

No. 101

**CHINA
and
FRANCE**

Convention for the return of the leased territory of Kwang-Chow-Wan (with annex). Signed at Chungking, on 18 August 1945

Chinese and French official texts communicated by the Director of the Office of the Permanent Chinese Delegation to the United Nations. The filing and recording took place on 5 April 1948.

**CHINE
et
FRANCE**

Convention (avec annexe) pour la rétrocession du territoire à bail de Kouang-Tchéou-Wan. Signée à Tchoungking, le 18 août 1945

Textes officiels chinois et français communiqués par le Directeur du bureau de la délégation permanente chinoise auprès de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 5 avril 1948.

TRANSLATION — TRADUCTION

No. 101. CONVENTION¹ BETWEEN THE NATIONAL GOVERNMENT OF THE REPUBLIC OF CHINA AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC FOR THE RETURN OF THE LEASED TERRITORY OF KWANG-CHOW-WAN. SIGNED AT CHÜNG-KING, ON 18 AUGUST 1945

The National Government of the Republic of China and the Provisional Government of the French Republic, referring to the exchange of letters of 13 March 1945 providing for the settlement of the questions pending between China and France in the spirit of amity which has always existed between the two countries, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries:

His Excellency the President of the National Government of the Republic of China:

His Excellency Doctor Kuo-cheng Wu, Political Vice-Minister of Foreign Affairs of the Republic of China;

His Excellency the President of the Provisional Government of the French Republic:

Mr. Jean Daridan, Counsellor of Embassy, French Chargé d'Affaires;

Who, having communicated their full powers, found in good and due form, have agreed upon the following articles:

Article I

The Sino-French Convention of 16 November 1899 is abrogated and the rights accorded to the French Government by that convention shall cease to have effect.

Article II

The French Government agrees that the leased territory of Kwang-Chow-Wan, as delimited by the Sino-French Convention of 16 November 1899, shall revert to Chinese administration and control with the understanding that, in taking over this territory, the Chinese Government shall assume the obligations and liabilities thereof, and ensure the protection of all legitimate rights therein.

¹ Came into force on 18 August 1945, as from the date of signature, in accordance with article VI.

Article III

The French Government shall renounce free of charge all lands, buildings, public properties, installations and establishments situated in that territory and belonging to it in favour of the Chinese Government. It shall hand over to the Chinese Government such registers, archives, title deeds and other documents as may be useful for the transfer and the subsequent administration of the territory of Kwang-Chow-Wan.

Article IV

1. To obviate any questions as to the existing rights and titles to real property possessed by French companies and nationals in the territory of Kwang-Chow-Wan and any questions which may arise from the abrogation of the Sino-French Convention of 16 November 1899, the Chinese Government and the French Government agree that the existing rights and titles shall be indefeasible and shall not be questioned upon any ground, except upon proof established through due process of law, of fraud or of fraudulent or dishonest practices in the acquisition of such rights and titles, it being agreed that no right or title shall be rendered invalid by virtue of any subsequent change in the original procedure through which it was acquired. It is also agreed that the exercise of these rights and titles shall be subject to the laws and regulations of the Republic of China concerning taxation, national defence and the right of eminent domain; and that such rights or titles shall not be alienated to the Government or nationals, including companies, of any third country without the express consent of the Government of the Republic of China.

2. The Chinese Government and the French Government also agree that, if it should be the desire of the Government of the Republic of China to replace existing title deeds, or other documentary evidence relating to real property held by French nationals or companies by title deeds, the replacement shall be made by the Chinese authorities without charges of any sort and the new title deeds shall protect the holders of such titles or other documentary evidence and their legal heirs and assigns without diminution of their prior rights and interests, including the right of alienation.

3. The Chinese Government and the French Government also agree that French companies and nationals shall not be required or asked by the Chinese authorities to make any payments of fees in connexion with land transfers made prior to the date on which this convention shall come into force.

Article V

The Chinese Government agrees to lease the former residence of the Chief Administrator of the territory of Kwang-Chow-Wan at Fort Bayard with the land and annexes belonging to it to the French Government free of charge for a period of requisition, renewable by agreement between both parties, to be used as the seat of the French Consulate if the French Government so requests, it being understood that in case the French Government does not invoke this provision within one year from the conclusion of the present convention, the Chinese Government shall be free to take over the land and buildings permanently.

Article VI

The provisions of the present convention shall have immediate effect.

Article VII

The present convention shall be drawn up in duplicate in Chinese and French, both texts being equally authentic.

IN FAITH WHEREOF, the above-mentioned plenipotentiaries have signed the present convention and have thereto affixed their seals.

DONE at Chungking, the eighteenth day of the eighth month of the thirty-fourth year of the Republic of China, corresponding to the eighteenth day of August 1945.

(Signed) KUO-CHENG WU

(Signed) Jean DARIDAN

ANNEX

At the time of signing the convention dated this day for the return of the Leased Territory of Kwang-Chow-Wan the plenipotentiaries have agreed to send a Joint Sino-French Commission composed of one member from the Chinese Ministry of Foreign Affairs and one member from the French Embassy in China to the post as soon as the Territory is liberated. That Commission shall:

1. Assist the local authorities in the settlement of urgent questions regarding the transfer of administration;
2. Take the necessary measures to ensure that French nationals, civil and military, are repatriated under the best conditions.

(Signed) KUO-CHENG WU

(Signed) Jean DARIDAN

Chungking, 18 August 1945