Some Important Articles concerning the Establishment of Official Intercourse between China and Other States

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Preface

It is well known that from early times China has called herself the "Middle Kingdom", the only civilized country in the world. Consequently, when the Western traders began to come in the sixteenth century, she looked upon those foreigners as barbarians and would not deal with them on equal terms. She regarded the foreign states as her vassals and did not recognize them as independent states and did not recognize their right at all, so that Westerners were not admitted to ask for treatment with due respect. Besides, she regarded foreign envoys as tributebearers and were called huai-tu-hai-yu, always treated as tribute-bearers and were called as representing an independent state; they were not admitted to ask for treatment with due respect of trade dependent entirely upon the good will of the Peking Court. Thus the foreign envoys were not recognized as well as those who regarded the foreign states as her vassals.
perfection equality (cf. Materials, A, II.) Moreover, negotiations directly with other nations on a footing of the central government, was established in order to the Foreign Office, one of the highest departments of Law of Nations (cf. Materials, A, I. (1). (2).) This was the China's viewpoint of international relations. However, it was impossible for China to keep such a feeling of superiority for evermore. Keep such a feeling of superiority for evermore, because the further development of international relations. Moreover, the Foreign Office, one of the highest departments of the central government, was established in order to negotiate directly with other nations on a footing of equality. The Treaties reconstructed her international relations, which could not help changing her previous attitude.

translated from French, the United States, etc., British treaty of Nanking in 1842 and of the successor the Family of Nations. By the conclusion of the treaty of Nanking was forced to be a member of the Family of Nations through the Hong merchants (cf. Materials, A, I. (1), (3), (4), (5).). Furthermore, the Foreign Office, one of the highest departments of the central government, was established in order to negotiate directly with other nations on a footing of equality, according to Modern International Law (cf. Materials, A, II.)
the foreign powers successfully compelled China to modify the humiliating form of official intercourse (cf. Materials, B, I.) and to abolish the disgraceful ceremony of kowtow (cf. Materials, B, II.), for the removal of the obstacles to equal status.

In this small note I will show the original texts of the provisions in the abovementioned treaties, relative to official intercourse between China and others—only the intercourse through a diplomatic agent, for the states concerned have similar rights by virtue of the "most-favoured-nation" clause in their treaties.

However, it may be sufficient here to give only the important articles among them, for the states concerned.

For the better preservation of harmony in future,

Art. 2, the British Treaty of Tientsin, 1858.

(1) Appointment

A. The Rules of Organization

Morse, H.; The International Relations of the Chinese Empire, vol. 2, pp. 48-57.

(2) Materials; A. The Rules of Organization


(3) Morse, H.; The International Relations of the Chinese Empire, vol. 1, pp. 310-315.
Whichever shall not be subjected to any kind of molestation, nor shall his own servants and attendants, who are not members of his suite, be molested whatever. The persons of his suite, may come and go, and travel at their pleasure. He shall moreover have full liberty to send his servants and attendants, who are not members of his suite, to the Court of Peking, and His Majesty the Emperor of China may, in like manner, if he see fit, appoint Ambassadors, Ministers, or other Diplomatic Agents, to the Court of St. James;

It is further agreed that no obstacle or difficulty shall be made to the free movements of Her Majesty's Representative shall be at liberty to choose his own servants and attendants, who shall not be subjected to any kind of molestation, nor shall his own servants and attendants, who are not members of his suite, be molested whatever. The persons of his suite, may come and go, and travel at their pleasure. He shall moreover have full liberty to send his servants and attendants, who are not members of his suite, to the Court of Peking, and His Majesty the Emperor of China may, in like manner, if he see fit, appoint Ambassadors, Ministers, or other Diplomatic Agents, to the Court of St. James;

Any person guilty of disrespect or violence to Her Majesty's Representative, or to any member of his Family or Establishment, shall be severely punished.

(For the Japanese translation, see op. cit. ibid. p. 250.)

Art. 4, the British Treaty of Tientsin, 1858.

p. 250

(2). Diplomatic privileges and immunities

See article regarding "placards, &c.", p. 250.

(For the Japanese translation of this article, see op. cit. ibid. p. 250.)
Great Britain shall be borne by the British Government.

All expenses attending the Diplomatic mission of

use and consent of Western nations.

are accorded to Officers of the same rank by the

and generally he shall enjoy the same privileges as

inaugurate despatches for the Imperial Government;

and facilities for travelling as the person employed

countries who shall meet with the same protection

able. He may employ for their transmission special

letters and effects shall be held sacred and inviolate.

point on the sea-coast that he may select; and his

and receive his correspondence to and from any
Les Agents diplomatiques qu'il plaira à Sa Majesté l'Empereur de la Chine d'accrediter auprès de Sa Majesté l'Empereur des Français avec tous les honneurs et toutes les privilèges dont jouissent, à rang égal, les Agents diplomatieux des autres nations.

Les dépenses de toute espèce que seront occasionnées par les missions diplomatiques de France en Chine seront supportées par le Gouvernement Français.

Les Agents diplomatiques jouiront reciprocallement dans le lieu de leur résidence des privilèges et immunités que leur accorde le droit des gens, c'est-à-dire, que leurs personnes, leur famille, leur maison et leur correspondance seront inviolables; qu'ils pourront prendre à leur service les employés, courriers, interprètes, serviteurs, etc., etc., que leur seront nécessaires.

Les dépenses de toute espèce qu'occasionnèrent les missions diplomatiques de France en Chine seront supportées par le Gouvernement Français.

Les Agents diplomatiques jouiront de toutes les privilèges nationaux.

Les dépenses de toute espèce qu'occasionnèrent les missions diplomatiques de France en Chine seront supportées par le Gouvernement Français.

Les Agents diplomatiques jouiront des privilèges nationaux.

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Les dépenses de toute espèce qu'occasionnèrent les missions diplomatiques de France en Chine seront supportées par le Gouvernement Français.

Les Agents diplomatiques jouiront des privilèges nationaux.
Great Britain, may reside, with his Family and Establishment, permanently at the Capital, or may visit it occasionally, at the option of the British Government.

It is further agreed that Her Majesty's Government may acquire at Peking a site for Building, or may hire Houses, for the accommodation of Her Mission, and that the Chinese Government will assist it in so doing.

For the Japanese translation, see op. cit.

Art. 2, the British Treaty of Peking, 1860.

For the Japanese translation, see op. cit.


(4) Legation Quarter

(pp. 255–266.)

It is further expressly declared......that, in accordance with Article III of the Treaty of one thousand eight hundred and fifty-eight, Her Britannic Majesty's Representative will henceforward reside permanently, or occasionally, at Peking, as Her Britannic Majesty shall be pleased to decide.

Majesty's Mission, and that the Chinese Government may hire Houses, for the accommodation of Her Majesty's Mission, at the option of the British Government, permanently at the Capital, or may visit it occasionally, at the option of the British Government, to reside, with his Family and Establishment, permanently at the Capital, or may visit it occasionally, at the option of the British Government.
of perfect equality.

His Majesty the Emperor of China, on the footing
necessary, either personally or in writing, on a footing
between the Agent of Her Majesty the Queen shall transact busi-
ness with whom the Ambassador, Ministers, and other Diplomatic
officers of one of the Boards, as the High Officer with
nominate one of the Secretaries of State, or a Prel-
ate, as High Officer of China.

III Establishment of Chinese Foreign Office


(5) Legation Guards

For the Japanese translation, see op. cit.

......


dernier a une Garde permanente dans le quart-
1901, la Chine a reconnu que le droit de
par le Protocole suivant à la lettre du 16 janvier

(For the Japanese translation, see op. cit. ibid.

2)

II Establishment of Chinese Foreign Office

Art. 5, the British Treaty of Tientsin, 1858.

(Treaties, I, p. 214; Mayers, p. 12; id.

His Majesty the Emperor of China agrees to
nominate one of the Secretaries of State, or a President of the Board,
with whom the Ambassador, Minister, or other Diplomatic
Agent of Her Majesty the Queen shall transact business, either personally or in writing, on a footing of perfect equality.

For the Japanese translation, see op. cit. ibid.

...... Par le Protocole suivant à la lettre du 16 janvier

(For the Japanese translation, see op. cit. ibid.

PP. 5.)

......
Art. 12, International Protocol, 1901.

(For the Japanese translation, see op. cit. ibid. p. 6.)

Un Imperial du 24 juillet 1901 (Annexe No. 18), a r8form6 1'Oftice des Affaires Etrangeres (Tsong—li Yamen) dans le sens indique par, les Pui ssances, c'est—a—dire 1'a tranaforme en un Ministere des Affaires Etrangeres (Wai—wou pou)(1) qui prend rang, au-dessus des six autres Ministres d’Etat, et au-dessus les affaires flrangerses (M.al—xon—pon) et pren un nouveau traité du paix est conclu, les relations

(1) When the Republic was established in 1912, the term Wai-chiao Pu was adopted.

(Traduction) Edit Imperial du 24. juillet 191.

L6 jour de la 6e lune, la Grande chancellerie a

La creation de fonctionnaires et la determination de leurs attributions ont jusqu’ici etEI reglees d’apres les necessits des temps. Or, en ce moment ou de la conclusion d’un nouveau traité de paix est conclu, les relations internationales sont de l’abord les plus importantes et il est plus que jamais necesaire de

(For the Japanese translation, see op. cit. ibid. p. 6.)


(1) When the Republic was established in 1912, the term Wai-chiao Pu was adopted.
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Dans les relations et de la confiance dans le langage.

L'Office des Affaires Étrangères était autrefois pour traiter les questions internationales, existe bien depuis des années mais étant donné que les Princes et Ministres qui le composaient n'exerçaient pour la part ces fonctions que d'autres, ils ne pouvaient s'y consacrer exclusivement. Il convient donc naturellement de créer des fonctions spéciales afin que chacun ait son attribution propre.

Nous ordonnons en conséquence que l'Office des Affaires Étrangères (Tsong-liko kono the-wo yamen) soit changé en Ministère des Affaires Étrangères (Wai-wou Pou) et ait rang avant les six Ministères.

(Mar-sou Pou) et de grade rang avant les six Ministères change en Ministère des Affaires Étrangères (Affaires Étrangères (Tsong-liko kono the-wo yamen).

Nous ordonnons en conséquence que l'office des Affaires Étrangères et de la confiance dans le langage...
coordinates of both Countries on a footing of perfect equality.

(2) By an arrangement resulting from the Chefoo Convention, the form Shen-ch 'en (I) was abandoned and it was agreed that the form chao hui (jj) should be adopted, as regards the style of correspondence between the Subordinate Foreign Officials and all Chinese Officers. (cf. Mayers, William Frederick; The Chinese Government, 1897. p. 141.)

Art. 51, the British Treaty of Tientsin, 1858.

It is agreed that, henceforward, the character "I" shall not be applied to the Government or subjects of Her Britannic Majesty in any Chinese official document issued by the Chinese Authorities either in the Capital or in the Provinces.
that, in the event of there being any difference of meaning between the English and Chinese text, the English Government will hold the sense as expressed in the English text to be the correct sense.

Art. 3, the French Treaty of Tientsin, 1858.

Les communications officielles des agents diplomatiques et consulaires français avec les autorités chinoises seront écrites en français, mais seront accompagnées, pour faciliter le service, d'une traduction chinoise aussi exacte que possible, du texte français.

Cette disposition est applicable au présent traité. Les communications officielles des agents diplomatiques et consulaires français avec les autorités chinoises seront écrites en français, mais seront accompagnées, pour faciliter le service, d'une traduction chinoise aussi exacte que possible, du texte français.

In the English text to be the correct sense, that, in the event of there being any difference of meaning between the English and Chinese text, the English Government will hold the sense as expressed in the English text to be the correct sense.
he shall have the right to send it through either correspondence with the Privy Council at the capital, or through the medium of the Imperial Commissioner chargéd with the superintendence of the concerns of foreign nations with China, or through the Governor-General of the two Kwangs, or through the medium of the Imperial Commissioner at the capital, or through the medium of the Governor-General of the two Kwangs, whichever he desires to have such correspondence with the Privy Council or with the Governor-General of the two Kwangs, or through the medium of the Imperial Commissioner. United States shall be transmitted to the Court of China by the Minister or Commissioner or the highest diplomatic representative of the United States of America in China, shall at all times have the right to correspond in perfect equality and confidence with the highest commissioner or the highest diplomatic minister of the Government of the United States of America. In order further to perpetuate friendship, the said.

(3) Treaty of Wanghia, 1844.

Art. 31, the American Treaty of Wanghia, 1844.

Communications from the Government of the United States to the Court of China shall be transmitted through the medium of the Imperial Commissioner chargéd with the superintendence of the concerns of foreign nations with China, or through the Governor-General of the two Kwangs, or through the medium of the Imperial Commissioner chargéd with the superintendence of the concerns of foreign nations with China, or through the Governor-General of the two Kwangs.
of the said Governors-General, or by the general post; and all such communications shall be sent under seal, which shall be most carefully respected. The Privy Council and Governors-General, as the case may be, shall in all cases consider and acknowledge such communications promptly and respectfully.

X1X, p. 1; M'Ghie, pp. 11-12;

(For the Japanese translation, see op. cit. ibid. pp. 348-349.)

II Audience

Art. 12, International Protocol, 1901.

He shall not be called upon to perform any ceremony derogatory to him as respecting the Sovereign of an independent nation, on a footing of equality with that of China. On the other hand, the Emperor shall use the same forms of ceremony and respect equal to those of an independent nation, on a footing of equality with his Emperor, the Sovereign of an independent nation, in respect of the Sovereign of the British Empire, the Emperor of the United Kingdom. He shall not be called upon to perform any ceremony derogatory to him as respecting the Sovereign of an independent nation.

(Treaties, I, p. 213; Mayer, pp. 120; Mayer, pp. 288; M.-A. H. T., p. 251.)
 Memorandum sur le protocole à observer.

1° Les audiences solennelles dans les audiences solennelles de la salle du Palais appelée "K'ien-tsing Kong." A la porte K'ien-tsing les représentants de plusieurs nations sont admis dans la salle de l'Empereur de Chine, dont le nom est "K'ien-tsing Kong," et en reviennent à portes fermées. Leur chaise est transportée dans une autre petite chaise (i chiao) jusqu'à la porte K'ien-tsing. En arrivant à la porte K'ien-tsing, ils sont portés dans leur chaise dans la salle de l'Empereur. Leur chaise est descendue dans laquelle ils sont venus et est transportée dans une petite chaise (i chiao) jusqu'à la porte K'ien-tsing. En arrivant à la porte K'ien-tsing, ils sont transportés dans une autre petite chaise (i chiao) jusqu'à la porte K'ien-tsing. En arrivant à la porte K'ien-tsing, ils sont transportés dans une autre petite chaise (i chiao) jusqu'à la porte K'ien-tsing.
3°. Quand un Représentant d’un Etat aura présenter à Sa Majeste l’Empereur ses lettres de créance ou une communication du Chef de l’Etat par lequel il est accrédité, l’Empereur fera envoyer à la résidence du dit Représentant pour le porter une chaise à porteurs avec des garnitures et des glands jaunes, telles que celles qui sont à l’usage des Princes de la famille Impériale. Le dit Représentant sera reconduit chez lui de la même manière. Une escorte de troupes sera également envoyée à la résidence du dit Représentant pour l’accompagner à son retour.

4°. En présenter ses lettres de créance ou une communication du Chef de l’État par lequel il est accrédité, un Agent Diplomatique, pendant qu’il portera les dites lettres ou communications, passera par les ouvertures centrales des portes du Palais jusqu’à ce qu’il soit parvenu en présence de Sa Majesté. En retour, il se conformera, en ce qui concerne les portes par lesquelles il pourrait avoir pu passer, aux usages déjà établis à la Cour de Pekin pour les audiences données aux Représentants étrangers, mais en les lettres et communications-ci-dessous mentionnées.

5°. L’Empereur recevra directement en personne les lettres et communications ci-dessus mentionnées que les Représentants étrangers pourront avoir à lui remettre.

6°. Si Sa Majesté décide d’inviter à un banquet les Représentants étrangers ou les Portes lors qu’il transportera ses lettres ou communications du Chef de l’État par lequel il est accrédité, l’Empereur réservera une pièce du Palais Impérial et pour le porter à ce banquet devra y être accueilli, le chef de l’État lui remettant les lettres de créance ou la communication.

7°. Lors d’un banquet donné au Palais Impérial, le banquet aura lieu dans une des salles du Palais Impérial et Sa Majesté devra y être assisté en personne.
Mayers, William Frederick; Treaties between the Empire of China and Foreign Powers, 1906.

(Abbreviation: Mayers)

Bibliography and Abbreviation

For the Japanese translation, see op. cit. ibid.

(For the Japanese translation, see op. cit. ibid.)

7°. Eu un mot, le ceremonial adopt par la Chine a regard des Representants Etrangers ne pourra etre, en aucun cas, different de celui qui resulte d'une parfaite egalite entre les Pays concernes et la Chine, sans aucune perte de prestige de parte et d'autre.

(Fors the Japanese translation, see op. cit. ibid. pp. 21-22.)
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