

No. 18019

**UNITED STATES OF AMERICA
and
CHINA**

Agreement on the mutual establishment of consular relations and the opening of Consulates General (with annex on practical arrangements). Signed at Washington on 31 January 1979

Authentic texts: English and Chinese.

Registered by the United States of America on 22 October 1979.

**ÉTATS-UNIS D'AMÉRIQUE
et
CHINE**

Accord sur l'établissement de relations consulaires et l'ouverture de Consulats généraux (avec annexe relative aux dispositions pratiques). Signé à Washington le 31 janvier 1979

Textes authentiques : anglais et chinois.

Enregistré par les États-Unis d'Amérique le 22 octobre 1979.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON THE MUTUAL ESTABLISHMENT OF CONSULAR RELATIONS AND THE OPENING OF CONSULATES GENERAL

The Government of the United States of America and the Government of the People's Republic of China agree to establish consular relations, open consular offices by each side in the other's territory, promote the well-being of each side's citizens in the other's territory, and foster family reunion, tourism, commercial, scientific-technological, cultural and other relations between the peoples of the United States and China. The Government of the United States of America agrees to the opening of Consulates General by the Government of the People's Republic of China in San Francisco and Houston. The Government of the People's Republic of China agrees to the opening of Consulates General by the Government of the United States of America in Guangzhou and Shanghai. For practical arrangements, see annex. These Consulates General will be opened at mutually agreed times in the future.

DONE at Washington this 31st day of January 1979, in duplicate in the English and Chinese languages, both equally authentic.

For the Government
of the United States of America:
[Signed — Signé]²

For the Government
of the People's Republic of China:
[Signed — Signé]³

ANNEX ON PRACTICAL ARRANGEMENTS

The Government of the United States of America and the Government of the People's Republic of China agree that consular relations will be conducted on a basis of reciprocity and mutual benefit and in accordance with the general principles and practice of international law. In the event of disagreements, both Governments undertake to resolve them through consultations in a spirit of mutual understanding and cooperation, drawing on the principles of customary international law embodied in the Vienna Convention on Consular Relations of 1963.⁴

Pending entry into force of a Consular Agreement to be negotiated, the two sides agree to the following interim practical arrangements:

1. The two Governments agree to facilitate the reunion of families and will process all applications as quickly as possible under mutually agreed arrangements and in accordance with each side's laws and regulations.

¹ Came into force on 31 January 1979 by signature.

² Signed by Cyrus R. Vance — Signé par Cyrus R. Vance.

³ Signed by Huang Hua — Signé par Huang Hua.

⁴ United Nations, *Treaty Series*, vol. 596, p. 261.

2. The two Governments agree to facilitate travel between their respective countries of persons who may claim simultaneously the nationality of the United States of America and the nationality of the People's Republic of China. Exit formalities and documentation shall be dealt with in accordance with the laws of the country in which the person concerned resides. Entry formalities and documentation shall be dealt with in accordance with the laws of the country to which the person concerned wishes to travel.

3. United States citizens entering the People's Republic of China on the basis of United States travel documents containing Chinese entry visas will, during the period for which their status has been accorded, and in accordance with the visa's validity, be considered United States nationals by the appropriate Chinese authorities for the purpose of ensuring consular access and protection. Such persons shall have the right of departure from the People's Republic of China without further documentation, regardless of whether they may also be regarded as citizens of the People's Republic of China, nor shall they lose the right of consular protection or the right of departure without further documentation if the period of validity for which the status has been accorded has expired during the course of judicial or administrative proceedings which prevent their earlier departure.

4. Citizens of the People's Republic of China entering the United States using travel documents of the People's Republic of China containing United States entry visas will, during the period for which their status has been accorded, and in accordance with the visa's validity, be considered nationals of the People's Republic of China by the appropriate United States authorities for the purpose of ensuring consular access and protection. Such persons shall have the right of departure from the United States without further documentation, regardless of whether they may also be regarded as citizens of the United States, nor shall they lose the right of consular protection or the right of departure without further documentation if the period of validity for which the status has been accorded has expired during the course of judicial or administrative proceedings which prevent their earlier departure.

5. If a citizen of the sending country is arrested or detained in any manner, the authorities of the receiving country shall, without delay, notify the consular post or embassy accordingly of the arrest or detention of the person and permit access by a consular officer of the sending state to the citizen who is under arrest or detained in custody.

6. Persons residing in the People's Republic of China who are entitled to receive financial benefits from the Government of the United States of America shall receive their benefits under mutually agreed arrangements and in accordance with each side's laws and regulations.

7. Persons residing in the United States of America who are entitled to receive financial benefits from the Government of the People's Republic of China shall receive their benefits under mutually agreed arrangements and in accordance with each side's laws and regulations.

8. In addition to consular offices whose opening has already been agreed upon, the two sides agree to discuss the opening of consular offices in other cities as the need arises.