



Treaty Series No. 37 (1987)

# Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the People's Republic of China

concerning the  
Settlement of Mutual Historical Property Claims

Beijing, 5 June 1987

with

Exchange of Notes  
concerning Shares, Bonds and other Securities

Beijing, 5 June 1987

[The Agreement and Exchange of Notes entered into force on 5 June 1987]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 1987*

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**AGREEMENT  
BETWEEN THE GOVERNMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA  
CONCERNING THE SETTLEMENT OF MUTUAL HISTORICAL  
PROPERTY CLAIMS**

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the Government of the United Kingdom") and the Government of the People's Republic of China (hereinafter referred to as "the Chinese Government"),

Wishing to reach a final and comprehensive settlement of all mutual historical property claims between the two countries arising before 1 January 1980,

Have agreed as follows:

**ARTICLE 1**

The Chinese Government undertakes that it shall neither on its own behalf nor on behalf of Chinese natural and juridical persons pursue with the Government of the United Kingdom or support any property claims arising before 1 January 1980 and, in particular, the following historical claims:

1. Claims in respect of debts due before 1 January 1980 to the Chinese Government or to any local authorities in China and owed by British nationals resident or carrying on business in the territory of the People's Republic of China;
2. Claims in respect of the property of the former China National Aviation Corporation and Central Air Transport Corporation;
3. Claims in respect of five fishing vessels, the property of the former Board of Trustees for Rehabilitation Affairs;
4. Claims in respect of the requisitioning of the oil tanker "Yung Hao" and the financial loss incurred in relation to a cargo of rubber on the ship "Nancy Moller".

**ARTICLE 2**

1. In view of the above undertaking of the Chinese Government, the Government of the United Kingdom agrees to pay to the Chinese Government, and the Chinese Government agrees to accept, the sum of US Dollars 3,800,000.
2. The sum referred to in paragraph 1 above shall be paid in two equal instalments, the first of which shall be paid on 61st day as from the date of entry into force of this Agreement, and the second, one year from the date when the first payment becomes due.

**ARTICLE 3**

The Government of the United Kingdom undertakes that it shall neither on its own behalf nor on behalf of natural and juridical persons of the United Kingdom pursue with the Chinese Government or support any property claims arising before 1 January 1980 and, in particular, the following historical claims:

1. Claims in respect of any foreign debts incurred before 1 October 1949 by the successive former Chinese governments, including debts in respect of which bonds were issued or guaranteed by them;
2. Claims in respect of any property formerly owned in the territory of China by United Kingdom nationals of which they lost title or enjoyment as a result of a direct or indirect intervention of the Chinese Government and in respect of certain bank accounts owned by United Kingdom nationals and referred to in consultations between the two Governments in 1986;

3. Claims in respect of the requisitioning of former British Consular premises and the costs of repairing damage to British diplomatic premises in the territory of China;
4. Claims in respect of pension and superannuation benefits of United Kingdom nationals employed before 1 October 1949 by any former Chinese government or any municipal authorities under its jurisdiction.

#### ARTICLE 4

1. In view of the above undertaking of the Government of the United Kingdom, the Chinese Government agrees to pay to the Government of the United Kingdom, and the Government of the United Kingdom agrees to accept, the sum of pounds sterling 23,468,008.
2. The sum referred to in paragraph 1 above shall be paid in two equal instalments on the dates referred to in Article 2, paragraph 2 of this Agreement.

#### ARTICLE 5

All the mutual historical property claims between China and the United Kingdom arising before 1 January 1980 shall be deemed to have been settled finally and comprehensively by the full payment of the sums referred to in Articles 2 and 4 of this Agreement. Thereafter, the Chinese Government and the Government of the United Kingdom shall each enjoy full title to any property referred to in Articles 1 and 3 remaining in their respective territories under the provisions of this Agreement.

#### ARTICLE 6

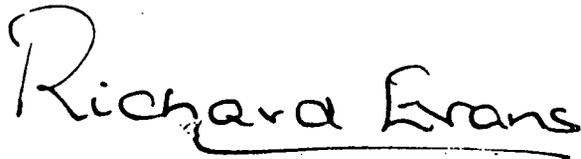
The Chinese Government and the Government of the United Kingdom shall be responsible for the settlement of claims and for any distribution to natural and juridical persons of their respective countries from the sums received under this Agreement in accordance with their own laws and without any responsibility arising therefrom for the other Government.

#### ARTICLE 7

This Agreement shall enter into force on the date of signature.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Agreement.

Done in duplicate at Beijing on 5 June 1987 in the Chinese and English languages, both texts being equally authoritative.



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

[RICHARD EVANS]



For the Government of the People's  
Republic of China

[ZHOU NAN]

# 大不列颠及北爱尔兰联合王国政府和 中华人民共和国政府关于 解决历史遗留的相互资产 要求的协定

大不列颠及北爱尔兰联合王国政府(以下简称“联合王国政府”)和中华人民共和国政府(以下简称“中国政府”),为最终和全面地解决一九八〇年一月一日以前历史遗留的所有相互资产要求,达成协定如下:

## 第 一 条

中国政府承允,它既不为其本身也不代表中国自然人和法人就一九八〇年一月一日以前的任何资产要求向联合王国政府进行追究,亦不支持任何此类资产要求,特别是下述历史遗留的资产要求:

一、对在中华人民共和国境内居留或从事商业活动的英国国民,于一九八〇年一月一日以前所欠中国政府或欠中国任何地方当局的债务的索赔要求;

二、对前“中国航空公司”和“中央航空公司”的资产要求；

三、对前善后事业保管委员会的5艘渔船的索赔要求；

四、对“永灏”油轮被征用和关于“南茜摩勒”号轮船载橡胶所产生的财政损失的索赔要求。

## 第 二 条

一、鉴于中国政府的上述承允，联合王国政府同意向中国政府支付3,800,000美元，中国政府同意接受这笔款项。

二、本条第一款中所提及的款项将分两次平均付清。第一次于本协定生效之日起第61天支付，第二次将于第一次付款之日期满一年后支付。

## 第 三 条

联合王国政府承允，它既不为其本身也不代表联合王国的自然人和法人就一九八〇年一月一日以前的任何资产要求向中国政府进行追究，亦不支持任何此类资产要求，特别是下述历史遗留的资产要求：

一、对一九四九年十月一日以前中国历届旧政府所举借的包括它们所发行或担保的债券在内的旧外债的索偿要求；

二、对在中国境内原属联合王国国民所有，但在中国政府直接或间接干预下失去所有权或使用权的任何资产以及对在一九八六年两国政府商谈中提及的英国公民的某些银行存款的索赔要求；

三、对在中国境内被征用的英国前领事馆舍和修复被损坏的英国外交馆舍所支出费用的索偿要求；

四、对一九四九年十月一日以前受旧中国政府或在其管辖下的任何市政当局雇佣的联合王国国民的养老金和退休金的索偿要求。

#### 第 四 条

一、鉴于联合王国政府的上述承允，中国政府同意向联合王国政府支付23,468,008英镑，联合王国政府同意接受这笔款项。

二、本条第一款中所提及的款项将按本协定第二条第二款中所提及的日期分两次平均付清。

## 第 五 条

一俟本协定第二条和第四条中所提及的款项支付完毕，中英两国之间在一九八〇年一月一日以前历史遗留的所有相互资产要求即被视为最终和全面地获得了解决。此后，中国政府和联合王国政府依照本协定对第一条和第三条提及的留存在各自境内的任何资产享有全部权利。

## 第 六 条

中国政府和联合王国政府将根据各自国家的法律负责解决本国自然人和法人的资产要求，并负责向本国自然人和法人分配根据本协定所得到的款项，而不对对方政府承担由此产生的任何责任。

## 第 七 条

本协定自签字之日起生效。

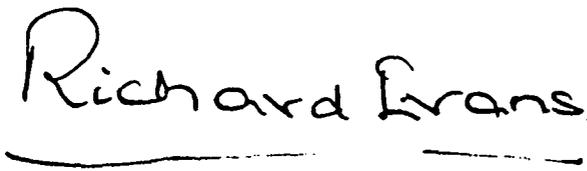
为此，缔约双方正式授权的代表签署本协定，以昭信守。

本协定于一九八七年六月五日在北京签订，一式两

份，每份都用中文和英文写成。两种文本具有同等效力。

大不列颠及北爱尔兰  
联合王国政府  
代 表

中华人民共和国  
政 府  
代 表

Handwritten signature of Richard Evans in cursive script, underlined.

[RICHARD EVANS]

Handwritten signature of Zhou Nan in Chinese calligraphy.

[ZHOU NAN]

**EXCHANGE OF NOTES  
CONCERNING SHARES, BONDS AND OTHER SECURITIES**

No. 1

*Her Majesty's Ambassador at Beijing to the Vice-Minister of Foreign Affairs of the People's  
Republic of China*

Your Excellency,

I have the honour to refer to the signature today of the Agreement between the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning the Settlement of Mutual Historical Property Claims (hereinafter referred to as 'the Agreement') and to make the following proposal:

The property claims referred to in Articles 1 and 3 of the Agreement do not cover claims in respect of shares, bonds and other securities issued by British companies or enterprises formerly carrying on business within the territory of the People's Republic of China which are held by natural or juridical persons of the People's Republic of China. The holders (or their duly authorised agents) should themselves arrange the redemption, conversion, retention, sale or disposal of their shares, bonds and securities in accordance with applicable domestic law. The Government of the United Kingdom are also prepared, if so requested, to offer such assistance as they are able in identifying those companies or enterprises which remain in existence and also in identifying the appropriate authorities to whom any applications concerning this property should be made.

If the foregoing proposal is acceptable to the Government of the People's Republic of China, I have the honour to suggest that the present Note and Your Excellency's reply to that effect shall constitute an Agreement between our two Governments, which shall enter into force on today's date.

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

**RICHARD EVANS**

*Beijing 5 June 1987*

大不列颠及北爱尔兰联合王国驻中华人民共和国特命全权  
大使伊文思阁下

阁下：

我荣幸地收到了您今天的来照，其内容如下：

“我荣幸地提及今天由中华人民共和国政府和大不列颠及北爱尔兰联合王国政府签署的关于解决历史遗留的相互资产要求的协定(以下简称“协定”)，并建议如下：

本协定第一条和第三条所提及的资产要求不包括关于以前在中华人民共和国境内从事商务活动的英国公司、企业所发行而现由中华人民共和国自然人或法人所持有的股票、债券和其他有价证券等的索偿要求。持有者(或经他们正式授权的代理人)应根据可适用的国内法自行赎买、兑换、保留、出售或处置其拥有的股票、债券和有价证券。联合王国政府应要求亦愿提供力所能及的协助，以查明此类现存的公司或企业及应受理此类资产申请的适当当

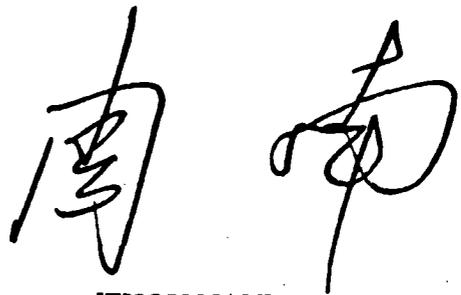
局。

前述建议如蒙中华人民共和国政府接受，我谨提议，本照会和阁下的复照即成为两国政府间的一项协定，并自今日起生效。

顺致最崇高的敬意。”

我荣幸地复照并通知阁下，中华人民共和国政府接受前述建议，并同意阁下的来照和本复照即成为我们两国政府间的一项协定，并自今日起生效。

顺致最崇高的敬意。

A large, stylized handwritten signature in black ink, consisting of two characters: '周' (Zhou) and '南' (Nan). The characters are written in a cursive, calligraphic style.

[ZHOU NAN]

一九八七年六月五日于北京

No. 2

[Translation of No. 2]

*The Vice-Minister of Foreign Affairs of the People's Republic of China to Her Majesty's  
Ambassador at Beijing*

Your Excellency,

I have the honour to acknowledge receipt of your Note of today's date whose contents are as follows:

[As in No. 1]

In reply, I have the honour to inform you that the Government of the People's Republic of China accepts the foregoing proposals and agrees that Your Excellency's Note together with this reply shall constitute an agreement between our two Governments, which shall enter into force on today's date.

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

[ZHOU NAN]

*1987 June 5th Beijing*