraterritoriality following Britain, America and France. When China declared the unilateral abolition, the Netherlands united with other powers to protest against it, which forced the Chinese government to yield. Even the new extraterritoriality treaty was signed, their extraterritoriality would only be gradually abolished. The overseas Chinese in Dutch East Indies still could not enjoy the equal treatments. Therefore, it is clear that China failed to totally abrogate the Dutch extraterritoriality in China and seize the "non-discriminatory" treatment for the Chinese nationals in Dutch East Indies. This result could be attributed to the obstruction from the Netherlands.

Although China concluded the treaty of extraterritoriality with the powers, due to the invasion of Japan and the instable situation in China, the complete abolition of extraterritoriality could only be realized at the end of World War II.¹⁷⁵ The Netherlands was eventually one of the last powers which gave up their rights of extraterritoriality when they concluded the equal Sino-Dutch treaty in 1945.

¹⁷⁴ E.H. Lee 李恩涵, *Jin Dai Zhong Guo Wai Jiao Shi Shi Xin Yan* 近代中國外交史事新研 [The new study on modern Chinese diplomatic history] (Taipei 台北: The Commercial Press.Ltd.臺灣商務印書館股份有限公司, 2004), 275.

¹⁷⁵ Pär Kristoffer, Cassel. *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-century China and Japan*. Oxford Studies in International History (New York: Oxford University Press, 2012), 182.

Chapter 4

The Netherlands and the gunboat policy in China

Despite of the absence of Sino-Dutch military conflict for centuries since the 17th century, Dutch military presence was visible from the late Qing dynasty to 1920s China. From 1920 to 1931, there were three times presence of the Dutch warships in China. The first time was 1920; the second time was 1927; and the last time was 1928. Hitherto neither Chinese or foreign historians have studied the Dutch military presence, and their attitude towards the military presence of other powers in China. It would be important to examine the Dutch gunboat policy in China by looking at what was the aim of the dispatch of the Dutch warships to China, and how they treated the military presence of other powers. Since there is very little information available about the third visit, this chapter will mainly concentrate on the first two presences.

The Dutch armed cruisers “Maarten Harpertzoon Tromp” and “Hertog Hendrik” visited China in 1920. They first visited Shanghai, and sailed to Nanking in accordance to the right of navigation in interior of China from 1863 treaty. During the process, they met a number of Chinese officials and naval officers, also received passionate welcome from the Dutch society in China, including the Dutch merchants group in Shanghai.¹⁷⁶ When Dutch Consulate in Shanghai asked about the goal of the Dutch warships’ visit in Shanghai, Oudendijk replied to him succinctly in his letter, “The showing of the flag applies to Chinese authorities in the first place.” Oudendijk said, they aimed to remind China that the Netherlands possessed certain military power in East Asia. Therefore during the visit, they publicly invited the Chinese to get on board of the ships. Oudendijk pointed out as well that the visit at the same time allowed the foreign communities to have a view of their warships. Undoubtedly, the Dutch government intention was to increase their prestige as one of the colonial and treaty powers in China, by the showing the flag of Dutch cruisers.

However, due to the expensive costs and potential financial burden it might cause, Dutch government could not afford frequent presence of their warships in China’s sea areas. After 1920 visit, Dutch navy would appear again in China only in 1927 when the Dutch government sent Java-class cruiser Sumatra to Shanghai. Between 1920 and 1927, the Dutch government had considered twice in sending their navy to China. The first time was in 1924, when the war between Kiang-su tuchun 江蘇督軍¹⁷⁷ and Chekiang tuchun 浙江督軍 was increasingly fierce that severely affected the stability of Shanghai and the safety of Dutch nationals. The temporary consulate in Shanghai reported the potential risk of the situation and requested sending Dutch warship to Shanghai in order to protect their safety, and uphold the position of the Netherlands in the Far East without relying on the protection of other countries’ power.¹⁷⁸ Oudendijk then reported the request to Karnebeek, he pointed out that according to the consulate in Shanghai, the war near Shanghai harmed the Netherlands’s economic interests since their shipments of goods had failed to find a market, and could only be temporarily stored at the cost of Dutch banks there. He delivered the consulate’s comment that there was a need for the Netherlands to uphold its prestige in China by sending a warship with around 100 soldiers on board to Shanghai.¹⁷⁹ However, Oudendijk did not agree to have such military operation. There were a few reasons behind his decision. Firstly, according to the information he received, he saw the dangers in Shanghai less likely to continue deteriorate rapidly. Secondly, he believed the current situation would be controlled under the presence of the foreign warships near the city. Thirdly, the cost would be high for the government to afford if the situation was not that urgent. Oudendijk only proposed to send a steamboat to Shanghai in case for evacuation.¹⁸⁰ Eventually this request was turned down.

Since 1924, Shanghai experienced several incidents of unrest due to the Chinese civil war and a growing trend of strikes, especially the latter which developed into serious conflict between Chinese and foreigners in 1925. In the end of January 1925, concerning that other powers had dispatched their warships to Shanghai and the growing hostility against foreigners, the Dutch consul in Shanghai asked

¹⁷⁶ Nationaal Archief, Den Haag, Ministerie van Buitenlandse Zaken: Consulaat-generaal te Shanghai (China), (1852) 1877-1951, nummer toegang 2.05.91, 369, The report of the Dutch consulate in Shanghai 1921.

¹⁷⁷ Tuchun 督軍 is the name of military governor or warlord in China

¹⁷⁸ *NL-HaNA, BuZa / Gezantschap China*, 2.05.90, 243, Letter (no.2521/138) dated from 29 August Daniel to Oudendijk. Shanghai.

¹⁷⁹ J. Woltring, *Documenten betreffende de buitenlandse politiek van Nederland, 1919-1945. Dl. VI*, 28, Letter (no.1520/234) dated from 15 September 1924 Oudendijk to Karnebeek. Peking.

¹⁸⁰ *Ibid.*

again whether it was possible for the Netherlands to join the powers.¹⁸¹ Consequently Van Karnebeek deemed it necessary for the Netherlands to have Dutch warship sent to Shanghai ready for any situation which would place “(their) general political interest in absolute urgency”.¹⁸² Yet, due to budgetary problem, the shortage of warships and the improvement of the situation, the general-governor rejected the request, and told Karnebeek that armoured warship *Zeven Provinciën* could be sent when it was politically expedient.¹⁸³

In February, a group of Chinese labours who worked in a Japanese factory went on strike to protest against exploitation and abuses by the Japanese. Soon the strike grew into an anti-imperialist May-Thirtieth movement 五卅運動, which gave rise to more demonstrations and riots. In response to the threats, the Dutch government inquired their nationals in Shanghai as to whether they considered necessary for the government to send warship to protect their interests. After several meetings, the Netherlands chamber of commerce in China confirmed that they did not think it was needed since the stability was gradually resuming. Another reason was that they were worried that since the Dutch navy had been absent for nearly 5 years since 1920, a sudden presence would cause strong resentment to the Chinese. However, They suggested that it would be the best for the Dutch government to have a regular “show of the flag” of their warships in China seas area like all other great powers; in case there was another similar crisis in the future, the presence of Dutch warships would not be too obvious to the Chinese.¹⁸⁴

When it came to the dispatch of Dutch warships to China, the Netherlands appeared to be very cautious. Their consideration weighted heavily on the urgency of situation and subsequent costs. But as found in the opinions of the consul general, Dutch merchants and the Minister of Foreign Affairs, when problems in China touched upon their substantial economic and political interests, and national prestige, they would not rule out the option of military presence in China, without considering the use of force as a taboo.

When incidents were of a little or no interest to the Netherlands, they held indifferent and negative attitude towards the use of force of the powers. However, their attitude was completely different when their rights and interest might be affected. This was proven in the Lin-Chen train incident and the Dagu port incident in 1926.

In 1923, there was a train with numerous nationals of different powers on board passing through Shantung 山東. Suddenly the train was stopped and the passengers were kidnapped by the Chinese bandits. This incident provoked the powers including The Great Britain, America, France, Italy and Belgium. They sent a strong protest to Peking. They also discussed among themselves as to what actions they should take against China. According to Oudendijk, in additions to proposal of sanctions, powers including Britain, also suggested, demonstration of fleet, expedition in the interior of China, and occupation of lands and harbours. However, all these military actions were deemed inappropriate to Oudendijk. As he was the president of the committee, he objected such suggestions from his colleagues; tried to calm their anger by explaining what negative consequences would such military humiliation bring to them. He later claimed in his letter to Van Karnebeek that his persuasion successfully discouraged the powers from having this dangerous thought.¹⁸⁵ No matter whether not it was due to his strong persuasion as he claimed, the powers did not take any aggressive military actions at the end. The Netherlands’ calm attitude and righteous gesture were to a large extent attributed to the absence of Dutch national in the incident.

In 1926 March, during the battle between Feng Yu Xiang and Feng’s clique, Japanese warships tried to cover Feng’s clique’s navy during its entry to Dagu port, Japanese sustained the counter-attack and retreated. Feng Yu Xiang army then completely blockaded the port. Despite the fact that the issue was initially caused by Japan’s military intervention, Japan allied other powers including the Netherlands to

¹⁸¹ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 243*, Telegram (no.3) dated from 15 January 1927 Oudendijk to Van Karnebeek. Peking.

¹⁸² J. Woltring, *Documenten betreffende de buitenlandse politiek van Nederland, 1919-1945. Dl. VI*, 250, Letter dated from 10 February 1925 De Graaf to Van Karnebeek.

¹⁸³ *Ibid.*

¹⁸⁴ *NL-HaNA, BuZa / Gezantschap China, 2.05.19, 273*, Letter dated from 29 July 1925 the secretary of The Netherlands chamber of commerce in China to F.E.H. Groenman. Shanghai.

¹⁸⁵ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 243*, Letter (no.348) dated from 12 December 1923. Oudendijk to Van Karnebeek. Peking.

protest against the Chinese government for the blockade and fortification in Dagou port, and claimed that it was an act of violation of the 1901 protocol, which stipulated no fortification should be allowed from Peking to Dagou.¹⁸⁶ Oudendijk also found the fortification and blockade in Dagou port suspended the navigation of foreign commercial shipping completely. As he mentioned that the 1901 treaty granted the powers the rights of demonstration of force and the presence of foreign army, it perhaps explains why he had not mentioned a single word on the incorrectness of Japanese military intervention in his report. Oudendijk merely expressed his disappointment on China for its military action and lack of respect to the 1901 protocol. As he suspected that the Chinese government was going to ignore their protests, he believed it may be necessary for the signatory powers to apply military pressure in order to force both parties of the battle to cease all military actions in Dagou, and reopen the route from Peking to the sea to foreign ships.¹⁸⁷ Although the Netherlands had no warship in Northern China, Oudendijk welcomed the use of force by powers such as America, whose warships were available for military operation to save “the sinking prestige of 1901 protocol”¹⁸⁸. On 16th March 1926, Oudendijk sent the ultimatum to Chinese authorities on behalf of his colleagues, as the doyen of diplomatic corps. He requested free access and protection of foreign shipping. He also implied that the navy of the powers would use force to put an end to the blockade if they did not comply with their request. The incident thus was solved peacefully.

In the above cases, we see the differences in the Dutch’s attitudes towards the use of force of the powers in China. In the Dagou incident, the threat of violence against China was totally reasonable to the Netherlands as it violated the protocol which the Netherlands was one of the signatory powers. After this incident, the Netherlands would be found directly involved in another situation that involved Dutch warship.

In July 1926, the revolutionary army of the Nationalist government started their northern expedition. Through their military success, several important cities such as Hankow 漢口 and Wuchang 武昌 were captured¹⁸⁹. At the same time, the anti-British trend was growing, and there were conflicts between Chinese and British in the British settlements at Jiujiang 九江 and Hankow 漢口. The Nationalist government made use of this opportunity to rapidly restore their sovereignty to these settlements in January 1927. This shocked the powers deeply. They feared what happened to those two settlements would probably happen as well to Shanghai. As a result, soon after the incident, the powers immediately strengthened their military power in Shanghai, the participation of the Netherlands had shown in this collective military effort.

On 31 December 1926, in Oudendijk’s letter to consul general Groenman, he informed him that the cruiser “Sumatra” with 350 men and a number of officers would stay in Shanghai for a period of time. Groenman was concerning that the stay of their warship may lead to boycott against the Dutch in China¹⁹⁰. However, Oudendijk supported the presence of “Sumatra” in case of “the possible deterioration of political situation”¹⁹¹. Just after a few days, Groenman entirely changed his attitude. When he reported that the revolutionary army was pushing forwards successfully close to Shanghai, as a member of the consul corps, he was representing the Netherlands, like many other powers except America, Italy, Denmark and Switzerland, supported the Great Britain and Japan’s military operations, such as landing 1000 men near the river of Shanghai. Groenman considered if they allowed the incident of Hankow and Jiujiang repeat in Shanghai international settlement, the place where “it is of the greatest interest for all colonial powers”, such unfortunate result would undermine their prestige in Far East and even Dutch East Indies. He then believed it was necessary for “Sumatra” to collaborate with the powers and protect Shanghai together.¹⁹²

Though the visit of “Sumatra” was clearly for military purpose, when Oudendijk informed Wai Chiao Pu (Ministry of Foreign Affairs of China) of the visit, he stressed it was merely a friendly visiting.

¹⁸⁶ Kwong, *War and geopolitics in interwar Manchuria*, 148.

¹⁸⁷ *NL-HaNA, BuZa / Gezantschap China, 2.05.90, 243*, Letter (no.333/74) dated from 9 March 1926. Oudendijk to Van Karnebeek. Peking.

¹⁸⁸ *Ibid.*

¹⁸⁹ Lee, *The diplomacy of revolution*, 67-69.

¹⁹⁰ *NL-HaNA, Consulaat Shanghai, 2.05.91, 370*, Letter (no.1/5) dated from 8 January 1927 Groenman to Oudendijk. Shanghai.

¹⁹¹ *NL-HaNA, Consulaat Shanghai, 2.05.91, 370*, Letter (no.570/66) dated from 11 March 1927 Oudendijk to Beelaerts. Peking.

¹⁹² *NL-HaNA, Consulaat Shanghai, 2.05.91, 370*, Letter (no.81/15) dated from 12 January 1927 Groenman to Oudendijk. Shanghai.

Meanwhile, he told Groenman that it would be better for “Sumatra” to stay longer than they initially planned, a week, until the crisis is removed “in accordance with Dutch national dignity”. Therefore, he deliberately failed to inform the Chinese government the exact date of the departure of “Sumatra”.¹⁹³

Soon after the arrival of “Sumatra” in Shanghai, the commandant started to send 100 soldiers to defend their banks and factories. Other powers welcomed Dutch’s participation in the joint military actions.¹⁹⁴ When the minister of foreign affairs asked Oudendijk whether it was ‘convenient’ (necessary) for the visit of “Sumatra”, Oudendijk replied that he considered it would be advantageous to have a grand warship in Shanghai. He then received liberty of action from the minister of the disposition of “Sumatra”, even Governor General in Dutch East Indies supported this decision¹⁹⁵. On 4 March, Groneman informed Oudendijk that the situation seemed to be improving, and suggested letting “Sumatra” leave. This was rejected by Oudendijk since he considered Shanghai was far from completely safe from the threat of revolutionary army, if “Sumatra” had to leave, another ship should replace “Sumatra” immediately. He also added that he was glad to see the Netherlands did not need to depend on other powers to protect their own interests.¹⁹⁶ Finally, as there was no sign showing that the Nationalist government tempted to seize Shanghai, “Sumatra” stayed until May and then returned to Dutch East Indies.

In this chapter, it revealed that the main goal of the Dutch warship’s presence was to uphold its position and prestige in China and Dutch East Indies as a colonial power. Moreover, it shows how the Netherlands made use of other powers’ military strength against China to defend its own interest, such as the privileges they obtained from the 1901 protocol during the Dagu incident in 1926. Even it would heavily increase the financial burden of their government, when it is necessary and urgent, instead of merely relying on other powers, the Netherlands would also actively cooperate with them to impose joint military pressure on China by the presence of their warship, like what happened in 1927 Shanghai. Therefore, we could see that, though it was defensive in nature, gunboat policy actually existed in the Netherlands diplomacy towards China at the time when the powers still remained their military superiority compared to China.

¹⁹³ *NL-HaNA, Consulaat Shanghai, 2.05.91, 370*, Letter (no.125/9) dated from 24 January 1927 Oudendijk to Groenman. Peking.

¹⁹⁴ *NL-HaNA, Consulaat Shanghai, 2.05.91, 370*, Letter (no.533/40) dated from 24 February 1927 Groenman to Oudendijk. Shanghai.

¹⁹⁵ *NL-HaNA, Consulaat Shanghai, 2.05.91, 370*, Letter (no.243/19) dated from 14 February 1927 Oudendijk to Groenman. Peking.

¹⁹⁶ *NL-HaNA, Consulaat Shanghai, 2.05.91, 370*, Letter (no.365/27) dated from 10 March 1927 Oudendijk to Groenman. Peking.

Conclusion

This dissertation has analyzed how Dutch imperialism was functioning in 1920s China from political, economic and military aspects.

On comparison with America, Britain and Japan, the Netherlands had much less economic and commercial interests in China, but they were still important to the Netherlands, especially the trade of their colonies with China. For example, the export of raw material from Dutch East Indies to China such as petrol and sugar was lucrative in Sino-Dutch trade, their economic interests in China also grew considerably since 1910s following the increase of Dutch investment in China.¹⁹⁷ Therefore, during Washington conference, like all other powers, they refused to return the tariff autonomy to China. Although the Netherlands eventually acknowledged China's tariff autonomy and concluded a new tariff treaty which was based on reciprocity, the Dutch raised a number of additional conditions which China was forced to accept, such as asking for fixed tariff on some goods without providing the same to China. When China refused to provide double guarantee of "non-discriminatory" treatment to Dutch goods and explained that it would violate their tariff autonomy, the Netherlands still insisted on their request and threatened China to concede by not concluding the treaty. As a result, through the new tariff treaty which was not equal, the Netherlands was still able to enjoy certain economic privileges in both short and long term in China, which included privileges China granted to other powers due to the most-favoured nation clause.

Frans van Dongen used to state that the Netherlands was "seldom, if ever, involved in political matters" and had their attention exclusively placed on their economic interests in China.¹⁹⁸ This may be the case in the late Qing dynasty, but was not exactly accurate in 1920s' republican China. Dutch imperialism was actually more active in political more than economic dimension at that time.

As shown in this dissertation, there were three main issues which involved certain political interests of the Netherlands in China during 1920s, the abolition of extraterritoriality; the revision of 1911 consular convention; and the threat of KMT and Soviet Union. Regarding the first two issues, the Netherlands was unwilling to completely abolish their extraterritoriality and to revise the 1911 convention which strictly limited the Chinese consul's protection over the Chinese in Dutch East Indies. At the end, the Netherlands successfully kept their extraterritoriality in Shanghai and Tientsin. They also ensured the abolition would only take place step by step, and the overseas Chinese would not be given the equal treatment that European and Japanese were enjoying in Dutch East Indies. The Dutch extraterritoriality was not entirely abolished until 1945. Some privileges obtained from the 1863 treaty which harmed Chinese sovereignty, such as the right of navigation in the interior of China, were not abrogated due to their objection. The renewal of the 1911 Consular Convention without revision also allowed the Dutch to maintain a firm control on the overseas Chinese for a longer period of time.

Although the Netherlands claimed that they would stay neutral in the Chinese civil war, it would be wrong to say that the political intervention of the Netherlands was absent in China during 1920s. When they sensed political threats to their interests in China, the Netherlands would still interfere in political affairs together with other powers. For instance, while the warlord Zhang Zuo Lin was under the threat of the *coup d'état* of Sun Yat Sen and Feng Yu Xiang, Oudendijk, who represented the treaty powers as the doyen of diplomatic corps, persuaded Zhang to guarantee there would be no unilateral abolition of treaties against the powers, in exchange of their support for his rule. Besides the exclusion of Karakhan's participation in the diplomatic corps, the Netherlands and other powers also supported Zhang Zuo Lin's raid in Soviet embassy in 1927, this raid which was against the diplomatic tradition, was conducted under the permission of Oudendijk and other envoys who held against the Soviet Russia and CCP, as they stirred the anti-western emotion in China and advocated for the abolition of the unequal treaties. Although it was not a sole decision of the Netherlands, they did however, collaborate with other powers and willingly took part in the collective political intervention.

¹⁹⁷ Frans.P. van der Putten, *Corporate Behaviour and Political Risk: Dutch Companies in China, 1903-1941*. CNWS Publications; Vol. 102. 078343194. (Leiden: Research School of Asian, African, and Amerindian Studies, Leiden University, 2001), 176-178.

¹⁹⁸ Van Dongen, *Tussen neutraliteit en imperialism*, 354.

It is true that the Netherlands was militarily weak compared to other great powers like Japan, America, France and Britain, but they still used the presence of their navy in China's seas area to maintain their national prestige as one of the colonial powers in Asia. This could also be seen as a way to indirectly exert political pressure on China whenever they encountered problem with the overseas Chinese in Dutch East Indies. The presence of the cruiser "Sumatra" in 1927 to some extent revealed that, when there is an urgency to defend the fundamental interests the Netherlands collectively shared with other powers in China, the Dutch would not rule out the option of aligning with other great powers to present military deterrence against China. Despite of the absence of their navy the Dagu incident in 1926, when the 1901 protocol was violated, they agreed with the other great powers to threaten China with their overwhelming naval power. Even though the gunboat policy of the Netherlands in China was defensive and may appear a little ambiguous, it still existed.

Through the examination of Dutch imperialism from the above three mentioned aspects, it indicated two characteristics of how the Netherlands protected their own interests with limited power.

Firstly, the Netherlands always acted in unison with great powers like America and Britain towards the issue of treaty revision and joint military activities, this strategy could be seen as the critical factor which allowed Dutch imperialism continued to function in China throughout 1920s. The Netherlands was very cautious on observing what steps the great powers took whenever China requested for negotiation of treaty revision before they had any action. Because they understood the Netherlands, as a small power itself, could only exert very little political and even military pressure to bargain with China during the negotiation, especially they had learned the lessons from the failures of the small powers like Belgium and Spain. Therefore, standing on the same side with other great powers was the only way to place themselves in an advantageous position. Since the great powers would not easily renounce all their privileges in China as well, it allowed the Netherlands to request a deal which was not much less favorable than other great powers. When the Netherlands found questions which are thorny during the negotiation of the treaty, they would just leave these questions for the great powers to tackle. If necessary, they would even exert joint pressure upon China with them, the cooperation between the Netherlands and Britain on asking for double guarantee of "non-discriminatory" treatment for goods was an example. In two cases which related to Dutch defensive gunboat, the dispatch of cruiser "Sumatra" to Shanghai and the support for military deterrence in the Dagu port incident, the Netherlands worked closely with other powers as well. Depending on the military superiority of other powers against China, the Netherlands could protect the common interests they owned jointly with the treaty powers at the lowest cost.

Secondly, regarding the treaty revision problem, making excuses for refusing to open a negotiation and the postponement of negotiation with China were the crucial strategies adopted by the Netherlands, throughout the 1920s, in order to prevent China from restoring their sovereignty and having treaty revision for as long as possible. It was true that the Netherlands was careful not to have serious diplomatic conflicts with China, they always tried to promote a positive image of the Netherlands. But during the negotiations, when the Netherlands decided not to compromise on certain matters, they would still respond with a stronger attitude by refusing to continue the negotiation and sign the treaty.

The neutrality is indeed important in Dutch foreign policy in China. However, as van Dongen argued, this neutrality policy was principally aimed at avoiding conflicts with other European powers rather than China. It means the Netherlands could have more freedom to promote their own interests in China and Dutch East Indies as long as they did not get themselves into trouble with other powers, especially the Netherlands had the free hands in dealing with the China political influence over the Chinese in Dutch East Indies.¹⁹⁹ The same idea could also apply to other small power like Switzerland, who gained extraterritoriality from China in 1918. When China requested Switzerland to renounce it, Switzerland refused and continued to enjoy this privilege until 1946²⁰⁰ without breaking their neutral policy. The neutrality only slightly rather than severely hindered the functioning of the small power's imperialism in China.

Undoubtedly, the Netherlands did not show as strong imperialism in China as other powers. They have never had military conflict with China, or requested for concessions throughout the modern history. They were a small power who maintained their neutral policy in their relationship with European powers

¹⁹⁹ Van Dongen, *Tussen neutraliteit en imperialism*, 356.

²⁰⁰ Ariane, *Tricky business*, 17.

and always kept a low profile. Therefore they did not take the leading role in incidents that caused damages to China's national interests. They were also not one of the imperialistic powers like America, Britain and France, which acted as pioneer in building up the unequal treaty system. Yet the Netherland later became part of the system and enjoyed the same privileges like other imperial powers did. When China decided to restore their sovereignty and abrogate all unequal treaties in 1920s, instead of supporting China in this issue, they struggled to protect their privileges together with other great powers. It was because they just wanted to continue enjoying what they obtained from the system. As other small powers, the Netherlands could only have "defensive ambition", any changes may risk their vulnerable position in China.²⁰¹ The Netherlands were forced to open negotiations only due to the worry of the state-supported economic boycott of China, and also the fear of being isolated when attitudes of other great powers towards the issue were changing. In the issue of treaty revision, they did not act as what Van Dongen described as "playing a modest part",²⁰² they actually played an active role together with other great powers in slowing China down from complete restoration of their sovereignty, they even found it disappointing and annoying when powers like Britain and America decided to soften their attitude towards China on extraterritoriality issue. There was also an undeniable fact that the Netherlands was one of the last European countries completely abolished their extraterritoriality and other privileges they obtained from unequal treaties. They should be held responsible for postponing the breakdown of the treaty system.

In conclusion, like Van der Putten said "when Dutch policy was harmful to the Chinese state, this was deliberate rather than an almost accidental by-product"²⁰³. Their strong refusal on abrogation of all their privileges that infringed China's sovereignty and interests, their defensive gunboat policy and their political interventions in China show that they were indeed a supporting actor who played his part in the drama of western imperialism in China. Even Dutch imperialism could not compare with the great power imperialism in China, among the other small powers, the Netherlands was the most active but prudent and low-profile, not aggressive but defensive imperialist.

²⁰¹ Raymond Aron, *Peace and War: A Theory of International Relations* (New York: Doubleday, 1966), 112.

²⁰² Van Dongen, *Tussen neutraliteit en imperialism*, 376.

²⁰³ Van der Putten, *Small powers and imperialism*, 10.

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