

No. 96

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**CHINA**  
and  
**CANADA**

**Agreement on the principles applying to the provision by Canada of Canadian war supplies to China under the War Appropriation (United Nations Mutual Aid) Act of Canada 1943. Signed at Ottawa, on 22 March 1944**

*English official text communicated by the Director of the Office of the Permanent Chinese Delegation to the United Nations. The filing and recording took place on 5 April 1948.*

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**CHINE**  
et  
**CANADA**

**Accord fixant les principes applicables à la livraison par le Canada de fournitures de guerre en provenance du Canada à la Chine conformément à la loi canadienne de 1943 portant ouverture de crédits pour la guerre (au titre de l'aide réciproque entre les Etats Membres des Nations Unies). Signé à Ottawa, le 22 mars 1944**

*Texte officiel anglais communiqué 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 5 avril 1948.*

No. 96. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENTS OF CHINA AND CANADA ON THE PRINCIPLES APPLYING TO THE PROVISION BY CANADA OF CANADIAN WAR SUPPLIES TO CHINA UNDER THE WAR APPROPRIATION (UNITED NATIONS MUTUAL AID) ACT OF CANADA 1943. SIGNED AT OTTAWA, ON 22 MARCH 1944

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Whereas China and Canada are associated in the present war, and

Whereas it is desirable that war supplies should be distributed among the United Nations in accordance with strategic needs of the war and in such manner as to contribute most effectively to the winning of the war and the establishment of peace, and

Whereas it is expedient that the conditions upon which such war supplies are made available by one United Nation to another should not be such as to burden post-war commerce, or lead to the imposition of trade restrictions or otherwise prejudice a just and enduring peace, and

Whereas the Governments of China and Canada are mutually desirous of concluding an agreement in regard to the conditions upon which Canadian war supplies will be made available to China,

The Undersigned, being duly authorized by their respective Governments for the purpose, have agreed as follows:

*Article I*

The Government of Canada will make available under the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943, to the National Government of the Republic of China such war supplies as the Government of Canada shall authorize from time to time to be provided.

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<sup>1</sup> Came into force on 22 March 1944, as from the date of signature, in accordance with Article XI.

*Article II*

The National Government of the Republic of China will continue to contribute to the defence of Canada and the strengthening thereof and will provide such articles, services, facilities or information as it may be in a position to supply and as may from time to time be determined by common agreement in the light of the development of the war.

*Article III*

The National Government of the Republic of China will, in support of any applications to the Government of Canada for the provision of war supplies under this agreement, furnish the Government of Canada with such relevant information as the Government of Canada may require for the purpose of deciding upon the applications and for executing the purposes of this agreement.

*Article IV*

The National Government of the Republic of China agrees to use any war supplies delivered to it under this agreement in the joint and effective prosecution of the war.

*Article V*

The National Government of the Republic of China will not without the consent of the Government of Canada sell to any other Government or to persons in other countries war supplies delivered to it under this agreement.

*Article VI*

The Government of Canada will not require the National Government of the Republic of China to re-deliver to the Government of Canada any war supplies delivered under this agreement except as specifically provided in Articles VII and VIII and subject to any special agreement which may be concluded in the circumstances contemplated in Article IX.

*Article VII*

Title to any cargo ships delivered under this agreement will remain with the Government of Canada and the ships shall be chartered to the National Government of the Republic of China on terms providing for their re-delivery.

*Article VIII*

Upon the cessation of hostilities in any major theatre of war, any war supplies which have been transferred to the National Government of the Republic of China under this agreement and are still in Canada or in ocean transit shall revert to Canadian ownership, except those supplies destined for a theatre of war in which hostilities have not ceased or supplies made available for relief purposes or such other supplies as the Government of Canada may specify.

*Article IX*

The Government of Canada reserves the right to request:

(a) the delivery, after the cessation of hostilities in any theatre of war, for relief and rehabilitation purposes, to another United Nation or to an international organization, of automotive equipment supplied under this agreement;

(b) the transfer to Canadian forces serving outside Canada after the cessation of hostilities of vehicles, aircraft, ordnance or military equipment supplied under this agreement to the National Government of the Republic of China if such war supplies are required for the use of such Canadian forces and are not required by the National Government of the Republic of China for military operations; and

(c) the return to Canada after the war, if required in Canada for Canadian purposes, of aircraft and automotive equipment supplied under this agreement which may still be serviceable, due regard being had to the degree of wastage likely to have been suffered by these articles, provided that when the identity of such Canadian equipment has been lost as a result of pooling arrangements or for other reasons, the National Government of the Republic of China may substitute equipment of a similar type.

The National Government of the Republic of China agrees to use its best endeavours to meet any such requests on such reasonable terms and conditions as shall be settled in consultation with the Government of Canada.

*Article X*

The Governments of China and Canada re-affirm their desire to promote mutually advantageous economic relations between their countries and throughout the world. They declare that their guiding purposes include the adoption of measures designed to promote employment, the production and consumption

of goods, and the expansion of commerce through appropriate international agreements on commercial policy, with the object of contributing to the attainment of all the economic objectives set forth in the Declaration of August 14th, 1941,<sup>1</sup> known as the Atlantic Charter.

*Article XI*

This agreement will take effect as from this day's date. It shall apply to war supplies furnished to the National Government of the Republic of China by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943, or substituted Act, including supplies furnished under the said Act before the conclusion of this agreement. It shall continue in force until a date to be agreed upon by the two Governments.

DATED at Ottawa, this 22nd day of March, nineteen hundred and forty-four.

Signed for and on behalf of the National Government of the Republic of China:

LIU SHIH SHUN

Signed for and on behalf of the Government of Canada:

W. L. MACKENZIE KING

C. D. HOWE

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<sup>1</sup> League of Nations, *Treaty Series*, Volume CCIV, page 381.