

No. 66

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**CHINA**  
and  
**UNITED STATES OF AMERICA**

**Treaty for the relinquishment of Extraterritorial Rights in China and the regulation of related matters (with Exchange of Notes). Signed at Washington, on 11 January 1943**

*Chinese and English official texts communicated by the Director of the Office of the Permanent Chinese Delegation to the United Nations. The filing and recording took place on 21 November 1947.*

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**CHINE**  
et  
**ETATS-UNIS D'AMERIQUE**

**Traité concernant la renonciation aux droits d'extraterritorialité en Chine et le règlement des questions connexes (avec échange de notes). Signé à Washington, le 11 janvier 1943**

*Textes officiels chinois et anglais communiqués par le Directeur du Bureau de la délégation permanente chinoise auprès de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 21 novembre 1947.*

No. 66. TREATY<sup>1</sup> BETWEEN THE REPUBLIC OF CHINA AND THE UNITED STATES OF AMERICA FOR THE RELINQUISHMENT OF EXTRATERRITORIAL RIGHTS IN CHINA AND THE REGULATION OF RELATED MATTERS. SIGNED AT WASHINGTON, ON 11 JANUARY 1943

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The Republic of China and the United States of America, desirous of emphasizing the friendly relations which have long prevailed between their two peoples and of manifesting their common desire as equal and sovereign States that the high principles in the regulation of human affairs to which they are committed shall be made broadly effective, have resolved to conclude a treaty for the purpose of adjusting certain matters in the relations of the two countries, and have appointed as their Plenipotentiaries:

The President of the National Government of the Republic of China,

Dr. Wei Tao-ming, Ambassador Extraordinary and Plenipotentiary of the Republic of China to the United States of America, and

The President of the United States of America,

Mr. Cordell Hull, Secretary of State of the United States of America;

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

*Article I*

All those provisions of treaties or agreements in force between the Republic of China and the United States of America which authorize the Government of the United States of America or its representatives to exercise jurisdiction over nationals of the United States of America in the territory of the Republic of China are hereby abrogated. Nationals of the United States of America in such territory shall be subject to the jurisdiction of the Government of the Republic of China in accordance with the principles of international law and practice.

*Article II*

The Government of the United States of America considers that the Final Protocol concluded at Peking on September 7, 1901, between the Chinese Government and other governments, including the Government of the United States

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<sup>1</sup> Came into force on 20 May 1943, upon the exchange of the instruments of ratification at Washington, in accordance with Article VIII.

of America, should be terminated and agrees that the rights accorded to the Government of the United States of America under that Protocol and under agreements supplementary thereto shall cease.

The Government of the United States of America will co-operate with the Government of the Republic of China for the reaching of any necessary agreements with other governments concerned for the transfer to the Government of the Republic of China of the administration and control of the Diplomatic Quarter at Peiping, including the official assets and the official obligations of the Diplomatic Quarter, it being mutually understood that the Government of the Republic of China in taking over administration and control of the Diplomatic Quarter will make provision for the assumption and discharge of the official obligations and liabilities of the Diplomatic Quarter and for the recognition and protection of all legitimate rights therein.

The Government of the Republic of China hereby accords to the Government of the United States of America a continued right to use for official purposes the land which has been allocated to the Government of the United States of America in the Diplomatic Quarter in Peiping, on parts of which are located buildings belonging to the Government of the United States of America.

### *Article III*

The Government of the United States of America considers that the International Settlements at Shanghai and Amoy should revert to the administration and control of the Government of the Republic of China and agrees that the rights accorded to the Government of the United States of America in relation to those Settlements shall cease.

The Government of the United States of America will cooperate with the Government of the Republic of China for the reaching of any necessary agreements with other governments concerned for the transfer to the Government of the Republic of China of the administration and control of the International Settlements at Shanghai and Amoy, including the official assets and the official obligations of those Settlements, it being mutually understood that the Government of the Republic of China in taking over administration and control of those Settlements will make provision for the assumption and discharge of the official obligations and liabilities of those Settlements and for the recognition and protection of all legitimate rights therein.

### *Article IV*

In order to obviate any questions as to existing rights in respect of or as to existing titles to real property in territory of the Republic of China possessed

by nationals (including corporations or associations), or by the Government, of the United States of America, particularly questions which might arise from the abrogation of the provisions of treaties or agreements as stipulated in Article I, it is agreed that such existing rights or titles shall be indefeasible and shall not be questioned upon any ground except upon proof, established through due process of law, of fraud or of fraudulent or other dishonest practices in the acquisition of such rights or titles, it being understood that no right or title shall be rendered invalid by virtue of any subsequent change in the official procedure through which it was acquired. It is also agreed that these rights or titles shall be subject to the laws and regulations of the Republic of China concerning taxation, national defense, and the right of eminent domain, and that no such rights or titles may be alienated to the government or nationals (including corporations or associations) of any third country without the express consent of the Government of the Republic of China.

It is also agreed that if it should be the desire of the Government of the Republic of China to replace, by new deeds of ownership, existing leases in perpetuity or other documentary evidence relating to real property held by nationals, or by the Government, of the United States of America, the replacement shall be made by the Chinese authorities without charges of any sort and the new deeds of ownership shall fully protect the holders of such leases or other documentary evidence and their legal heirs and assigns without diminution of their prior rights and interests, including the right of alienation.

It is further agreed that nationals or the Government of the United States of America shall not be required or asked by the Chinese authorities to make any payments of fees in connection with land transfers for or with relation to any period prior to the effective date of this treaty.

#### *Article V*

The Government of the United States of America having long accorded rights to nationals of the Republic of China within the territory of the United States of America to travel, reside and carry on trade throughout the whole extent of that territory, the Government of the Republic of China agrees to accord similar rights to nationals of the United States of America within the territory of the Republic of China. Each of the two Governments will endeavor to have accorded in territory under its jurisdiction to nationals of the other country, in regard to all legal proceedings, and to matters relating to the administration of justice, and to the levying of taxes or requirements in connection therewith treatment not less favorable than that accorded to its own nationals.

*Article VI*

The Government of the Republic of China and the Government of the United States of America mutually agree that the consular officers of each country, duly provided with exequaturs, shall be permitted to reside in such ports, places and cities as may be agreed upon. The consular officers of each country shall have the right to interview, to communicate with, and to advise nationals of their country within their consular districts; they shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular districts and they shall, upon notification to the appropriate authorities, be permitted to visit any such nationals; and, in general, the consular officers of each country shall be accorded the rights, privileges, and immunities enjoyed by consular officers under modern international usage.

It is likewise agreed that the nationals of each country, in the territory of the other country, shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of each country who are under detention or arrest or in prison or are awaiting trial in the territory of the other country shall be forwarded to such consular officers by the local authorities.

*Article VII*

The Government of the Republic of China and the Government of the United States of America mutually agree that they will enter into negotiations for the conclusion of a comprehensive modern treaty of friendship, commerce, navigation and consular rights, upon the request of either Government or in any case within six months after the cessation of the hostilities in the war against the common enemies in which they are now engaged. The treaty to be thus negotiated will be based upon the principles of international law and practice as reflected in modern international procedures and in the modern treaties which the Government of the Republic of China and the Government of the United States of America respectively have in recent years concluded with other governments.

Pending the conclusion of a comprehensive treaty of the character referred to in the preceding paragraph, if any questions affecting the rights in territory of the Republic of China of nationals (including corporations or associations), or of the Government, of the United States of America should arise in future and if these questions are not covered by the present treaty, or by the provisions of existing treaties, conventions, or agreements between the Government of the Republic of China and the Government of the United States of America not abrogated by or inconsistent with this treaty, such questions shall be discussed

by representatives of the two Governments and shall be decided in accordance with generally accepted principles of international law and with modern international practice.

*Article VIII*

The present treaty shall come into force on the day of the exchange of ratifications.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible.

SIGNED and sealed in the Chinese and English languages, both equally authentic, in duplicate, at Washington, this eleventh day of the first month of the thirty-second year of the Republic of China, corresponding to the eleventh day of January, one thousand nine hundred forty-three.

(Signed) WEI Tao-ming

(Signed) Cordell HULL

EXCHANGE OF NOTES

I

CHINESE EMBASSY

Washington, January 11, 1943

Excellency:

Under instructions of my Government, I have the honor to state that in connection with the treaty signed today by the Government of the Republic of China and the Government of the United States of America, in which the Government of the United States of America relinquishes its extraterritorial and related special rights in China, it is the understanding of the Government of the Republic of China that the rights of the Government of the United States of America and of its nationals in regard to the systems of treaty ports and of special courts in the International Settlements at Shanghai and Amoy and in regard to the employment of foreign pilots in the ports of the territory of China are also relinquished. In the light of the abolition of treaty ports as such, it is understood that all coastal ports in the territory of the Republic of China which are normally open to American overseas merchant shipping will remain open to such shipping after the coming into effect of the present treaty and the accompanying exchange of notes.

It is mutually agreed that the merchant vessels of each country shall be permitted freely to come to the ports, places, and waters of the other country which are or may be open to overseas merchant shipping, and that the treatment accorded to such vessels in such ports, places, and waters shall be no less favorable than that accorded to national vessels and shall be as favorable as that accorded to the vessels of any third country.

It is mutually understood that the Government of the United States of America relinquishes the special rights which vessels of the United States of America have been accorded with regard to the coasting trade and inland navigation in the waters of the Republic of China and that the Government of the Republic of China is prepared to take over any American properties that may have been engaged for those purposes and to pay adequate compensation therefor. Should either country accord the rights of inland navigation or coasting trade to vessels of any third country, such rights would similarly be accorded to the vessels of the other country. The coasting trade and inland navigation of each country are excepted from the requirement of national treatment and are to be regulated according to the laws of each country in relation thereto. It is agreed, however, that vessels of either country shall enjoy within the territory of the other country with respect to the coasting trade and inland navigation treatment as favorable as that accorded to the vessels of any third country.

It is mutually understood that the Government of the United States of America relinquishes the special rights which naval vessels of the United States of America have been accorded in the waters of the Republic of China and that the Government of the Republic of China and the Government of the United States of America shall extend to each other the mutual courtesy of visits by their warships in accordance with international usage and comity.

It is mutually understood that questions which are not covered by the present treaty and exchange of notes and which may affect the sovereignty of the Republic of China shall be discussed by representatives of the two Governments and shall be decided in accordance with generally accepted principles of international law and with modern international practice.

With reference to Article IV of the treaty, the Government of the Republic of China hereby declares that the restriction on the right of alienation of existing rights or titles to real property referred to in that article will be applied by the Chinese authorities in an equitable manner and that if and when the Chinese Government declines to give assent to a proposed transfer the Chinese Government will, in a spirit of justice and with a view to precluding loss on the part of American nationals whose interests are affected, undertake, if the American party in interest so desires, to take over the right or title in question and to pay adequate compensation therefor.

It is mutually understood that the orders, decrees, judgments, decisions and other acts of the United States Court for China and of the Consular Courts of the United States of America in China shall be considered as *res judicata* and shall, when necessary, be enforced by the Chinese authorities. It is further understood that any cases pending before the United States Court for China and the Consular Courts of the United States of America in China at the time of the coming into effect of this treaty shall, if the plaintiff or petitioner so desires, be remitted to the appropriate courts of the Government of the Republic of China which shall proceed as expeditiously as possible with their disposition and in so doing shall in so far as practicable apply the laws of the United States of America.

It is understood that these agreements and understandings if confirmed by Your Excellency's Government shall be considered as forming an integral part of the treaty signed today and shall be considered as effective upon the date of the entrance into force of that treaty.

I shall be much obliged if Your Excellency will confirm the foregoing.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) WEI Tao-ming

Honorable Cordell Hull  
Secretary of State

## II

### DEPARTMENT OF STATE

Washington, January 11, 1943

Excellency:

In connection with the treaty signed today between the Government of the United States of America and the Government of the Republic of China in which the Government of the United States of America relinquishes its extra-territorial and related special rights in China, I have the honor to acknowledge the receipt of your note of today's date reading as follows:

[See Note I]

I have the honor to confirm that the agreements and understandings which have been reached in connection with the treaty signed today by the Govern-



ment of the United States of America and the Government of the Republic of China are as set forth in the above note from Your Excellency.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) Cordell HULL

His Excellency Dr. Wei Tao-ming  
Ambassador of China

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## ANNEX A

## No. 66. AGREEMENT FOR THE ESTABLISHMENT OF THE EUROPEAN COAL ORGANISATION. SIGNED AT LONDON, ON 4 JANUARY 1946

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PROTOCOL<sup>1</sup> FOR THE PROLONGATION OF THE EUROPEAN COAL ORGANISATION AGREEMENT<sup>2</sup> OF JANUARY 1946. LONDON, 12 DECEMBER 1946

*French and English official texts communicated by the Permanent Representative of Denmark to the United Nations. The registration took place on 12 November 1947.*

Whereas Article 10 of the Agreement for the Establishment of the European Coal Organisation, signed in London on 4 January, 1946, provides that the Agreement should be for an initial period of one year and whereas it is the desire of member Governments to prolong its operation, it is agreed as follows:—

1. The Agreement shall continue in force as between the signatories of the present Protocol for a further period of one year from 1 January, 1947, subject to the right of any member Government to withdraw from the Agreement after giving, to the Government of the United Kingdom, three months' notice of their intention to withdraw.

2. In the event of a new organisation being constituted on the initiative of the United Nations for the purpose of dealing with problems relating to fuel and power, the parties to this Protocol will consider among themselves what steps should be taken for the transfer of the functions, assets and liabilities, personnel and archives of the European Coal Organisation to the new organisation and for the termination of the Agreement.

3. This Protocol shall remain open for signature until 31 December, 1946.

DONE in London the 12th day of December, 1946, in a single copy which shall be deposited with the Government of the United Kingdom and of which certified copies shall be communicated to all signatory Governments.

For the Government of Belgium:

MAX BUYSE

For the Government of Czechoslovakia:

B. MESSANY

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<sup>1</sup> Came into force on 1 January 1947, by signature.

<sup>2</sup> United Nations, *Treaty Series*, Volume 6, page 35.

For the Government of Denmark:

Anthon VESTBIK

For the Government of the French Republic:

GUERONIK

For the Government of Greece:

B. MOSTRAS

For the Government of Luxembourg:

L. CLASEN

For the Government of the Netherlands:

E. MICHIELS VAN VERDUYNEN

For the Government of Norway:

Johan MELANDER

For the Government of Poland:

C. ALEXANDROWICZ

For the Government of Sweden:

For the Government of Turkey:

I. SADI KAVUR

For the Government of the United Kingdom of Great  
Britain and Northern Ireland:

O. G. SARGENT

For the Government of the United States of America:

W. J. GALLMAN

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