

EXTRATERRITORIALITY AND ADMINISTRATION OF JUSTICE IN CHINA

Resolutions adopted by the Conference on the Limitation of Armament at Washington December 10, 1921

Execution of provisions: The Commission on Extraterritoriality in China was constituted in 1926. It made a study of the system and published a report, "Report of the Commission on Extraterritoriality in China" (Washington, 1926), which included findings of fact and recommendations as to steps to be taken preparatory to a general relinquishment by the powers of their extraterritorial rights in China

Conference on the Limitation of Armament, Washington, November 12, 1921–February 6, 1922 (U.S. Government Printing Office, 1922), p. 1642; Senate documents 124 and 125, 67th Congress, 2d session

RESOLUTION REGARDING EXTRATERRITORIALITY IN CHINA

The representatives of the Powers hereinafter named, participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands and Portugal:

Having taken note of the fact that in the Treaty between Great Britain and China dated September 5, 1902, in the Treaty between the United States of America and China dated October 8, 1903,¹ and in the Treaty between Japan and China dated October 8, 1903, these several Powers have agreed to give every assistance towards the attainment by the Chinese Government of its expressed desire to reform its judicial system and to bring it into accord with that of Western nations, and have declared that they are also "prepared to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant" them in so doing;

Being sympathetically disposed towards furthering in this regard the aspiration to which the Chinese Delegation gave expression on November 16, 1921,

¹ TS 430, *post*.

to the effect that "immediately or as soon as circumstances will permit, existing limitations upon China's political, jurisdictional and administrative freedom of action are to be removed";

Considering that any determination in regard to such action as might be appropriate to this end must depend upon the ascertainment and appreciation of complicated states of fact in regard to the laws and the judicial system and the methods of judicial administration of China, which this Conference is not in a position to determine;

Have resolved

That the Governments of the Powers above named shall establish a Commission (to which each of such Governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China, and into the laws and the judicial system and the methods of judicial administration of China, with a view to reporting to the Governments of the several Powers above named their findings of fact in regard to these matters, and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China, and to assist and further the efforts of the Chinese Government to effect such legislation and judicial reforms as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality;

That the Commission herein contemplated shall be constituted within three months after the adjournment of the Conference in accordance with detailed arrangements to be hereafter agreed upon by the Governments of the Powers above named, and shall be instructed to submit its report and recommendations within one year after the first meeting of the Commission;

That each of the Powers above named shall be deemed free to accept or to reject all or any portion of the recommendations of the Commission herein contemplated, but that in no case shall any of the said Powers make its acceptance of all or any portion of such recommendations either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

ADDITIONAL RESOLUTION REGARDING ACCESSION

That the Non-Signatory Powers, having by treaty extraterritorial rights in China, may accede to the Resolution affecting extraterritoriality and the administration of justice in China by depositing within three months after the adjournment of the Conference a written notice of accession with the Government of the United States for communication by it to each of the Signatory Powers.

ADDITIONAL RESOLUTION REGARDING PARTICIPATION BY CHINA

That China, having taken note of the Resolutions affecting the establishment of a Commission to investigate and report upon extraterritoriality and

the administration of justice in China, expresses its satisfaction with the sympathetic disposition of the Powers hereinbefore named in regard to the aspiration of the Chinese Government to secure the abolition of extraterritoriality in China, and declares its intention to appoint a representative who shall have the right to sit as a member of the said Commission, it being understood that China shall be deemed free to accept or to reject any or all of the recommendations of the Commission. Furthermore, China is prepared to cooperate in the work of this Commission and to afford to it every possible facility for the successful accomplishment of its tasks.

[The Conference on the Limitation of Armament held at Washington November 12, 1921–February 6, 1922, concerned itself with two groups of questions: (1) the question of the limitation of armament, and (2) Pacific and Far Eastern questions. In order to deal with both fields, two committees were set up: the first, consisting of delegates of the United States, the British Empire, France, Italy, and Japan, to deal with questions of armament, and the second, consisting of delegates of the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, to deal with Pacific and Far Eastern questions. The resolutions were adopted in plenary sessions of the Conference.]