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First Asia Department of the Ministry of Foreign Affairs, 'Negotiations and Talks between the Chinese and Burmese Governments on the Issue of Dual Citizenship of Overseas Chinese over the Past Year'

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Summary:

The document covers series conversation transcripts between Chinese and Myanmar officials in the negotiation of the dual nationalities issues of Overseas Chinese, for example the transcript of conversation between Chairman Mao and Premier U Nu, the main points of first meeting between Premier Zhou and Premier U Nu, the transcript of conversation between Ambassador Li Yimang and Myanmar Foreign Minister.

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Negotiations and Talks between the Chinese and Burmese Governments on the Issue of Dual Citizenship of Overseas Chinese over the Past Year

First Asia Department of the Ministry of Foreign Affairs
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(Note: Conversations of The Chairman, Premier and Vice Premier Chen Yi were not reviewed by the principals)

Appendices:

Speech by Premier Zhou at the Welcome Conference of Rangoon Overseas Chinese on December 18, 1956 (Full Text)

Memorandum of Conversation from Chairman Mao's Reception of Premier U Nu on

December 1, 1954 (Excerpt)

Chairman Mao: We often exhort the Overseas Chinese to abide by the laws of their country of residence. Since they are living there, they must abide by the law and should not participate in illegal activities. We often do this kind of educational work. We call on the Overseas Chinese to abide by the law and have a good relationship with the government and the people there. This is especially important in countries where many Overseas Chinese live because the governments of those countries may suspect us of using the Overseas Chinese to stir up trouble. That this relationship has been going well shows whether we have been repeatedly teaching the Overseas Chinese to obey the law or whether we are secretly instigating them to work against the government of the country in which they live. In every country, there are criminal or revolutionary activities going on. That is the affair of those countries. Overseas Chinese should not participate in those things. They need to be clear about the nationality question. Are they of Chinese nationality or of a foreign nationality? They should not be dual nationals. I have talked quite a lot today.

U Nu: When Premier Zhou visited Rangoon, we asked him this question. He said that that issue is outside his authority and that he must consult with his colleagues after returning home. I am very happy to hear the Chairman's words about dual citizenship today.

Chairman Mao: We are preparing to solve this problem with many countries. We are now talking to Indonesia about solving that issue according to the principle I just stated since we want to have peaceful cooperation. We should solve our problems through negotiation.

U Nu: We also hope to do that.

Highlights of the First Meeting between Premier Zhou and Premier U Nu on December 2, 1954 (Excerpt)

Regarding the issue of dual citizenship of overseas Chinese, Premier Zhou said that we are negotiating with Indonesia to resolve this issue. We may be finished in two weeks. The signing ceremony will be held in Jakarta. We have already agreed upon several principles.

The first is voluntariness. In principle, the diaspora must decide to examine and decide for themselves whether to retain their original nationality or to obtain the nationality of their country of residence.

The second is that the nationality for children under the age of 18 will be determined according to their father's lineage. Overseas Chinese have the right to make their own decisions when reach the age of 18.

Premier Zhou said that after we solve the issue with Indonesia we will talk with Burma next.

U Nu suggested that China should stay in close touch with Burma during its negotiations with Indonesia and keep Burma informed of the progress of the negotiations. This will allow Burma to make recommendations. Otherwise, once China has finished negotiating with Indonesia, and asks Burma to accept the same agreement, this could offend the national sentiments of the Burmese people who will feel that Burma is being asked to accept an agreement in which their views had not been taken into account. Premier Zhou said that, in his opinion, it could be done, but it would have to be first discussed with the Indonesian delegation.

U Nu said: We must take appropriate steps to abolish the dual citizenship of Overseas Chinese. Otherwise, there is a risk that the Overseas Chinese will turn to Chiang Kai-shek. Premier Zhou said this the Premier's words show that he understands the situation very well. It is just for that reason that we have asked the Indonesian side on many occasions not to announce anything before it was finally negotiated in order to prevent Chiang Kai-shek from spreading rumors and stirring up trouble. The Indonesian side agreed with Premier Zhou said. It would be helpful if Premier U Nu and Ambassador U Hla Maung were to make the same suggestion to the Indonesians. We do not oppose the Overseas Chinese acquiring the nationality of their country of residence. But we need to prevent them from being used by Chiang Kai-shek.

Communiqué of the Prime Ministers of China and Burma on December 12, 1954 (Excerpt)

In order to improve the mutual living of nationals of our two countries who are living in the other country, the two prime ministers agreed to encourage their nationals, that is, the expatriates living in China and Burma, and the Chinese nationals living in Burma, to respect the laws of the government and the social customs of their country of residence. They must not participate in political activities in their country of residence. The two governments are willing to protect the legitimate rights and interests of the other country's nationals. The two governments agree to conduct negotiations regarding the nationality of the Diasporas at the earliest opportunity through normal diplomatic channels.

Conversation summary: Meeting between Vice Minister Zhong Hanfufu and Ambassador U Hla Maung on October 13, 1955 (Excerpt)

U Hla Maung said that he does not know how many Overseas Chinese live in Burma. According to Burmese law, as long as the overseas Chinese meet one of the following conditions, he can apply for Burmese nationality but does not automatically acquire Burmese nationality. When an application for Burmese nationality is made, the applicant must at the same time renounce Chinese nationality.

1. If one of one of his four paternal or maternal grandparents is Burmese.
2. If he lived in Burma for eight or more years before World War II (before 1942).
3. If he was born in Burma and has lived continuously in Burma, then he can apply for citizenship when he is an adult (18 years old).

He said that since the Chinese side does not recognize the renunciation of Chinese nationality by Overseas Chinese in Burma, the Burmese side has suspended the handling of applications by Overseas Chinese to acquire Burmese nationality since China began negotiating a dual citizenship treaty with Indonesia.

He said that the Burmese government has agreed to negotiate on the dual citizenship issue with the Chinese government. However, since an election is imminent, especially now that we need to prepare a list of voters, we fear that the negotiations may not be finished in time. Therefore, the Burmese government proposes to the Chinese government:

Could the Chinese government consider whether to recognize that the Overseas Chinese who have already acquired Burmese nationality have already renounced their Chinese nationality (for now we are not asking that the issue of those requesting Burmese nationality be addressed). If China is able to recognize the loss of Chinese nationality, they can be enrolled in the voter list. He asked if the Chinese government

could agree to this arrangement so as to permit those Overseas Chinese who have already acquired Burmese nationality to go to the Chinese Embassy to renounce their Chinese nationality.

Vice Minister Zhang responded that he would report this to the government for study and provide an answer later.

(Note: Our side has not yet responded.)

Record of conversation: Vice Minister Yuan Zhongxian met with Ambassador U Hla Maung on
May 26, 1956 (Excerpt)

U Hla Maung said that he had told Vice Minister Zhong Hanfufu last year that some Chinese in Burma had already obtained Burma citizenship, and that they worried that the Chinese government would not recognize their Burmese citizenship. For example, Burma's Minister of Propaganda Si Fen Zhi San [Note: transliteration of Mandarin pronunciation of Chinese character name of Burmese official.] is of Chinese ancestry but he acquired Burmese nationality. The Burmese government had long wanted to negotiate with the Chinese government to resolve the issue of dual citizenship. However, at that time, the Chinese side wanted to discuss it with Burma only after signing the dual nationality agreement between China and Indonesia. The Burma side respects the views of the Chinese side. Time has been dragging by. Now Burma would like to start immediate negotiations with China. I believe that this will not be a difficult problem because on many issue we can adopt the principles of the dual nationality treaty between China and Indonesia. Voluntary choice, for example, would be one of them although there will be difference in some particular practical matters.

The Burmese government whether the Chinese government is agreeable to talks starting soon.

Vice Minister Yuan said that he would report the issue to his government for further study and then reply.

Summary of Conversation between Premier Zhou and Ambassador U Hla Maung of
June 22, 1956 (Excerpt)

The Premier said that he knew that the ambassador and Vice Minister Yuan discussed Sino-Burma dual nationality negotiations at the end of May. The Prime Minister asked the ambassador's opinion on future negotiations on the matter and in Beijing or Rangoon, the ambassador said that since the Overseas Chinese are in Burma it would be appropriate to hold the talks in Rangoon. The Prime Minister explained to the ambassador our position on the nationality of overseas Chinese. China's basic idea is to give more support to Overseas Chinese who are born locally and wish to stay in their country of residence. On the other hand, China must also prevent these people from coming under the influence of Chiang Kai-shek. This bad not only for China but also causes problems for the government of the country. We do not favor dual nationality. Chiang Kai-shek make use of the Overseas Chinese for extortion and forcing people into service.

The Premier said that two years before, when the Premier and Premier U Nu discussed this issue, U Nu said that it appears that China intends to solve the issue of dual citizenship of Overseas Chinese in Indonesia first and then solve it in other countries. However, China and Indonesia's treaty on dual citizenship was already signed a year ago but the Indonesian National Assembly has not yet approved it. It is now on the agenda of the Indonesian Parliament. There may be results soon, but

before the formal approval, we need to be prepared for the possibility that Indonesia will have additional views to present on this issue so we will wait and see. Now Burma has raised this issue. We believe that the two sides can make contact on this issue in order to discuss procedural issues. At present, it is not convenient to announce publicly that China and Burma are holding discussions on the dual citizenship issue. The Premier asked the ambassador where the procedural negotiations would be held. The ambassador answered that he will refer the question to his government and then inform the Premier. The Premier asked the ambassador to contact Vice Minister Zhong Hanfufu for further discussions on this issue.

U Hla Maung said that because China disapproves of dual citizenship this issue will not be difficult to resolve. Burma will also pay attention to ensure that this problem does not put some people under the influence of Chiang Kai-shek. He also said that the situation of the Overseas Chinese in Burma is different from what it is in Indonesia. He said that when Overseas Chinese acquire Indonesian nationality, Indonesians do not accept them as Indonesians. Burma is different.

Summary of Conversation between Premier Zhou and Ambassador U Hla Maung on August 4, 1956 (Excerpt)

The Prime Minister said that the fourth issue is the question of dual citizenship of overseas Chinese. This issue should be resolved through negotiations. The ambassador's earlier proposed to hold talks in Rangoon. We also invite the ambassador to propose specific steps. If the Burmese government is willing to start negotiations now, the Chinese government will designate Ambassador Yao as its principal representative. The issues between China and Burma are not complicated and so we are willing to resolve them more quickly.

As I said once to Premier U Nu that if some overseas Chinese want to stay in Burma, then they could acquire Burmese nationality, and take part in the development of Burma. If some other Overseas Chinese are not suitable for remaining in Burma and are willing to return to China, then we will welcome them back. If another group of Overseas Chinese want to stay in Burma but are unwilling to acquire Burmese nationality, then they should behave entirely as Overseas Chinese residing in Burma and not participate in Burmese politics.

During the Bandung Conference, I mentioned to Premier U Nu, as well as to representatives of Thailand and the Philippines that the Chinese Communist Party has decided to stop developing its organizations among the Overseas Chinese because it could easily become entangled with local progressive movements. Overseas Chinese are abroad for the sake of trade and employment. There is no need for them to take part in political activities. If they want to do that, they can go back to China to take part in politics. Therefore, we believe that, above all, the Overseas Chinese should not participate in local political activities. Moreover, the Chinese Communist Party has ended its activities among the Overseas Chinese. The Communist Party made this decision three years ago. Although it was an internal Party decision, we have announced it publicly. The situation in Thailand and in The Philippines is somewhat different. The Overseas Chinese problem there has not yet been resolved. However, since we have no relations at all with those countries, the decision of the Communist Party cannot be communicated there. But the decision of the Communist Party of China has already reached Burma, India, Indonesia and Pakistan.

Record of meeting of the Prime Minister and Prime Minister Ba Swe on December 18, 1956 (Excerpt)

Prime Minister: What is the situation of overseas Chinese in Burma?

Ba Swe: There are three major problems before China and Burma:

1. Withdrawal of troops
2. Border issues
3. Overseas Chinese issue

The first issue has already been solved, we are solving the second one now and the third problem should also be resolved. If all three problems can be solved, there will be no other issues that could hinder friendly relations between China and Burma.

Most of the overseas Chinese in Burma are fine people. They obey the laws and regulations of the Burmese government. Yet there are some Overseas Chinese who engage in illegal economic activities, are greedy for profits, and engage in smuggling, black market activities which are even worse than smuggling because they harm the people.

Some overseas Chinese were once very wealthy. They often started bars and pawnshops. Now the government has nationalized these bars and shops and so now the Overseas Chinese have a great deal of idle capital. If the Overseas Chinese were willing to invest this capital in Burmese industry, the government would agree to this and would be willing to assist them. However, the Overseas Chinese are not doing this. Instead they are indulging in speculation and hoarding.

Prime Minister: Overseas Chinese who engage in speculative trading on the black market and in bribery are harming Burma. This behavior violates the moral code of business people. It is appropriate that the Burmese government prosecutes these people according to law.

They should invest excess capital in Burmese industry by cooperating with Burmese entrepreneurs or by buying shares in Burmese corporations so that they can get a legitimate profit. The last time that Mr. Xu Simin came back to China, I said this to him. The Overseas Chinese should help Burma develop its economy. They should not focus on their own profit alone. Only if the interests of the country of their own long-term residence are served can their own interests be safe. They should not focus only on their own personal interests.

Ba Swe: After Xu Simin returned to Burma from China, I also talked with him. I hope he encourages Overseas Chinese to invest their idle funds in industry.

Prime Minister: In politics, our attitude is that anyone who has won the right to vote in a Burmese election should be considered a citizen of Burma. They should no longer have Chinese nationality. Naturally, after they entered acquired Burmese nationality, they are still our relatives. However, they can no longer participate in Overseas Chinese groups and activities. Similarly, if some Overseas Chinese do not acquire Burmese nationality and still retain Chinese nationality, then they should not participate in in political activities in Burma. During the Bandung Conference, I also said that the Chinese Communist Party will not look for new members overseas. If you want to join the Chinese Communist Party, you will have to return to China to do it.

Ba Swe: Many overseas Chinese have lived in Burma for a long time. They are born, grow old and die all in Burma. Many of them have been wanting to acquire Burmese nationality and work to further Burmese national interests. We have been telling them that we are negotiating about this with the Chinese government. Once we reach an understanding with the Chinese government we will be able to grant their request and also tell them that once they acquire Burmese nationality, they should not retain their Chinese nationality any longer. Having two nationalities is a misfortune. I tell

that that if they continue to maintain their Chinese nationality, they must be law abiding in their economic activities and politically not participate in political activities in the country in which they reside.

Premier Zhou: We both agree to negotiate on this issue in Rangoon. Our embassy will discuss it with your foreign ministry. Do you think that the time is ripe for resolving this issue?

Ba Swe: We are now negotiating to a solution to the border issue. After the boundary issue is resolved, we will continue talking and resolve the Overseas Chinese issue. We will solve these problems one-by-one.

Record of Conversation: Meeting of Vice Premier Chen Yi and Burma Foreign Minister U Chan Tun Aung on January 29, 1960 (Excerpt)

U Chan Tun Aung said: Some people are encouraged to do the same as Indonesia but we don't harass the Overseas Chinese like they do in Indonesia. In Burma, we trust the Overseas Chinese who are self-disciplined. Some Overseas Chinese who acquired Burmese nationality are now secretaries working in the central government. Originally there were three or four Overseas Chinese judges who applied to obtain Burmese nationality. Now about twenty judges are applying. We handle Overseas Chinese issues very carefully in Burma. Vice Premier Chen Yi said that we hope that Overseas Chinese voluntarily make their choice of nationality. The Overseas Chinese are an element in our relationship that strengthens our friendship, not one that gives rise to disputes.

(Note: the above conversation took place during Ne Win's visit to China. This conversation took place as Vice Premier Chen Yi accompanied U Chan Tun Aung to the airport.)

Summary of Conversation: Ambassador Li Yimang's call on the Burmese Foreign Minister of Burma on February 15, 1960

Ambassador Li Yimang said to U Chan Tun Aung: As Vice Premier Chen Yi pointed out to U Chan Tun Aung, we are ready at any time to discuss and resolve the dual citizenship issue. I am sure that the resolution of this issue will further the development of friendship between our two countries.

U Chan Tun Aung said that the resolution of this issue has been delayed since it involves amending the constitution of Burma. The Burmese side has noted China's wishes. We await the appropriate time to address the issue and resolve it.