



TREATY SERIES No. 42 (1925).

TREATY

BETWEEN THE

United States of America, Belgium, the
British Empire, China, France, Italy, Japan,
the Netherlands and Portugal

RELATING TO

Principles and Policies to be followed in
Matters concerning China.

Washington, February 6, 1922.

[Ratifications deposited at Washington, August 5, 1925.]

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty.*

LONDON :

PRINTED & PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :
Adastral House, Kingsway, London, W.C.2 ; 28, Abingdon Street, London, S.W.1 ;
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1925

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Cmd. 2517.

Treaty between the United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal relating to Principles and Policies to be followed in Matters concerning China.

Washington, February 6, 1922.

[Ratifications deposited at Washington, August 5, 1925.]

THE United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal :

Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity ;

Have resolved to conclude a Treaty for that purpose and to that end have appointed as their respective Plenipotentiaries :

The President of the United States of America :

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,

citizens of the United States ;

His Majesty the King of the Belgians :

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington ;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India :

The Right Honourable Arthur James Balfour, O.M., M.P.,
Lord President of His Privy Council ;

The Right Honourable Baron Lee of Fareham, G.B.E.,
K.C.B., First Lord of His Admiralty ;

The Right Honourable Sir Auckland Campbell Geddes,
K.C.B., His Ambassador Extraordinary and Plenipotentiary to the United States of America ;

and

for the Dominion of Canada :

The Right Honourable Sir Robert Laird Borden, G.C.M.G.,
K.C. ;

for the Commonwealth of Australia :

Senator the Right Honourable George Foster Pearce,
Minister for Home and Territories;

for the Dominion of New Zealand :

The Honourable Sir John William Salmoud, K.C., Judge of
the Supreme Court of New Zealand;

for the Union of South Africa :

The Right Honourable Arthur James Balfour, O.M., M.P.;

for India :

The Right Honourable Valingman Sankaranarayana Srinivasa
Sastri, Member of the Indian Council of State;

The President of the Republic of China :

Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister
Plenipotentiary at Washington;

Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister
Plenipotentiary at London;

Mr. Chung-Hui Wang, former Minister of Justice;

The President of the French Republic :

Mr. Albert Sarraut, Deputy, Minister of the Colonies;

Mr. Jules J. Jusserand, Ambassador Extraordinary and
Plenipotentiary to the United States of America, Grand
Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy :

The Honourable Carlo Schanzer, Senator of the Kingdom;

The Honourable Vittorio Rolandi Ricci, Senator of the
Kingdom, His Ambassador Extraordinary and Plenipo-
tentiary at Washington;

The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan :

Baron Tomosaburo Kato, Minister for the Navy, Junii, a
member of the First Class of the Imperial Order of the
Grand Cordon of the Rising Sun with the Paulownia
Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and
Plenipotentiary at Washington, Jushii, a member of the
First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs,
Jushii, a member of the Second Class of the Imperial
Order of the Rising Sun;

Her Majesty the Queen of the Netherlands :

Jonkheer Frans Beelaerts van Blokland, Her Envoy Extra-
ordinary and Minister Plenipotentiary;

Jonkheer Willem Hendrik de Beaufort, Minister Plenipo-
tentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic :

Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington ;

Mr. Ernesto Julio de Carvalho e Vasconcellos, Captain of the Portuguese Navy, Technical Director of the Colonial Office ;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows :—

ARTICLE 1.

The Contracting Powers, other than China, agree :—

1. To respect the sovereignty, the independence, and the territorial and administrative integrity of China ;
2. To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government ;
3. To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China ;
4. To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE 2.

The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any Power or Powers, which would infringe or impair the principles stated in Article 1.

ARTICLE 3.

With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers, other than China, agree that they will not seek, nor support their respective nationals in seeking—

- (a.) Any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China ;
- (b.) Any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present Treaty or not.

ARTICLE 4.

The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE 5.

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

ARTICLE 6.

The Contracting Powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE 7.

The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned.

ARTICLE 8.

Powers not signatory to the present Treaty, which have Governments recognised by the Signatory Powers and which have treaty relations with China, shall be invited to adhere to the present Treaty. To this end the Government of the United States will make

the necessary communications to non-Signatory Powers and will inform the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE 9.

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the *procès-verbal* of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the 6th day of February, 1922.

	CHARLES EVANS HUGHES.	(L.S.)
	HENRY CABOT LODGE.	(L.S.)
	OSCAR W. UNDERWOOD.	(L.S.)
	ELIHU ROOT.	(L.S.)
	BARON DE CARTIER DE MARCHIENNE.	(L.S.)
	ARTHUR JAMES BALFOUR.	(L.S.)
	LEE OF FAREHAM.	(L.S.)
	A. C. GEDDES.	(L.S.)
	R. L. BORDEN.	(L.S.)
	G. F. PEARCE.	(L.S.)
	JOHN W. SALMOND.	(L.S.)
	ARTHUR JAMES BALFOUR.	(L.S.)
	V. S. SRINIVASA SASTRI.	(L.S.)
(L.S.)	SAO-KE ALFRED SZE.	
(L.S.)	V. K. WELLINGTON KOO.	
(L.S.)	CHUNG-HUI WANG.	
(L.S.)	A. SARRAUT.	
(L.S.)	JUSSERAND.	
(L.S.)	CARLO SCHANZER.	
(L.S.)	V. ROLANDI RICCI.	
(L.S.)	LUIGI ALBERTINI.	
	T. KATO.	(L.S.)
	K. SHIDEHARA.	(L.S.)
	M. HANIHARA.	(L.S.)
	BEELAERTS VAN BLOKLAND.	(L.S.)
	W. DE BEAUFORT.	(L.S.)
	ALTE.	(L.S.)
	ERNESTO DE VASCONCELLOS.	(L.S.)