

Treaty of Nanking

Source 1 *Excerpts from The Treaty of Nanjing, August 1842*

Article I

There shall henceforth be Peace and Friendship between ... (England and China) and between their respective Subjects, who shall enjoy full security and protection for their persons and property within the Dominions of the other.

Article II

His Majesty the Emperor of China agrees that British Subjects, with their families and establishments, shall be allowed to reside, for the purpose of carrying on their commercial pursuits, without molestation or restraint at the Cities and Towns of Canton, Amoy, Foochow-fu, Ningpo, and Shanghai, and Her Majesty the Queen of Great Britain, etc., will appoint Superintendents or Consular Officers, to reside at each of the above-named Cities or Towns, to be the medium of communication between the Chinese Authorities and the said Merchants, and to see that the just Duties and other Dues of the Chinese Government as hereafter provided for, are duly discharged by Her Britannic Majesty's Subjects.

Article III

It being obviously necessary and desirable, that British Subjects should have some Port whereat they may careen and refit their Ships, when required, and keep Stores for that purpose, His Majesty the Emperor of China cedes to Her Majesty the Queen of Great Britain, etc., the Island of Hong-Kong, to be possessed in perpetuity by her Britannic Majesty, Her Heirs and Successors, and to be governed by such Laws and Regulations as Her Majesty the Queen of Great Britain, etc., shall see fit to direct.

Article V

The Government of China having compelled the British Merchants trading at Canton¹ to deal exclusively with certain Chinese Merchants called Hong merchants (or Cohong) who had been licensed by the Chinese Government for that purpose, the Emperor of China agrees to abolish that practice in future at all Ports where British Merchants may reside, and to permit them to carry on their mercantile transactions with whatever persons they please, and His Imperial Majesty further agrees to pay to the British Government the sum of Three Millions of Dollars, on account of Debts due to British Subjects by some of the said Hong Merchants (or Cohong) who have become insolvent, and who owe very large sums of money to Subjects of Her Britannic Majesty.

Article VII

It is agreed that the Total amount of Twenty-one Millions of Dollars, described in the three preceding Articles, shall be paid as follows:

Six Millions immediately. Six Millions in 1843 ... Five Millions in 1844 ... Four Millions in 1845 ...

Article IX

The Emperor of China agrees to publish and promulgate, under his Imperial Sign Manual and Seal, a full and entire amnesty and act of indemnity, to all Subjects of China on account of their having resided under, or having had dealings and intercourse with, or having entered the Service of Her Britannic Majesty, or of Her Majesty's Officers, and His Imperial Majesty further engages to release all Chinese Subjects who may be at this moment in confinement for similar reasons.

Article X

His Majesty the Emperor of China agrees to establish all the Ports which are by the 2nd Article of this Treaty to be thrown open for the resort of British Merchants, a fair and regular Tariff of Export and Import Customs and other Dues, which Tariff shall be publicly notified and promulgated for general information, and the Emperor further engages, that when British Merchandise shall have once paid at any of the said Ports the regulated Customs and Dues

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Source 2: Treaty of Nanjing - First of the Unequal Treaties

The Treaty of Nanking or Treaty of Nanjing, signed 29 August 1842, was the unequal treaty which marked the end of the First Opium War between the British and Qing Empires of 1839–42. The treaties forced China to lower its tariffs. In the wake of China's military defeat, with British warships poised to attack the city, representatives from the British and Qing Empires negotiated aboard HMS Cornwallis anchored at Nanjing. On 29 August 1842, British representative Sir Henry Pottinger and Qing representatives, Qiying, Ilibu and Niujian, signed the Treaty of Nanjing. The treaty consisted of thirteen articles and was ratified by Queen Victoria and the Daoguang Emperor nine months later. As one historian notes, a "most ironic point was that opium, the immediate cause of the war, was not even mentioned.

Terms

Foreign trade

The fundamental purpose of the treaty was to change the framework of foreign trade which had been in force since 1760 (Canton System). The treaty abolished the monopoly of the Thirteen Factories on foreign trade (Article V) in Canton and instead five ports were opened for trade, Canton (Shameen Island until 1949), Amoy (Xiamen until 1930), Foochow (Fuzhou), Ningpo (Ningbo) and Shanghai (until 1949), where Britons were to be allowed to trade with anyone they wished. Britain also gained the right to send consuls to the treaty ports, which were given the right to communicate directly with local Chinese officials (Article II). The treaty stipulated that trade in the treaty ports should be subject to fixed tariffs, which were to be agreed upon between the British and the Qing governments (Article X).

Reparations and demobilization

The Qing government was obliged to pay the British government six million silver dollars for the opium that had been confiscated by Lin Zexu in 1839 (Article IV), 3 million dollars in compensation for debts that the Hong merchants in Canton owed British merchants (Article V), and a further 12 million dollars in compensation for the cost of the war (VI). The total sum of 21 million dollars was to be paid in installments over three years and the Qing government would be charged an annual interest rate of 5 per cent for the money that was not paid in a timely manner (Article VII). The Qing government undertook to release all British prisoners of war (Article VIII) and to give a general amnesty to all Chinese subjects who had cooperated with the British during the war (Article IX). The British on their part, undertook to withdraw all of their troops from Nanjing and the Grand Canal after the emperor had given his assent to the treaty and the first installment of money had been received (Article XII). British troops would remain in Gulangyu and Zhoushan until the Qing government had paid reparations in full (Article XII).

Cession of Hong Kong

The Qing government agreed to make the island of Hong Kong a crown colony, ceding it to the British Queen "in perpetuity" in order to provide British traders with a harbour where they could unload their goods (Article III). Pottinger was later appointed the first governor of Hong Kong.

In 1860, the colony was extended with the Kowloon peninsula and in 1898, the Second Convention of Peking further expanded the colony with the 99 year lease of the New Territories. In 1984, the governments of the United Kingdom and the People's Republic of China (PRC) concluded the Sino-British Joint Declaration on the Question of Hong Kong, under which the sovereignty of the leased territories, together with Hong Kong Island and Kowloon (south of Boundary Street) ceded under the Convention of Peking (1860), was scheduled to transfer to the PRC on 1 July 1997.

Aftermath and legacy

Since the Treaty of Nanjing was brief and with only general stipulations, the British and Chinese representatives agreed that a supplementary treaty be concluded in order to work out more detailed regulations for relations. On 3 October 1843, the supplementary Treaty of the Bogue was concluded at Bocca Tigris outside Canton.

Nevertheless, the treaties of 1842-3 left several unsettled issues. In particular it did not resolve the status of the opium trade. Although the American treaty of 1844 explicitly banned Americans from selling opium, the trade continued as both the British and American merchants were only subject to the legal control of their consuls. The opium trade was later legalized in the Treaties of Tianjin, which China concluded after the Second Opium War.

The Nanking Treaty ended the old Canton System and created a new framework for China's foreign relations and overseas trade which would last for almost a hundred years. Most injurious were the fixed tariff, extraterritoriality, and the most favored nation provisions. These were conceded partly out of expediency and partly because the Qing officials did not yet know of international law or understand the long term consequences. The tariff fixed at 5% was higher than the existing tariff, the concept of extraterritoriality seemed to put the burden on foreigners to police themselves, and most favored nation treatment seemed to set the foreigners one against the others. Although China regained tariff autonomy in the 1920s, extraterritoriality was not formally abolished until 1943.