

Norwegian Extraterritoriality in China

A study of how and why Norway abolished its extraterritoriality in China.



HIS 350

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Preface

One of the issues that comes to mind when mentioning "Sino-Norwegian relations" today, is the recent disagreement between the two countries regarding the granting of the 2010 Nobel Peace Prize to the Chinese human rights activist Liu Xiaobo. China reacted by holding the Norwegian government responsible for the Peace Prize Committee's decision to award the prize to an individual the Chinese government deemed to be both a criminal and a troublemaker. Norway is however, far from the only country that have criticized the Chinese government on humanitarian grounds. The United States has continuously pressed for a halt in the Chinese government's practice of arresting activists, limiting religious practices within the country and blocking access to websites deemed inappropriate. However, it is not only in recent times that the West has considered its own principles to be universally applicable and attempted to impose them on non-Western countries like China. Nearly two centuries ago normative disagreements led to foreign states enjoying "extraterritoriality" in China over a period of roughly one hundred years. Even though Norway was not characterized neither by colonialism nor imperialism, it was still one of the states that attained extraterritoriality for its citizens in China.

After exploring the issues surrounding foreign extraterritoriality in China, I decided that this was the topic I wanted to investigate in my master thesis. This topic is exciting and important for two reasons. Firstly, Norwegian extraterritoriality in China is a topic to which not much academic attention has been devoted. Secondly, the scholars who have researched extraterritoriality have primarily focused on the relationship between the Western great powers and China; and mainly on the relations between Great Britain and China. This makes it interesting to explore how a small nation like Norway positioned itself in these affairs. Hence I decided to study the Norwegian participation in the abolition-process that ultimately ended Norwegian extraterritoriality in China.

I want to express my thanks to all who have helped and supported me in my study. First and foremost I would like to thank my supervisor Camilla Brautaset for her commitment and guidance throughout the whole process. I would also like to express my gratitude to

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Table of Contents

Norwegian Extraterritoriality in China	i	
Preface.....	ii	
Table of Contents	iv	
The International Landscape in East Asia during the Early 1920s	viii	
Chapter I	1	
Thesis Introduction.....	1	
1.1 The Topic	1	
1.2 Research Question and Methodological Framework	6	
1.2.1 Delimitation of Time	7	
1.2.2 Clarifications Regarding the Terms used in this Research.....	8	
1.2.3 Clarifications on old Colonial names of Asian Cites and Countries	9	
1.3 Literature and Research Status	9	
1.3.1 Specialist Studies Regarding Extraterritoriality	10	
1.3.2 Research Literature on China and the Wider World	13	
1.3.3 Studies of the History of Norwegian Diplomacy and Foreign Policy	14	
1.4. Approaching the Sources	15	
1.5 Primary Sources.....	16	
1.5.1 Who were the Norwegian diplomats that wrote these letters?	18	
1.5.2 Diplomatic Correspondence as Primary Sources.....	21	
1.5.3 Newspapers as Primary Sources.....	23	
1.5.4 Unused Sources.....	24	
1.6 Thesis Structure.....	25	
Chapter II.....	26	
Five Contexts for Norwegian Extraterritoriality	26	
2.1 Introduction.....	26	
2.2 The Most Favored Nation Agreement.....	26	
2.3 The Norwegian Neutrality Policy.....	28	
His 350	Jens Tepstad	iv

2.4	The Qing dynasty’s encounter with International Society.....	31
2.5	The Political Situation in China after the fall of the Qing.....	32
2.5.1	The Era of the Warlords.....	33
2.6	The Washington Naval Conference and Its Outcome.....	35
Chapter III.....		39
Responses to the Washington Naval Conference.....		39
3.1	Introduction.....	39
3.2	Different views on Extraterritoriality in China.....	40
3.3	The Norwegian Diplomats’ Responses to the Resolution.....	41
3.3.1	“The Standard of Civilization”.....	43
3.3.2	The Response from the Norwegian diplomats.....	44
3.3.3	No Guarantee for Basic Rights.....	47
3.3.4	An Inefficient Bureaucracy.....	48
3.3.5	Adherence to International Law and an Effective Legal System.....	50
3.3.6	The Maintenance of Diplomatic Relations.....	52
3.3.7	The Compliance with Western Norms and Values.....	54
3.4	Chapter Conclusion.....	55
Chapter IV.....		56
The Potential Adherence to the Eight-Power Resolution.....		56
4.1	Introduction.....	56
4.2	Opening Remarks.....	57
4.3	The Norwegian Status Seeking.....	58
4.4	The Possible Adherence to the Eight-Power Resolution.....	59
4.4.1	The Debate Concerning the Norwegian Adherence.....	60
4.4.2	The Reasons For and Against the Norwegian Adherence.....	64
4.5	The Norwegian adherence to the Eight-Power Resolution.....	67
4.5.1	The Discussion that Occurred in Norway.....	68
4.6	The Commission on Extraterritoriality.....	70
4.6.1	Deciding on a Norwegian Delegate.....	71
4.6.2	The Reports from the Commission on Extraterritoriality.....	72

4.6.3	The Commission on Extraterritoriality's Outcome	73
4.7	Chapter Conclusion	75
Chapter V.....		77
Nationalist China's Campaign against Norwegian Extraterritoriality.....		77
5.1	Introduction.....	77
5.2	The Consequences of the Nationalists' Rise to Power	78
5.3	The Interpellation in the Norwegian Parliament	79
5.4	The Making of the Sino-Norwegian Tariff Treaty of 1928	83
5.4.1	The Chinese Tariff Conference.....	84
5.4.2	The Sino-Norwegian Tariff Treaty of 1928.....	85
5.5	China's New Abolition-Campaign against Extraterritoriality	87
5.5.1	The Norwegian Strategy Regarding Extraterritoriality	87
5.5.2	Nationalist China's First Note to Norway.....	89
5.5.3	The Norwegian Reaction to China's First Note.....	90
5.5.4	Nationalist China's Second Note to Norway.....	93
5.5.5	The Norwegian Reaction to China's Second Note	94
5.6	The Agreement between China and Norway.....	96
5.7	Chapter Conclusion	99
Chapter VI.....		101
Historical Epilogue.....		101
6.1	The Second World War	101
6.1.1	The Abolition of Norwegian Extraterritoriality in China	103
Chapter VII.....		105
Thesis Conclusion		105
7.	Concluding Remarks.....	105
7.1	Future Research.....	110
English Summary		111
Norsk Sammendrag.....		112
Bibliography.....		113
Literature.....		113

Other Sources.....	116
Emails.....	116
Project Runeberg.....	116
Norwegian Social Science Data Services.	117
Syracuse University Libraries.....	117
Norway the official site in China.....	117
The Norwegian Social Scientific Data Service.....	117
The Economist	118
Primary Sources.....	118
The Norwegian National Archives	119
Library of Congress	122
The Norwegian National Library.....	123
Appendix.....	124
The Eight-Power Resolution	124
The Sino-Norwegian Tariff Treaty of 1928	127
The Sino-Norwegian Treaty of 1943.....	129

The International Landscape in East Asia during the Early 1920s



1

¹ Self-made Illustration of the international borders in East Asia during the early 1920s

Chapter I

Thesis Introduction

1.1 The Topic

Throughout history empires have made use of law and imperial courts to exercise their own adaptations and interpretations of law and order. During the 18th, 19th, and early 20th centuries, also referred to as the Age of Imperialism, there was acceleration in the global expansion of European and North American interests. Throughout these processes it became increasingly commonplace for these states to implement a judicial system known as "extraterritoriality" in countries they deemed to have a judicial practice inferior to their own. These systems came into place through treaties, where the host country had to concede parts of its jurisdictional sovereignty through granting the citizens of the signatory powers the right to remain legal subjects of their home country, even when on foreign soil.

This master thesis addresses one of the most hotly debated historical phenomena of extraterritoriality we know of, namely the extraterritorial system that unfolded during the last Chinese dynasty, the Qing dynasty, and during the existence of the first Chinese republic. Starting in 1842, this system of extraterritoriality lasted just over a century as it was formally abolished in 1943. The historian John K. Fairbank was a pioneer to describe this period as *the Treaty Century*,² a term often used in contemporary Chinese historiography. When using the term "treaty powers" in this thesis it refers to the countries that attained extraterritorial rights through a treaty with China.³

² Fairbank, John K. & Merle Goldman. 2006. [1992]. *China a New History* (2nd enlarged ed.) USA: The Belknap Press of Harvard University Press. p. 201

³ These countries were originally: Germany, Austria, Hungary, the Soviet Union, Mexico, Belgium, Italy, Spain, Denmark, Portugal, Norway, Sweden, Switzerland, Brazil, France, United Kingdom, Japan, Netherlands, and the United States.

Most of the literature on this topic has tended to focus on treaties where major geopolitical powers such as the United States and Great Britain were signatory powers.⁴ However, the focus of this thesis is on a hereto largely untold history through studying one of the more unknown treaty parties in China, Norway. Norway and Norwegian citizens in China enjoyed extraterritorial rights as early as from 1847 onwards. This was a treaty that was made between Sweden-Norway and China while Norway was the junior partner in a personal union with Sweden. This treaty will be further elaborated on later in this thesis. The focus of this thesis is however, not on the beginning, but rather on the end of this history through studying the processes that led Norway to concede its extraterritorial rights in China in 1943.

Extraterritoriality is a deeply inflamed subject that still upsets many Chinese. It is not difficult to see the unfairness in how foreign powers dictated how China had to reorganize its bureaucracy and judicial practices to be considered "civilized". China was among the non-Western countries where foreign jurisdiction was forcefully implemented. This happened during the aftermath of the First Opium War (1839–1842) between Britain and the Qing dynasty.⁵ The Qing dynasty then suffered a major defeat against Britain; the main reasons for this defeat were China's lack in military naval strength, maneuverability and organization compared to the British.⁶ China was never a formal colony of any foreign power; however, by the 1920s China was the only nation remaining that was still entirely bound by a fully-fledged extraterritorial legal order.⁷ Extraterritoriality is said to have been enforced upon China because the Westerners considered Chinese law to be "barbaric" and "unjust".

The political scientist Turan Kayaoğlu points to three reasons for the general Western resentment towards the Chinese laws. Firstly, (before 1911) the Chinese legal codes were not accessible to the public and therefore the foreigners had little knowledge of them. Secondly, the traditional Chinese laws did not ensure civil and property rights to

⁴ Some examples are Gerrit Gong - *The Standard of 'Civilization'* (1984), Turan Kayaoğlu - *Legal Imperialism* (2010); & Shogo Suzuki - *Civilization and Empire* (2009)

⁵ The Qing Dynasty (1644–1912) was the last imperial dynasty to rule China.

⁶ Westad, Odd Arne. 2012. *Restless Empire China and the World Since 1750* Great Britain: The Bodley Head pp. 41-44

⁷ Cassel, Pär Kristoffer. 2012. *Grounds of Judgment - Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan* New York: Oxford University Press p. 6

individuals. And thirdly, China's judicial system was not separated from its administrative structure.⁸

Several other foreign states followed the British example and sought to make similar treaties of their own with the Qing dynasty. The new treaties did not only deal with foreign extraterritoriality, they also significantly altered the strict restrictions that China had imposed on foreign merchants previously. Earlier the British merchants had been constricted to trading only in the port city Guangzhou. Following the British victory in the First Opium War, the trading rights were extended to permit British merchants to trade with anyone they liked in five different ports cities along the Chinese coast.⁹ However, extraterritoriality has often been referred to as an unfair system since China was not returned the same privileges. The historian Dong Wang offers an in depth account on how the treaties between China and foreign states have come to be referred to as the “Unequal Treaties” in Chinese history, public memory as well as by Chinese politicians today.¹⁰ She points to how this term was popularized during the rise of Nationalism in China in the late 1910s.¹¹ She also pinpoints that this term was not only used as a means to challenge extraterritoriality on normative grounds, but also to gain popular support in China.¹² After the fall of the Qing Dynasty in 1912, the first Chinese republic started a process attempting to revise the treaties concluded with foreign countries. The negotiations were in the hands of a foreign educated governmental elite with an understanding of Western diplomatic norms and procedures.¹³ This process towards the abolishment of all foreign extraterritorial rights lasted up to the Second World War era.

Furthermore, Kayaoğlu explains that this development may be divided into three different strategic stages. The first strategy was to confront extraterritoriality on normative grounds. The second strategy was to challenge extraterritoriality on the grounds of its legal inefficiency and lack of justice. The third strategy was to initiate a

⁸ Kayaoğlu, Turan. 2010. *Legal Imperialism - Sovereignty and Extraterritoriality in Japan, the Ottoman Empire and China* New York: Cambridge University Press p. 162

⁹ Westad, *Restless Empire* p. 44

¹⁰ Wang, Dong. 2005. *China's Unequal Treaties Narrating National History* United Kingdom: Lexington Books p. 10

¹¹ Ibid. p. 64

¹² Ibid. pp. 68-70

¹³ Wang, *China's Unequal Treaties* p. 35

legal institution building in order to fulfill the Western states' requirements for the establishment of a unified legal system with codified laws, a uniform court system, as well as a legal hierarchy. He further highlights that it was the third strategy that proved to be the most successful.¹⁴

The era of the "Treaty Century" and "Unequal Treaties" is today still considered a thorn in China's national pride by many Chinese. One example of this can be found in the editorial of the Economist magazine in August 2015 where it is argued that the Chinese Communist party actively exploits perceptions of historical foreign aggression and humiliation of China to justify its present day ambitions.¹⁵

In order to proceed to undertake a meaningful analysis and discussion for this research, it is paramount to determine what is meant by the term "extraterritoriality" and how it was practiced by the foreigners in China. Kayaoğlu defines extraterritoriality as: "a legal regime whereby a state claims exclusive jurisdiction over its citizens in another state".¹⁶ He highlights that within world politics extraterritorial jurisdiction is used within the boundaries of another state as opposed to territorial jurisdiction which is used within the state's own borders.¹⁷ The historian Odd Arne Westad emphasizes that extraterritoriality implied that all citizens from nations that acquired a treaty with China were fully exempt from the Chinese laws, and rather followed their own countries' jurisdiction.¹⁸ Within the boundaries of this thesis, the extraterritoriality that was practiced will be understood by the above mentioned definition by Kayaoğlu.

Kayaoğlu argues that during the 19th century Western jurists, diplomats and statesmen had redefined the principles of sovereignty. He explains that Non-European states were classified as non-sovereign entities, and how this then justified European intervention and colonization.¹⁹ Kayaoğlu draws attention to something vital when examining primary sources on extraterritoriality. It might be tempting for a "Western historian" to adhere to the Eurocentric view considering extraterritoriality as a means to modernize the non-

¹⁴ Kayaoğlu, *Legal Imperialism* pp. 48-50

¹⁵ (Leader) 2015. "Xi's history lessons" *The Economist* (Vol. 416 Num. 8951) p. 11

¹⁶ Kayaoğlu, *Legal Imperialism* p. 2

¹⁷ *Ibid.* p. 2

¹⁸ Westad, *Restless Empire* p. 44

¹⁹ Kayaoğlu, *Legal Imperialism* p. 10

Western countries. However, this thesis will not dedicate attention to examining extraterritoriality on normative grounds. Even so keeping Kayaoğlu's point of view in mind is important when examining Norwegian primary sources that are biased towards the Western position.

The historian Pär Kristoffer Cassel brings up something equally important in his book: *Grounds of Judgment - Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan* (2012). He says that one may assume that extraterritoriality was a system used for geopolitical rivalry in what Westerners believed to be the non-civilized world. However, in his view this could not be further from the truth. The foreigners often worked together in order to gain collective rights for themselves. The post Opium War negotiations between France and the Qing dynasty opened the possibility to revise the treaty after twelve years. Hence France, Britain and the United States had all agreed to act in consensus to secure a revision of the treaties that benefited them all.²⁰

The major foreign powers used extraterritoriality as a means of extending their authority over China. As mentioned previously, Norway was among the ranks of foreign nations that enjoyed and practiced extraterritoriality in China. Yet the Norwegian extraterritoriality is a largely unexplored field of Norwegian international history. Over the last few years the general topic of extraterritoriality has experienced a growing interest from intellectuals in several different academic fields.

Kayaoğlu highlights that while researching extraterritoriality many scholars have focused their studies primarily on British extraterritoriality through the study of British legal imperialism up to the 1930s.²¹ Such a focus has been taken due to Britain's hegemonic position in international politics up to that time. This fact makes it interesting to expand the perimeter of research by looking at how a small nation like Norway participated in the extraterritoriality discourse until the system was abolished in the mid 1940s. This thesis will not only contribute to the general study of the history of extraterritoriality in China, but more specifically to the study of the history of Sino-Norwegian diplomacy.

²⁰ Cassel, *Grounds of Judgment* p. 56

²¹ Kayaoğlu, *Legal Imperialism* p. 61

1.2 Research Question and Methodological Framework

The main research question for this thesis is: ***How and why did Norway abolish its extraterritoriality in China?*** This study will address this overall research question through the investigation of closely related sub-research questions. Such an approach permits me to study this overlying question from slightly different angles throughout the analytical chapters. Nonetheless, the answering of the research question will require examining how the abolishment-discourse regarding extraterritoriality in China unfolded. It is important to keep in mind that this discourse developed more or less independently of Norway. Extraterritoriality in China was a system that had been practiced from the outcome of the First Opium War and which lasted until the Second World War period. The British Empire was the first foreign power that enjoyed this system, but other foreign powers quickly followed in Britain's footsteps. Norway was among the ranks of these foreign nations that enjoyed extraterritoriality in China. Norway attained its extraterritoriality during the Swedish-Norwegian union. Sweden-Norway had closely examined the outcome of the First Opium War which opened up commercial opportunities for Swedish-Norwegian interests in China. Sweden-Norway and the Qing dynasty signed the treaty of Canton in 1847 that granted Swedish and Norwegian citizens extraterritorial rights in China.²² After Norway gained independence from Sweden in 1905 Norwegian extraterritoriality still prevailed even though a new bilateral agreement was not made between the two countries until 1928.²³ Norway being one of the nations enjoying extraterritoriality, participated in many diplomatic processes regarding the continuance of extraterritoriality. It is this participation that is at the heart of this thesis including exploring how the discourse developed. This thesis will research the reasons that ultimately made Norway abolish its extraterritoriality in China. It is important to keep in mind that Norway was one of the smaller states that enjoyed extraterritoriality there. This study will focus on the causes that were important for why a small state

²² Cassel, *Grounds of Judgment* p. 56

²³ Norway the official site in China. *Oversikt over gjeldende avtaler mellom Norge og Kina* (Overview of current treaties between Norway and China) Accessed on: November 07. 2015 Accessible from: <http://www.norway.cn/Documents/Oversikt%20over%20gjeldene%20avtaler%20mellom%20Norge%20og%20Kina.pdf>

relinquished its extraterritoriality in China. Bearing this in mind it is central to emphasize that these reasons may differ slightly from the causes that motivated the great powers to end their extraterritorial privileges.

1.2.1 Delimitation of Time

The overall timeframe of this research is from when Norway acquired its independence from Sweden in 1905 until Norwegian extraterritoriality in China was abolished in 1943. The Norwegian independence from Sweden marked a new era for Norwegian history. This signaled the start of an independent Norwegian foreign policy. However, in spite the fact that Norway sent Thorvald Hansen (1864-1914) to Shanghai as its Consul-General in 1906,²⁴ the consolidation from the old joint diplomatic service into a new independent one took some time. Because of this Norwegian diplomatic interests in the Chinese capital were handled by the British legation up until 1919.²⁵

The focus of this thesis, however, is at the end game of Norwegian extraterritoriality in China. Hence, researching in this thesis how and why Norway abolished its extraterritoriality in China, the cases that were handled by the British are not relevant. The primary focus is set on the period when Norway handled its own diplomatic relations in China from 1919 onwards until the abolition of the Norwegian extraterritoriality in 1943.

Kayaoğlu defines the abolition of extraterritoriality as: "Britain's decision to accept non-Western jurisdiction over British citizens living in a given state."²⁶ The reason Kayaoğlu focuses his definition on Britain is because its hegemonic position permitted it to dominate the legal episteme. He argues that Britain was the precedent setter whose initiative was regularly followed by other foreign states especially during the 19th

²⁴ Svarverud, Rune. 1999. "I Shanghais tjeneste. Nordmenn i Shanghai før 1. verdenskrig" *Historie* Vol. 2-99. p. 47

²⁵ Arkivportalen. *Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, (The Legation in Beijing)* Accessed on: February 24. 2015. Accessible from:

<<http://www.arkivportalen.no/side/arkiv/detaljer?arkivId=no-a1450-01000001354675>>

²⁶ Kayaoğlu, *Legal Imperialism* p. 61

century.²⁷ He further points to how international factors influenced extraterritoriality in the change of distribution of power. Russia becoming the Soviet Union in 1917, embraced an anti-imperialistic policy and relinquished Russian extraterritoriality entirely.²⁸ Britain's hegemonic position declined during the 20th century and the United States became the leading power on the issue of extraterritoriality in the 1930s and 1940s.²⁹ Just as other foreign states had rapidly followed in Britain's footsteps issuing unequal treaties; they also followed Britain and the United States' joint example when it came to ending their extraterritoriality. Norway was no exception to this rule since it ended its extraterritoriality later the same year as Britain and the United States. Norway like other lesser foreign powers simply followed the Anglo-American example. However, Norway offers a valuable lens of studying how smaller states operated within the system of extraterritoriality. How much room of maneuver did a small country like Norway really have on the stage of international politics.

1.2.2 Clarifications Regarding the Terms used in this Research

When I refer to "the treaty powers" I mean the states that had managed to acquire an unequal treaty with China that granted its citizens various privileges such as extraterritoriality. Most of the treaty powers were states located in Europe or countries that had close cultural and historical ties to Europe such as the United States. However, Japan was also among the treaty powers and was the only Asian state that had acquired an unequal treaty with China. In my definition of "the great powers" I differ slightly from the general historical classification of the great powers in the beginning of the twentieth century. The reason for this is that I am primarily focusing on the East Asian Region, where for instance Germany had lost much of its influence as a result of its defeat in the First World War. I will define the great powers as the countries that signed "the Four-

²⁷ Kayaoğlu, *Legal Imperialism* p. 61

²⁸ *Ibid.* p. 64

²⁹ *Ibid.* p. 64

Power Treaty” during the Washington Naval Conference of 1921-1922.³⁰ When I refer to “the great powers” throughout my thesis I specifically mean: the British Empire, the United States, Japan and France, unless I state otherwise.

1.2.3 Clarifications on old Colonial names of Asian Cities and Countries

Many Asian cities and countries had different English names during the era of extraterritoriality than the ones that are currently used. I have decided to disregard the former colonial names throughout my thesis and instead make use of their current Pinyin³¹ and/or English names.³² When approaching the subject I consider this the most neutral and impartial classification. Additionally it is also easier for the reader to follow my arguments when I refer to the names that are used today. For this reason I will use “Guangzhou” instead of its old name “Canton”. I will also make use of modern spellings such as “Beijing” instead of “Peking”. Additionally I will refer the modern names of countries such as “Thailand” instead of “Siam”.

1.3 Literature and Research Status

In the following I will outline and discuss the research literature that has been relevant to my thesis, as well as provide a brief assessment of “the state of the art” with regards to research on extraterritoriality in China. I have divided the literature into three main categories.

The first category contains earlier research on extraterritoriality. Most of these studies that have been used as groundwork for this thesis have not been written by historians

³⁰ I will address the Washington Conference in greater detail due to its importance for my research later on in the thesis.

³¹ Pinyin is the official phonetic system for transcribing the pronunciations of Chinese characters into the Latin alphabet.

³² The only exception is when I directly quote someone who uses the old terminologies.

but rather by political scientist. Political scientists tend to attempt to apply political theories to explain the outcome of historical events, while historians focus more on finding the connections between events, empirically as well as theoretically. Another issue that might be worth mentioning is that the studies done by political scientists tend to focus on explaining China's integration into "International Society" through political processes. Though these works of political scientists tend to have a different approach to sources and historical context than historical studies, they nevertheless offer highly valuable perspectives on the history of extraterritoriality in China.

The second category is devoted to major works by historians addressing the history of China's relationship with the wider world. The last category is dedicated to academic works concerning the Norwegian diplomatic service as well as the Norwegian foreign policy during the period in question here.

1.3.1 Specialist Studies Regarding Extraterritoriality

The American political scientist Gerrit Gong's *The Standard of 'Civilization' in International Society* (1984) has been regarded as a turning point in the study of extraterritoriality. Here Gong investigates how the (largely European) "International Society" demanded that Non-Western states had to adopt the essentially Western principles that he coins as the "standards of civilization". This study examines how Turkey, China, Japan and Thailand made attempts to conform to the necessary adjustments while still retaining their cultural individuality and their own concepts of diplomacy. Gong has been interpreted as a proponent for what is often referred to as "The English School Scholars" or "liberal realism", which characteristically tends to stress the role of legal ideas and institutions in world politics.³³

However, more recent research such as that offered by Turan Kayaoğlu, has argued that this approach is an insufficient framework for dealing with this subject as it fails to

³³ Kayaoğlu, *Legal Imperialism* pp. 58-61

offer “a robust account of the expansion of international society in the late nineteenth and early twentieth centuries.”³⁴

The single most important work for this research has been Turan Kayaoğlu's *Legal Imperialism Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China* (2010). Here, Kayaoğlu investigates how successful China, Japan and the Ottoman Empire were in abolishing extraterritoriality within their own borders. He argues that the successes or failures of these attempts are explained by whether the West perceived the states to have created efficient Western-styled institutions that protected the legal rights of Western citizens, or not. This study provides an in depth understanding of how the extraterritoriality discussions in China developed and places them within a comparative perspective. This has been highly valuable for the purpose of this master thesis, and it has been an ambition to let this thesis enter into the academic dialogue that Kayaoğlu invites his readers into.

Shogo Suzuki is another scholar who challenges the earlier works presented by the English School. In his research: *Civilization and Empire: China and Japan's Encounter with European International Society* (2009) he investigates the “darker aspects” of the means "International Society" used to introduce "civilization" into China and Japan. In doing so he challenges earlier works that have presented the European dominated "International Society" as something inherently progressive. Suzuki argues that "International Society" had a rather hypocritical approach towards Non-Western states because it pressured "civilization" upon them at the same time as it emphasized cooperative relations between its "civilized" members. Since this thesis will draw heavily on Norwegian diplomatic primary sources that might be characterized as biased, Suzuki's point of view is vital to keep in mind to attain a balanced view on the subject.

Another important work for this thesis has been the historian Dong Wang's study: *China's Unequal Treaties: Narrating National History* (2012). This is one of several academic studies she has written on topics regarding China and the outside world. Here she presents an in-depth study based upon primary sources about how the expression "unequal treaties" has been used in recent Chinese history. She reveals how opposing

³⁴ Kayaoğlu, *Legal Imperialism* p. 61

Chinese forces have narrated and adjusted the history of the term "unequal treaties" to strengthen their own effort to achieve national unity and political sovereignty.³⁵ In doing so she also looks into how China's struggle against these treaties shaped its use of international law. This study has been vital for my research for the same reasons as Kayaoğlu's book. It has also been crucial for gaining a more balanced approach since it offers an understanding of the topic based upon Chinese primary sources.

Furthermore, Pär Kristoffer Cassel's study: *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan* (2012) supplemented by his article: *Traktaten som aldrig var och fördraget som nästan inte blev* (The Convention that never was and the Treaty that almost never became) (2010) have been most significant for understanding the establishment of extraterritoriality in China. Cassel explores the legal encounters that occurred during the nineteenth century between Western states and China, and how these encounters resulted in treaties that granted the Westerners nearly full immunity from Chinese laws and jurisdiction. He also analyzes how these treaties created a new legal order in China and how this course was fundamentally different from the colonial relationships that Western states formed with other Asian countries. Another reason why these studies are interesting for this thesis is because they closely examine another important dimension about the Swedish-Norwegian extraterritoriality in China.

I have not been able to find any academic studies that specifically research how Norway, after becoming an independent state in 1905, addressed the continuance of its extraterritoriality in China or the reasons for why Norway eventually relinquished its extraterritoriality there. Hence the mentioned academic works have been used as a foundation for understanding the general course of events that ultimately ended Norwegian extraterritoriality in China.

³⁵ Wang, *China's Unequal Treaties* p. 3

1.3.2 Research Literature on China and the Wider World

There is a well of historical works on China and the wider world, and for the purpose of this thesis I have had to be selective. Three scholars have had particular impact on this thesis, representing a standard reference on the broader history of China, and an updated revisionist account of China's relationship with the world as well as a more specialist study on the period in question here.

The historian Jonathan D. Spence's book: *the Search for Modern China* (1999) is regarded as a standard reference introduction into modern Chinese history.³⁶ It has provided a broad overview of general Chinese history, as well as the history of China's relationship with other countries and regions in a long-run perspective.

The most significant for this thesis is, however, the historian Odd Arne Westad's book: *Restless Empire: China and the World Since 1750* (2012). Westad looks into the internal developments in China over the last 250 years. In doing so Westad challenges earlier works that can be traced back as far as to Max Weber. Such works depicted the Qing dynasty as stagnating and fragile. By incorporating contemporary studies, Westad argues convincingly that China was in fact not as weak as previously assumed. One example is how he claims that China was *on par* with Western states during the early 18th century in terms of its economy, productivity as well as its general standard of living. Westad puts more emphasis on China's internal problems such as overextension, riots and rebellions combined with a nearly empty treasury when explaining its troubles rather than over-exaggerating the impact of European dominance over the country. Westad's account is representative of what might be referred to as a revisionist school, which from the late 1990s onwards increasingly has challenged the works of previous generations of historians.

Finally, Collin Mackerras' book: *China in Transformation: 1900-1949* (2008) has been a useful reference for this thesis. This book deals specifically with China during the time that is being researched. Mackerras narrates how this important period in Chinese

³⁶ The basis of this book was formed when Spence taught a undergraduate course about the history of modern China at Yale.

history saw enormous changes throughout all areas of Chinese society. He describes the Chinese eras of revolution, civil war and occupation in addition to exploring the development of Chinese nationalism, modernization and the general transformation of Chinese society.

1.3.3 Studies of the History of Norwegian Diplomacy and Foreign Policy

This thesis addresses the abolition of Norwegian extraterritoriality in China. Hence it is important to establish a broader understanding of Norwegian foreign policy and diplomacy in order to be able to contextualize, interpret and explain Norway's policy towards China in these matters.

An important reference here has been: *Norway's Foreign Relations – a History* (2001) as well as the article: *Ideal og eigeninteresser, Utviklinga av den norske utanrikspolitiske tradisjonen* (2003) (Ideals and self-interests The development of the Norwegian foreign policy tradition) written by the Norwegian historian Olav Riste. Two historical book series which cover the establishment and development of the Norwegian diplomatic service and foreign policy have also been useful for this thesis. The first series is called: *Norsk utenrikspolitikks historie* (The history of Norwegian foreign policy). The first volume in this series titled: *Norge på egen hånd 1905-1920* (1995) (Norway on its own) written by the historian Roald Berg, deals with the forming years of Norwegian foreign policy. Furthermore, the second volume in the series titled: *Mellomkrigstid 1920-1940* (1996) (Interwar period) written by the historian Odd-Bjørn Fure has also provided relevant background for this study. The second series, *Norsk Utenrikstjeneste* (The Norwegian Foreign Service) written by the historian Reidar Omang has also provided information for understanding the Norwegian foreign policy at the time. I have used both the first volume titled: *Grunnlegende År* (1955) (Founding years) and the second volume named: *Stormfulle tider* (1959) (Wuthering times). A vital point in Norwegian political history from 1905 onwards, was the importance of maintaining good relations with Britain in all respects.

A further valuable work has been: *Aktiv og Avventende – Utenrikstjenestens liv 1905-2005* (2005) (Prepared and Ready – The foreign service's activities 1905-2005) written by the political scientists Iver B. Neumann and Halvard Leira. This study has provided valuable insight, as well as offering a key to deal with the primary sources since it presents a glossary of the historical meanings of both general and Norwegian diplomatic titles. Furthermore, the anthology: *Small State Status Seeking Norway's quest for international standing* (2015) especially the article by Halvard Leira titled: *The formative years* has been highly useful for gaining further insight into the subject. This book is edited by the political scientists Benjamin de Carvalho and Iver B. Neumann, and it contains several articles written by many authors including Halvard Leira.

I have also found some use in the popular-history book: *I Yangzidragens Rike* (In the Realm of the Yangzi dragon) (2000) written by Stein Seeberg and Gunnar Filseth. This book deals with many aspects of the daily lives of the Norwegians (including the diplomats) who lived in Shanghai. This is a popular-history book and not an academic historical work and has sparked controversy,³⁷ but it has been useful in supplementing information on the subject, even though it cannot be used as a historical reference-work.

1.4. Approaching the Sources

Through the reading of all these studies, the discourse (reading texts to provide an overall historical pattern)³⁸ on extraterritoriality has emerged. It provides a broad understanding of how the treaty powers viewed extraterritoriality as a concept and a reality that would remain until the Non-Western states had westernized their legal institutions.

³⁷ Helle underlines in her master thesis that two of the initial authors of this book pulled out from this project due to a disagreement on how to approach the primary sources - Helle, Ingrid. 2012. *Med verdifull last* (with valuable cargo) (Master Thesis) Bergen: Universitet i Bergen p 14

³⁸ Andresen, Astri. Sissel Rosland, Teemu Ryymin, & Svein Atle Skålevåg 2015. [2012] *Å Gripa fortida* (To seize the past) Oslo: Det Norske Samlaget p. 115

The most basic distinction made in historical methodology is between primary and secondary sources. The historian Ludmilla Jordanova points to primary sources being original documents from the time one is studying, and which bear direct witness to every kind of event from the time.³⁹ Secondary sources on the other hand, are the writings of other scholars. However, Jordanova problematizes this distinction. She points to the fact that the status of sources will change according to the research project in question. She claims however, that this distinction is less central than whether the source is relevant for the project or not. She further stresses the importance of using a large variety of sources because they will jointly generate better insight than using only one type of source.⁴⁰ In this thesis I have made use of a large variety of both primary and secondary sources to gain the overall insight that Jordanova emphasizes. The function of these two kinds of sources is somewhat different. Secondary sources are used to provide a framework for understanding the situation, while the primary sources are used to show how the Norwegian diplomats stationed in China viewed the extraterritoriality situation over the period researched. All sources have been interpreted according to the contents they portray. The relevance and credibility of the primary sources have also been assessed in relation to the researched topic.

1.5 Primary Sources

The largest amount of work throughout the making of this master thesis has been put into locating, examining, evaluating and choosing the most relevant primary sources. Riksarkivet, or the Norwegian National Archives, is where most primary sources have been found. More specifically, I have focused my research on two archives. The first is named: "S-2611 - Utenriksstasjonene, generalkonsulatet i Shanghai" (The foreign diplomatic offices, consulate general in Shanghai) and the second: "S-2610 - Utenriksstasjonene, Ambassaden/Legasjonen i Beijing" (The foreign diplomatic offices,

³⁹ Jordanova, Ludmilla. 2000. *History in Practice* New York: Oxford University Press p. 101

⁴⁰ *Ibid.* p. 101

the embassy/legation in Beijing). These two archives contain all the correspondence that was sent from the two Norwegian diplomatic institutions; the Consulate General in Shanghai (1886-1966) covers 42 shelf meters, while the Legation in Beijing (1920-1950) covers 12 shelf meters. Both archives consist of copybooks, journals and registers, as well as case archives. Fortunately, the Norwegian National Archives have digitalized lists of the contents of these two archives. Thus they have made it possible to readily assess which parts contain material that deals with extraterritoriality.

The correspondence forwarded from the diplomats also included several newspaper cuttings; hence I have also looked into some of these. These two institutions have provided extensive information on the questions regarding the abolishment of Norwegian extraterritoriality.⁴¹ While examining the large number of correspondence regarding extraterritoriality in China, I have found that several of the letters contain identical or quite similar information. While this has provided valuable insight into the subject, it has been necessary for this relatively short thesis, to focus on a smaller number of letters that are representative for the general development of the diplomats' views on Norwegian extraterritoriality.

The authors of the book: *Å gripe fortida* (To seize the past) (2014) eludes that the English intellectual historian Quentin Skinner divides the concept of meaning into three different categories. The first is the lexical meaning, meaning what the text implies. The second is the understanding the reader gains while reading the text, its relevance. And the third is the historical meaning of the text, which is the purpose the author of a text had while creating the text. Moreover, the author of the text might have a different objective than only spreading information, he or she might for instance wish to imply that something ought to be done in a certain way.⁴² This third point is crucial to be aware of when examining the diplomatic primary sources for this thesis. The objective for why the diplomats wrote what they did is equally or maybe even more important than the actual text.

⁴¹ I have come to this conclusion after examining the available primary sources that dealt with Norway's extraterritoriality in China.

⁴² Andresen, Rosland, Ryymin, & Skålevåg *Å Gripe fortida* p. 113

The Senior Adviser at the Norwegian National Archives Åshild Haugslund, affirmed in a mail dated to September 15, 2015, that the National Archives uses no official template concerning referencing. She emphasized that it is only imperative to make sure that the sources that have been used are relocatable.⁴³ For this reason, all the primary sources that have been accessed through the Norwegian National Archives will be listed in the footnotes in a similar way to how the Norwegian National Archives catalogues them in its database. Furthermore, all the diplomatic letters that have been used as primary sources in this study will be listed in the bibliography section at the very end of the thesis.

Nasjonalbiblioteket (the Norwegian National Library) has also provided significant primary sources. These sources have been accessed through the Norwegian National Library's online archive titled: "Statsmaktene", (the Powers of the state) which is a digitalized collection of documents from the Norwegian government, parliament and courts that can be traced back as far as 1814.⁴⁴ This archive has been excellent for the research since it contains documents that report about the issues that were addressed in the "Storting" (the Norwegian Parliament) and the decisions that were made there.

In the following I will move on to presenting some important issues that must be kept in mind while evaluating the relevant primary sources used in this thesis.

1.5.1 Who were the Norwegian diplomats that wrote these letters?

Before looking into who the most important individuals in the Norwegian diplomatic service in China were, I will clarify what is meant by the various diplomatic titles and briefly show how the Norwegian Foreign Service worked.

⁴³ Mail from Åshild Haugslund from September 15. 2015.

⁴⁴ Nasjonalbiblioteket. 2012. *Statsmaktene* Accessed on: October 03. 2015. Accessible from: <http://www.nb.no/statsmaktene/search.statsmaktene?lang=no>

Berg highlights that the Norwegian Foreign Service established in 1905 was divided into three hierarchical sections having different functions.⁴⁵ He states that the most important of the three divisions was the Ministry of Foreign Affairs. He states that the Ministry's role was to manage all Norwegian diplomatic institutions abroad. He further notes that the Norwegian diplomatic institutions abroad were divided in the diplomatic legations and the consulates. Berg further clarifies that the legations'⁴⁶ role were to represent the Norwegian government on state level in foreign countries, while the consulates represented Norway locally towards the provincial or regional foreign authorities.⁴⁷

In 1919 the Norwegian government decided to form a Norwegian legation to represent Norway in Beijing.⁴⁸ Johan Michelet (1877-1964) was appointed the first Norwegian Minister (known in Norwegian as: "Sendemann", meaning the leader of a diplomatic station)⁴⁹ to the legation in Beijing, while Nicolai Aall (1883-1975) acquired the position as Norway's Consul General in Shanghai, the most significant port city of China.⁵⁰ However, the establishment of the independent Norwegian diplomatic representation happened during a turbulent time in Chinese history. Stein Seeberg and Gunnar Filseth highlight that Nicolai Aall brought up this issue in one of his letters.⁵¹ Aall had according to Seeberg and Filseth, stated that because of the turmoil in China at the time and the rather limited power of the government in Beijing, the General-Consulate in Shanghai had to do nearly all the negotiations with various Chinese authorities. Because of this Aall claimed that the Norwegian legation in Beijing at times had nearly nothing to do. It is certainly possible that Aall could have overstated his own position in China, but as

⁴⁵ Berg, Roald. 1995. *Norsk utenrikspolitikk historie bind 2 – Norge på egen hånd 1905-1920* Oslo: Universitetsforlaget p. 54

⁴⁶ The term "embassy" was originally an institution that was reserved for the great powers (after the Congress of Vienna). The Great Powers' also used "Legations" that was lead by "ministers" who were subordinated the embassies that were lead by "ambassadors". Legations were also the form of representation that could be used by the remaining states, such as Norway. However, the divide between legations and embassies was gradually detached, especially during the time after WWII. - Samfunnsvitenskapelige Datatjeneste As. (The Norwegian Social Scientific Data Service) *Utenrikstjenesten (Ambassader, legasjoner og generalkonsulater)* Accessed on: November 08, 2015 Accessible from: <<http://www.nsd.uib.no/polsys/data/forvaltning/enhet/4601/endringshistorie>>

⁴⁷ Berg, *Norge på egen hånd 1905-1920* p. 52

⁴⁸ Seeberg, Stein. & Gunnar Filseth. 2000. *I Yangzidragens Rike – Nordmenn i Shanghai gjennom 150 år* Oslo: Schibsted Forlag p. 82

⁴⁹ Neumann, Iver B. & Halvard Leira. 2005. *Aktiv og avventende. Utenrikstjenestens liv 1905–2005*, Oslo: Pax Forlag p. 545.

⁵⁰ Seeberg & Filseth, *I Yangzidragens Rike* p. 82

⁵¹ *Ibid.* pp. 82-83

history shows that Beijing had limited power at time, it is not an unreasonable claim. Furthermore, since Nicolai Aall is the diplomat who has written most of the letters that I have used as primary sources, I have chosen to elaborate on who he was.

I have found information about Nicolai Aall in a biographical work titled: *Men of Shanghai and North China* (1933).⁵² After studying at the University of Oslo and serving in the Norwegian Army, Aall worked as an assistant judge as well as secretary at the Foreign Office in Oslo. He was stationed in the Norwegian diplomatic service both in London and New York, before he arrived in China. Here he was the Norwegian Consul General in Shanghai until 1928 when he became the Norwegian “Chargé d’affaires” (the individual who leads a diplomatic legation when for instance the position of Minister was vacant).⁵³ Seeberg and Filseth explain that Aall acquired this position because Minister Michelet was reappointed to Rio de Janeiro in 1928.⁵⁴ The book: *Men of Shanghai and North China* also clarifies that Aall held this diplomatic title until he returned to Shanghai in 1931 as both the Norwegian “Chargé d’affaires” and Consul General.⁵⁵ Aall also justified the use of extraterritoriality in an article he wrote to the Nordic journal of International Law in 1957. He stressed in this article that extraterritoriality offered foreigners in China real protection, unlike to the Chinese laws, and that the system therefore had been an absolute necessity.⁵⁶

Another noteworthy individual was Thorgeir Siqveland (1892-1968) who acquired the position as Norwegian Vice-Consul in Shanghai in 1923, and even was the functioning Consul General in 1925 and in 1927.⁵⁷ I have also used some letters sent by Kaare Ingstad (1901-1999) who served as an attaché (the lowest rank of the regular diplomats)⁵⁸ in the Norwegian legation from 1927-1933.⁵⁹ Ludvig Aubert (1878–1964)

⁵² Nellist, George. F. 1933. *Men of Shanghai and North China – A standard biographical reference work* Shanghai: The Oriental Press p. 1

⁵³ Neumann & Leira, *Aktiv og avventende*. p. 542

⁵⁴ Seeberg & Filseth, *I Yangzidragens Rike* p. 83

⁵⁵ Nellist, *Men of Shanghai and North China* p. 1

⁵⁶ Aall, Nicolai. 1957. "Nogle praktiske erfaringer fra mit Arbeid i de særlige domstoler i Shanghai" *Nordic Journal of International Law*, (Vol 27, Issue 1) Accessed on: October 27. 2015. Accessible from:

<<http://booksandjournals.brillonline.com/content/journals/10.1163/157181057x00113>> pp. 214 – 223

⁵⁷ Project Runeberg. *Hvem er Hvem - 1973* (Who is who) Accessed on: September 09 2015. Accessible from: <<http://runeberg.org/hvemerhvem/1973/0502.html>> p. 502

⁵⁸ Neumann & Leira, *Aktiv og avventende*. p p. 542

was another Norwegian diplomat who worked as the Norwegian Minister to China, Japan and Thailand from 1929 to 1935.⁶⁰ Nicolai Aall was however, relocated to Rio de Janeiro in 1938, and it was therefore Terje Knudtzon (1886-1966) who led the two Norwegian institutions as the Norwegian minister in Shanghai during the final years of Norwegian extraterritoriality (1938-1943).⁶¹ Knudtzon successor was Alf Hassel (1880-1956) who led the Norwegian legation in China's wartime capital Chongqing from 1943 to 1945.⁶² However, Nicolai Aall returned to China in 1945, and once again led the two Norwegian diplomatic institutions, until he retired in 1952.⁶³

1.5.2 Diplomatic Correspondence as Primary Sources

Diplomatic letters as a specific source-genre raise some issues. As Skinner pointed to, what the writer means by what he or she says in a text is not necessarily the most important aspect of the text, the writer might want to portray how something ought to be.⁶⁴ The Norwegian diplomatic letters portray the position held by both the diplomats and the majority of foreigners in China. The letters implicitly show a bias towards the foreign view on extraterritoriality and the diplomats even in some letters admit that they feel incapable of evaluating the practice of extraterritoriality in China objectively because of their prejudice against the Chinese judicial system. However, since the main research question in this thesis is: how and why Norway abolished its extraterritoriality in China, the diplomats' lack of objectivity is not a problem. This is because this thesis researches the reasons that made Norway abolish its extraterritoriality in China and therefore the diplomats' views are of great importance.

⁵⁹ Project Runeberg. *Hvem er Hvem - 1973* Accessed on: September 09 2015. Accessible from:<<http://runeberg.org/hvemerhvem/1973/0273.html>> p. 273

⁶⁰ Project Runeberg. *Hvem er Hvem - 1948* Accessed on: September 21 2015. Accessible from:<<http://runeberg.org/hvemerhvem/1948/0030.html>> p. 30

⁶¹ Seeberg & Filseth, *I Yangzidragens Rike* p. 201

⁶² Project Runeberg. *Hvem er Hvem - 1973* Accessed on: October 24 2015. Accessible from:<<http://runeberg.org/hvemerhvem/1948/0207.html>> p. 207

⁶³ Project Runeberg. *Hvem er Hvem - 1973* Accessed on: October 21 2015. Accessible from:<<http://runeberg.org/hvemerhvem/1973/0614.html>> p. 614

⁶⁴ Andresen, Rosland, Ryymin, & Skålevåg *Å Gripa fortida* p. 113

Nevertheless, the most important thing when examining primary sources is firstly to attempt to evaluate their reliability, validity and representatively.⁶⁵ Political sources are often problematized by their will to tell the truth.⁶⁶ In this respect diplomatic letters must be evaluated on the same basis. It is likely that the diplomats presented information and statistics that they considered correct. The genre “diplomatic letters” suggests that the authors tried to make their reports as accurate as possible since it was their job to do so on matters that needed Norway's diplomatic attention. However, since the diplomats were stakeholders who benefitted from extraterritorial privileges themselves, it is likely that this had some influence on their views on the matter. Furthermore, the diplomats likely would not take unnecessary risks by providing misinformation in their letters, since that at worst could make them lose their position and legitimacy if any attempt at deception was discovered. However, it is quite possible that the diplomats could have been selective by presenting information that supported their views while leaving out information that opposed it. The letters are generally written in close proximity in time to the events they describe, something that strengthen the sources' reliability.

Evaluating the closeness of the source to the issue it describes, can sometimes be complicated. This is relevant when examining diplomatic letters, because the authors on the one hand were close to the events that they described since residing in China, but on the other hand most foreigners lived in relative self-contained communities there.⁶⁷ Thus one can argue that the foreigners at the same time were relatively “close”, but also “distant” to the events they highlighted in their correspondence.

The letters used as primary sources are primarily written by various Norwegian diplomats stationed in China. Most are either sent from the Norwegian Legation in Beijing or the Norwegian Consulate-General in Shanghai. The remaining sources are correspondence that was mostly sent from the Norwegian Ministry of Foreign Affairs addressed to either of the two Norwegian institutions in China. Many of the letters were not signed, hence we cannot know for certain who the authors of these letters were. I

⁶⁵ Andresen, Rosland, Ryymin, & Skålevåg *Å Grippa fortida* p. 75

⁶⁶ *Ibid.* p. 75

⁶⁷ Westad, *Restless Empire* p. 174

will only claim that a specific individual wrote a letter when that specific individual also signed it.

1.5.3 Newspapers as Primary Sources

Newspaper cuttings that were forwarded as part of the diplomatic correspondence have also been used as sources. Newspaper articles as primary sources must always be assessed on the basis of several issues. Newspapers have historically been mouthpieces for the elite. They have also mirrored the social attitudes and ideologies of the time in which they were written. Many newspapers have been closely connected to a political ideology which has had some bearing on their articles. They have also been dependent on both getting advertisements and selling copies.

The newspaper cuttings found in the Norwegian archives forwarded by the Norwegian diplomats were mostly from the *North China Daily News*. This paper advertised itself with the slogan: "impartial, not neutral". I interpret this slogan to mean that the newspaper sought to cover issues based on objectivity, but that it did not restrain itself from taking sides. One must keep this favoritism in mind when evaluating the newspaper articles as primary sources. The Western newspapers in China were like the Norwegian diplomats, both relatively "close", but at the same time "distant" to the events that they described. Hence the information in these articles may be somewhat inaccurate, partial and/or misinformed and thereby describe events differently than what can be found in Chinese primary sources.

The newspaper cuttings are highlighted in this section because they are written by other individuals than the Norwegian diplomats who forwarded the cuttings in their letters. This fact is important when evaluating the said newspaper cuttings. Firstly, it is important to ask why the Norwegian diplomats decided to forward exactly these newspaper cuttings. They could possibly have their own ulterior motives for doing so since the narrative in these articles supported their own views on extraterritoriality.

One must also be aware that the English language newspapers printed in China at the time tended to favor the British or Western position.⁶⁸ The English language newspapers located in China were primarily aimed at a Western audience and thereby positioned themselves accordingly. This meant that these newspapers argued for keeping extraterritoriality in China for as long as the treaty power states deemed it necessary. This material includes letters to the editor written by foreigners who lived in China at the time and wanted to express their own views on extraterritoriality. The English language newspapers were generally open about their favoritism towards the treaty power position.

1.5.4 Unused Sources

The Norwegian historian Eirik Brazier told me in a mail from January 26. 2015, that he had briefly worked on Nicolai Aall's private archive located in the Norwegian National Library.⁶⁹ Though Nicolai Aall was one of the major individuals within the Norwegian diplomatic service in China at the time, the focus of this study is not on his life as a private person. When writing a master thesis, although access to new source material is interesting, the scope of the study must be confined to the most relevant material available, in this case the diplomatic sources. Thus after careful consideration, Aall's private archive is left out mainly for two reasons; firstly, it is rather doubtful whether the source material would provide additional information on this subject which the diplomatic sources do not reveal, and secondly, investigating the archive would be another vast project to undertake. However, if someone in the future wants to write Nicolai Aall's biography, this archive will surely provide them with excellent sources into his personal life.

⁶⁸ This has at least been the case for the vast majority of the newspaper articles that I have examined.

⁶⁹ Mail from Erik Brazier from January 26. 2015.

1.6 Thesis Structure

This thesis is divided into seven chapters, whereof three are analytical chapters dedicated to different topics with different sub-research questions. In this opening chapter I have presented and defined extraterritoriality, the topic of my research, as well as the selected literature and the methodological ways for dealing with the primary sources. Chapter two will look into five historical contexts that are significant for understanding Norwegian extraterritoriality in China. The third chapter is my first analytical chapter. In this chapter I explore how the Norwegian diplomats reacted to how the Washington Naval Conference (a conference between the United States, Japan, China, France, Britain, Italy, Belgium, Netherlands, and Portugal in 1921-1922) had agreed to assemble a commission that should look into the practice of extraterritoriality in China. I continue this investigation in the fourth chapter where I examine the reasons that made Norway participate in the investigation of the issues concerning extraterritoriality. The fifth chapter explores how the Nationalist Chinese government campaigned against extraterritoriality after the Nationalists had seized power. It also explores how this campaign succeeded in making new agreements with Norway that ultimately ended in the abolishment of Norwegian extraterritoriality. The sixth chapter is a brief historical epilogue that outlines the period after the new Sino-Norwegian agreements onwards until the abolishment of foreign extraterritoriality in China. The seventh and last chapter contains the conclusion of this study.

Chapter II

Five Contexts for Norwegian Extraterritoriality

2.1 Introduction

This chapter will look into five contexts that all are significant for understanding Norwegian extraterritoriality as a historic phenomenon. The first context is the “most favored nation agreement” which permitted nations like Sweden-Norway to gain similar advantages in China as powers such as Britain. The second context is Norway’s neutrality policy that was practiced after the independence from Sweden in 1905. The third context is the Qing dynasty’s early encounter with the “International Society” and how this encounter affected the continuance of Sino-foreign relations. The fourth context is the political turmoil in China that happened after the fall of the Qing dynasty. The fifth and final context is the outcome of the Washington Naval Conference, since the attending treaty powers there among other things agreed to evaluate the practice of extraterritoriality in China.

2.2 The Most Favored Nation Agreement

Out of all the foreign states that sought to establish treaties with China after the outcome of the First Opium War, the most surprising newcomer was possibly the Swedish-Norwegian union. Cassel explains that the reason for why minor powers such as Sweden-Norway were able to form advantageous treaties with China, was because of

the Qing dynasty's policy of granting all foreign states the same rights.⁷⁰ Wang emphasizes that the Sino-British Treaty of Nanjing (1842) that followed the First Opium War contained an extraordinary detail known as the "most favored nation clause". She clarifies that this clause could trace its origin from seventeenth-century European diplomacy that guaranteed equal trading rights and opportunities between nations. However, she also emphasizes that a significant deviation was made in the Treaty of Nanjing, which was the loss of reciprocal rights. The terms of this treaty affirmed that if the Qing dynasty extended the commercial rights of a foreign country, it was also obliged to grant the same concessions to all the other treaty powers without obtaining any reciprocal concessions.⁷¹ Cassel underlines that the possible explanation for why the Qing emperor agreed to this rather unreasonable clause, was because he wanted to portray that he still had absolute control over the situation. In other words, the emperor wanted to make it appear like the reason for why he concurred to this was because of his own generosity.⁷² Nevertheless, this remarkable clause opened the possibility for smaller nations such as Sweden-Norway, to gain equal advantages as the ones that had already been granted to the British Empire through the making of similar treaties with China.⁷³ Cassel underlines how Sweden-Norway in fact became the fourth treaty power (after Britain, the United States and France) that obtained an "unequal treaty" with the Qing dynasty.⁷⁴ Cassel states that Sweden-Norway attained its treaty with the Qing dynasty on March 20, 1847 in the Chinese port city of Guangzhou.⁷⁵

⁷⁰ Cassel, *Grounds of Judgment* p. 51

⁷¹ Wang, *China's Unequal Treaties* p. 10

⁷² Cassel, *Grounds of Judgment* p. 51

⁷³ *Ibid.* 52-53

⁷⁴ Cassel, Pär Kristoffer. 2010 "Traktaten som aldrig var och fördraget som nästan inte blev" (The Convention that never was and the Treaty that almost never became) *Historisk Tidskrift*, (The Swedish Historical Magazine) (130:2) p. 441

⁷⁵ *Ibid.* p. 443

2.3 The Norwegian Neutrality Policy

Since this is a study of why Norway abolished its extraterritoriality, it is evidently vital to have an understanding of the development of Norwegian foreign policy during the period that is being researched.

Berg categorizes Norway's foreign policy after its independence from Sweden in 1905 until 1920 as a "consolidating policy". He further describes this as a set of defensive lines that should protect Norway from the grim international politics at the time. He also stresses that there was always one underlying condition that determined Norway's foreign policy, and that was to establish strong diplomatic ties to Great Britain.⁷⁶ He further brings up how the Norwegian Foreign Minister, Jørgen Løvland, (1848-1922) established the framework for the newly independent Norway's foreign policy in one of his speeches in 1905. Berg highlights that this policy was described as Norway's "neutrality policy". He continues by affirming that the goal was both to protect Norway from being involved in any conflict between the great powers, as well as to preserve Norway's commercial interests abroad. Berg further underlines that these two guidelines would become Norway's primary foreign policy for the next two decades.⁷⁷

Riste claims that these political guidelines were comparable to the ones presented by Thomas Jefferson for the young American republic in the late 18th century.⁷⁸ According to Berg, Norway tried to establish three sets of "defense lines" that should protect Norway's political integrity. The first one was the Norwegian military, which should defend Norway from foreign aggressors. The second was the safety provided by international law, which Norway tried to strengthen, to further protect itself from potential foreign aggressors. The final one was the establishment of a Norwegian royal family with ties to both Denmark and Britain.⁷⁹ Riste stresses that the reasoning behind this decision was to ensure that the British Navy would protect Norway from aggressors.⁸⁰

⁷⁶ Berg, *Norge på egen hånd 1905-1920* p. 303

⁷⁷ Berg, *Norge på egen hånd 1905-1920* p. 303

⁷⁸ Riste, Olav. 2001. *Norway's Foreign Relations – A History* Oslo: Universitetsforlaget p. 76

⁷⁹ Berg, *Norge på egen hånd 1905-1920* p. 91

⁸⁰ Riste, *Norway's Foreign Relations* pp. 75-76

Berg adds that it was not the Norwegian military, but rather international law that the Norwegian politicians believed could shield Norway from potential conflicts.⁸¹ He further accentuates how the Norwegian politicians believed that it was the duty of smaller nations to improve international law, since these nations were the ones that mostly desired agreements based on reason, rather than on military strength.⁸² Riste also points to the main challenges the newly independent Norway faced. Norway's primary challenge according to Riste was "the divorce settlement" with Sweden. Yet he also underlines how important it was for Norway to be recognized by the great powers.⁸³ Berg highlights that Norway's two main focuses regarding international law were to stress the need for negotiations between states having various disputes to avoid conflict, and also to strengthen neutral states' trading rights during wars. In other words: neutral nations should be able to carry on their trade, even though their trading partners were at war with one another.⁸⁴

However, Riste argues that in spite of Norway being a neutral state during the First World War, the Norwegian economic dependence on Great Britain in fact turned the country into Britain's "neutral ally".⁸⁵ Berg stresses that Norway's "neutrality policy" was still relevant during the aftermath of the First World War. He continues by affirming that the post war negotiations in Versailles became a forum where Norway demonstrated the continuance of its neutrality policy, including voicing its support for the "Open Door Policy" that emphasized the importance of an open free trade in China.⁸⁶

Riste affirms that Norway joined the League of Nations, albeit somewhat reluctantly in 1920, yet he adds that it might be claimed that Norway was still eager to continue its policy of neutrality rather than putting all of its eggs into that one basket.⁸⁷

Even so, major Norwegian political figures, like the Norwegian Prime Minister for three different terms in the interwar period, Johan Ludwig Mowinckel, (1870-1943) advocated

⁸¹ Berg, *Norge på egen hånd 1905-1920* p. 91

⁸² Berg, *Norge på egen hånd 1905-1920* p. 92

⁸³ Riste, *Norway's Foreign Relations* p. 69

⁸⁴ Berg, *Norge på egen hånd 1905-1920* p. 92

⁸⁵ Riste, *Norway's Foreign Relations* p. 109

⁸⁶ Berg, *Norge på egen hånd 1905-1920* pp. 304-305

⁸⁷ Riste, *Norway's Foreign Relations* p. 130

a “new internationalism”, that even further laid its emphasis on strengthening international law.⁸⁸ This came as a supplement to Norway’s traditional “neutrality policy”, and thus Riste stresses that it marks a second formative period in the evolution of Norway’s foreign policy doctrine.⁸⁹

International politics, however, showed a marked rise in conflicts during the 1930s in the aftermath of the world economic crisis in 1929. As the danger of war became steadily more marked, Norway retreated from its League of Nations’ obligations to carry out sanctions against aggressor-states.⁹⁰ On May 31, 1938, the Norwegian parliament declared “its right to observe a complete and unconditional neutrality in any war which it does not itself approve as an action of the League of Nations.”⁹¹ This signaled a slight shift from the “new internationalism”, yet Norwegian delegates to the League of Nations continued their verbal appeals to the great powers to act to settle international disputes by peaceful means. Riste continues by emphasizing that Norway had by 1938 fully returned to its neutralism.⁹²

Riste points to that even though the Norwegian sentiment was that it was unlikely that the country would be attacked neither for the strategic value of the Norwegian territory, nor for the value of Norwegian natural resources, this proved wrong. Germany attacked Norway on the 9th of April 1940. Southern Norway was quickly seized by German forces, but the fighting in Northern Norway was somewhat more prolonged. Yet the Norwegian King and government managed to escape to Britain on the 7th of June 1940, where they carried on as the legitimate government of a nation at war with Germany.⁹³

⁸⁸ Riste, *Norway’s Foreign Relations* p. 133

⁸⁹ *Ibid.* p. 133

⁹⁰ *Ibid.* pp. 135-137

⁹¹ *Ibid.* p. 137

⁹² *Ibid.* p. 137

⁹³ *Ibid.* pp. 138-153

2.4 The Qing dynasty's encounter with International Society

Another significant context to be aware of while researching Norwegian extraterritoriality, is China's encounters with "International Society". Several political scientists have highlighted this issue while studying China's integration into international society. Therefore this issue will also be brought to light as one of the contexts that are of importance for this research.

Suzuki accentuates how the Qing dynasty perceived issues that were presented to them from what he describes as the "Janus-faced European International Society".⁹⁴ He highlights that Westerners wanted China and Japan to understand that they needed to westernize in order to be considered "civilized" by the Western states.⁹⁵ Kayaoğlu underlines that the Western jurists however, had legitimized Western imperialism by excluding all non-Western states from their definition of sovereignty.⁹⁶ Therefore the two East-Asian states had potentially much to gain if they managed to be perceived by the Western states as civilized entities.

Suzuki emphasizes that the Chinese showed little understanding towards how international society presented "war" as a sometimes "necessary evil" to enforce interventional justice. He further underlines that international society's concept of "balance of power" gradually grew on the Chinese. He accentuates that China began to understand and appreciate how this concept was designed to secure coexistence among the societies' members, and how this concept benefitted smaller states.⁹⁷ He also claims that the Chinese elites acquired an understanding of how international law emphasized that all sovereign states in the world had equal rights. He further argues that understanding this even permitted them to score some diplomatic victories in their disputes with Western states.⁹⁸ Suzuki also mentions how the major foreign powers wanted China to adopt a European styled diplomacy. He further claims that the Western

⁹⁴ Suzuki, Shigo. 2009. *Civilization and Empire - China's and Japan's Encounters with European International Society* New York: Routledge p. 66

⁹⁵ Ibid. p. 67

⁹⁶ Kayaoğlu, *Legal Imperialism* p. 17

⁹⁷ Suzuki, *Civilization and Empire* p. 67

⁹⁸ Ibid. p. 68

states disagreed with how the Qing delegated international matters into the hands of its local authorities, something that prevented diplomatic contact with them. Suzuki accentuates that this resulted in that the West considered the Qing government to be incapable of containing anti-foreign riots and protecting Western life and property within China.⁹⁹ However, the days of the Qing dynasty in power were about to end; and the dynasty would soon be replaced by a flawed republic, a transformation that would drastically alter the political landscape within China for good.

2.5 The Political Situation in China after the fall of the Qing

The Xinhai Revolution of 1911 that overthrew the Qing dynasty signaled a dramatic change for China's future course. The revolution succeeded in overthrowing the Qing, but more importantly, it ended the long lasting chain of dynasties that had ruled China throughout history. Westad highlights that the Qing Empire was replaced by a succession of weak central governments which slowly ceased exercising full authority in most matters outside a section of northern China around the capital Beijing.¹⁰⁰

Suzuki underlines that there is not much evidence demonstrating any serious attempt by the Qing dynasty to alter the Chinese state and its institution to be based upon European models.¹⁰¹ He further highlights that the Qing ultimately failed to implement the political reforms needed to centralize China along Western lines.¹⁰² Mackerras accentuates that the Qing had become stuck in a vicious circle. If they refused to accept the foreign powers' demands they risked to lose their international support, something that the Qing was in dire need of. However, if they did not resist the imperialists then the

⁹⁹ Suzuki, *Civilization and Empire* p. 75

¹⁰⁰ Westad, *Restless Empire* p. 124

¹⁰¹ Ibid. p. 96

¹⁰² Ibid. p. 98

Qing risked losing the loyalty of their own subjects.¹⁰³ However, it proved to be their loss of support from the military that became their bane.

After the former Qing general Yuan Shikai (1859-1912) for his own personal gain, seized power over the revolution from the revolutionary visionary Sun Yat-sen (1866-1925), Sun Yat-sen left Beijing for southern China. There he set up a counter-regime, the Nationalist Party (also known as the Kuomintang or the Chinese Nationalists) in Guangzhou in 1917. Even though Sun encountered many difficulties and died before he had achieved his ambitions, he had still managed to develop the Chinese Nationalist Party. In doing so he had among other things established his well-known "three principles of the people".¹⁰⁴ Sun Yat-sen's new government also laid the foundation for the success of his protégé, Chiang Kai-Shek's "Northern Campaign" which reunited China under the Nationalist Party's rule in 1928.¹⁰⁵

2.5.1 The Era of the Warlords

The most significant aspect about the Chinese warlords in the context of this study, was their constant power struggle and looting. The atrocities committed by the Chinese warlords and their soldiers provided fuel to the foreigners' arguments about how China was not prepared to become a republic, as well as how it was not able to look after itself nor its people. Even though the Chinese warlords' misdeeds were often stressed in the foreigners' critique of China; it is for the purpose of this thesis, only imperative to know that there were many warlord cliques, and that their internal wars destabilized China severely.

Mackerras defines a Chinese warlord as a military officer who commanded a personal army that was in control of an area, and who acted more or less independently of the

¹⁰³ Mackerras, Colin. 2008. *China in Transformation* United Kingdom: Pearson Education Limited p. 33

¹⁰⁴ ***The Three Principles of the people*** is a political philosophy developed by Sun Yat-sen, Sun's three principles were: *Nationalism, Democracy and the livelihood of the People.*

¹⁰⁵ Mackerras, *China in Transformation* p. 44

Chinese government at the time.¹⁰⁶ The Chinese Republic was divided among numerous warlords and their military cliques during the infamous “Warlord Era”. These military cliques also frequently engaged in armed conflicts over territories with rivaling warlords. However, in spite of their difference the warlords agreed on one thing, and that was that there could only be one national government in China.¹⁰⁷ All warlords desired to reunite the country under their own rule. Hence, there was always a power struggle to gain full control over the government in Beijing. Westad stresses that throughout the Warlord Era and in spite of all the domestic and foreign challenges, China as a state still managed to keep in place a semblance of central government with a mandate to carry out foreign policy.¹⁰⁸ The government in Beijing also enjoyed international recognition and was thus considered to be the legitimate government of China by the foreign states. The main benefit of having a government representing China as a whole, was that it made it much harder for foreign governments to seize provinces and claim them as their own. Westad also emphasizes that no foreign power, not even Japan, had any intention of a complete breakup of China at the time.¹⁰⁹

One of the reasons for why China’s territories were divided between Chinese warlords, is explained by Macarras by the late military reforms composed by the Qing Empire. Rather than having a national army, the Qing decided to utilize regional forces and militias. This led allegedly to the soldiers being more loyal to their superiors than to the central government. This decentralization of the military in addition to the ideological vacuum after the fall of the Qing, were the main reasons for why the generals were able to take absolute control over their armies.¹¹⁰

The most powerful and modern of the Qing’s armed forces was the northern based Beiyang army led by general Yuan Shikai. The republican visionary and leader of the Xinhai Revolution, Sun Yat-sen, needed the support of Yuan Shikai to be able to fulfill his revolutionary ambitions to overthrow the Qing in favor of a republic. Thus Sun Yat-sen had no choice rather than to guarantee Yuan Shikai the presidency of the Chinese

¹⁰⁶ Mackerras, *China in Transformation* p. 36

¹⁰⁷ *Ibid.* p. 38

¹⁰⁸ Westad, *Restless Empire* p. 124

¹⁰⁹ *Ibid.* p. 124

¹¹⁰ Mackerras, *China in Transformation* pp. 36-43

Republic if he in return backed the revolution.¹¹¹ Yuan Shikai decided to give his support, but at the same time to manipulate the situation for his own personal gain. Yuan Shikai had no intention of allowing constitutional processes to flourish and immediately began to seize full power for himself. He also attempted to crown himself emperor in 1915, something which caused a storm of protests and several Chinese regions declared their independence. Yuan Shikai died the following year, a death that initiated the infamous Warlord Era. The causes of the revolution are very compound and require much more depth than what I can offer in this brief summary. However, a very important reason is the humiliation many Chinese felt that the Westerners had imposed on China through the unequal treaties. This was a problem that the Qing had proved incapable of dealing with.¹¹²

2.6 The Washington Naval Conference and Its Outcome

The turbulent times following the end of the First World War displayed that Japan rather than China had become the leading East-Asian power. The United States continued its China-policy, known as the “Open Door Policy”, which called for an international agreement preventing an expensive naval race developing in East Asia, as well as protecting American interests in East Asia and the Pacific.¹¹³ It was vital for the United States to avoid being pushed out of China by the other treaty powers. Westad accentuates that Japan's power and influence had increasingly grown in the region and had led to rivalry between Japan and the United States.¹¹⁴ Hence the Open Door Policy also emphasized that China should be kept open for trade on an equal basis for all nations.¹¹⁵ The United States arranged the Washington Naval Conference from 1921 to

¹¹¹ Ibid. p 32

¹¹² Mackerras, *China in Transformation* pp. 32-33

¹¹³ Spence, Jonathan D. 1999. *The Search for Modern China (2nd ed.)* USA: W. W Norton & Company p. 360

¹¹⁴ Westad, *Restless Empire* pp. 132-133

¹¹⁵ Spence, *The Search for Modern China* p. 230

1922. The goal of the conference was to limit the naval arms race in Asia and to determine the status of China.¹¹⁶

This conference resulted in the powers agreeing on several treaties, among which was the Eight-Power Resolution (officially known as: Extraterritoriality and Administration of Justice in China).¹¹⁷ The Eight-Power Resolution agreed on assembling a commission (known as the Commission on Extraterritoriality) to look into the legal jurisdiction practiced in China, and to investigate if China was ready to have foreign extraterritoriality abolished.¹¹⁸ This treaty initiated the first move towards genuinely addressing the issues that surrounded foreign extraterritoriality in China. Even though similar promises had been given China earlier, for instance the vague pledge from the British Empire in the Mackay Treaty of 1902 to abolish extraterritoriality if China westernized its legal system;¹¹⁹ none had been as specific as this treaty.¹²⁰ This makes the Eight-Power Resolution highly relevant for my research, not only because it addressed the state of extraterritoriality in China, but even more so since Norway at a later stage decided to adhere to it. I will address the Eight-Power Resolution in more detail after clarifying the historical context that was relevant to its making.

Japan's rise to power and its increasing influence over China had triggered the "May Fourth Movement" of 1919. The movement started out as a protest-march organized by Chinese students to demonstrate against the treaty powers. This event also sparked student rallies in other significant Chinese cities such as Shanghai. The primary reason provoking the movement was the treaty following the aftermath of the First World War. This treaty accepted Japan's demand that all former German interests in China should be transferred to them. China had assumed being rewarded for having joined the allied countries in the war by having some foreign privileges reverted.¹²¹ The demands of the protesters were mainly to dismiss the pro-Japanese leadership; and the government

¹¹⁶ Spence, *The Search for Modern China* p. 360

¹¹⁷ I have shortened and simplified the name of the resolution known as: "Extraterritoriality and Administration of Justice in China" to: "the Eight-Power Resolution" for the sake of simplicity in this thesis.

¹¹⁸ Library of Congress. *Extraterritoriality and Administration of Justice in China. Signed at Washington December 10, 1921*. Washington, D.C: Government Printing Office Accessed on: May 06. 2015
Accessible from: <<http://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0329.pdf>>

¹¹⁹ Kayaoğlu, *Legal Imperialism* p. 153

¹²⁰ Wang, *China's Unequal Treaties* pp. 19-23

¹²¹ Westad, *Restless Empire* pp. 132-133

decided to comply with their demands.¹²² The protests persuaded the Chinese government to refusing to sign the Treaty of Versailles. Protests in China however, did not alter the decision of granting Japan the previous German holdings in China.¹²³ Westad states that the major foreign powers by this clearly demonstrated how they believed that the principles of self-determination glorified during the First World War, were not applicable for the Chinese or other Non-Europeans, except for the already westernized Japanese.¹²⁴

Another event sparking anti-imperialist and anti-Japanese sentiments in China, was the “twenty one demands” that Japan pressed upon China in 1915. These demands increased Japan’s control over Manchuria and over the Chinese economy. In doing so Japan violated the Open Door Policy. But the United States and Japan came to an agreement in 1917 in which the United States acknowledged Japan's special interest over Manchuria, known as the “Lansing-Ishi agreement”.¹²⁵ The Washington Conference was a continuation of this initiative. Summarized, the treaties made at the Washington Conference were: “the Four-Power Treaty” (to reaffirmation of the status quo regarding the Pacific Islands),¹²⁶ “the Five-Power Treaty” (an arms control treaty that dealt with the naval arms race)¹²⁷ and “the Nine-Power Treaty” (a reaffirmation of the Open Door Policy).^{128,129} However, it is the Eight-Power Resolution that is of most significance for this thesis since it dealt with extraterritoriality in China.

The Eight-Power Resolution was signed on the 10th of December 1921 during the Washington Conference. This resolution addressed the status of foreign extraterritoriality in China. The treaty powers were Belgium, the Netherlands and Portugal; while the remaining participants were the countries that also addressed the balance of power in

¹²² Mackerras, *China in Transformation* p. 40

¹²³ *Ibid.* p. 41

¹²⁴ Westad, *Restless Empire* p. 152

¹²⁵ *Ibid.* p. 132

¹²⁶ This treaty agreed to uphold the status quo in the Pacific. Britain, the U.S., Japan and France all agreed to respect the holdings of the other powers in the Pacific and not to seek further expansion there.

¹²⁷ This treaty regulated the navies of the signatory powers - Britain, The U.S, Japan, France and Italy agreed to respectively limit their navies to a ratio of 5:5:3:1,75:1,75 ratio.

¹²⁸ The signatory powers all agreed to respect the sovereignty of China. They also recognized the Japanese control over Manchuria, but otherwise the treaty affirmed the principles of the Open Door Policy. China also promised not to discriminate against any country seeking commerce there.

¹²⁹ Kayaoğlu, *Legal Imperialism* p. 155

East-Asia. These states were Great Britain, the United States, Japan, France and Italy. The Resolution stated that the Signatory States had concluded to establish a Commission to which every government should appoint one member, to inquire into the practice of extraterritorial jurisdiction in China.¹³⁰ The treaty also declared that the nonparticipating treaty powers that practiced extraterritorial rights in China, could accede to the resolution by notifying the government of the United States about their adherence to the said treaty.¹³¹ The newly established inquiry of foreign extraterritoriality caused some worried reactions within the foreign communities in China.

Another important circumstance surrounding the Washington Conference was how Chinese students who had been educated at Western Universities, had started to question the powers' justification of their practice of extraterritoriality in China. Mackerras highlights that the new Chinese intellectuals being part of the May Fourth Movement, brought forward modern and progressive trends of knowledge to the country.¹³² Kayaoğlu shows how the first Chinese attempt to westernize its legal system occurred in 1904 through the establishment of the Law Codification Commission. This attempt was motivated by the British and American declarations that linked the abolition of extraterritoriality to the Chinese institutionalization of state legislation.¹³³ He also reveals how the Chinese in 1911 drafted a Civil Code based upon the Japanese Code; however, this code was never promulgated due to a strong conservative opposition from the Chinese elite.¹³⁴

Nevertheless, we will see in the upcoming chapter how these attempts of reform were used by the Chinese to push for the abolishment of extraterritoriality as well as how the treaty powers responded to this attempt. Since the focus of this thesis is to look into how and why Norway abolished its extraterritoriality in China, the main focus will be on the Norwegian response.

¹³⁰ Library of Congress. *Extraterritoriality and Administration of Justice in China*. Accessed on: May 06. 2015 Accessible from: <<http://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0329.pdf>>

¹³¹ Ibid.

¹³² Mackerras, *China in Transformation* p. 42

¹³³ Kayaoğlu, *Legal Imperialism* p. 163

¹³⁴ Ibid. p. 163

Chapter III

Responses to the Washington Naval Conference

3.1 Introduction

The First World War and its aftermath were to change foreign policies towards China. The Washington Naval Conference was initiated exactly with the purpose of setting out a new policy dealing with security issues in Asia, and to determine China's new "status" in particular. China was changing too. As an emerging modern nation state with features and characteristics that was reminiscent to the treaty powers, China was interchangeably a player to be reckoned with on the international diplomatic scene. This chapter addresses how Norway responded to the Washington Naval Conference through its diplomatic channel. More precisely how the Norwegian diplomats in China argued for making Norway continue to support extraterritoriality because the Eight-Power Resolution had declared to investigate the system's practice. This adheres to the research question highlighted in chapter one since this debate is a vital part of the development that ultimately ended Norwegian extraterritoriality in China.

The aim of this chapter is thereby to examine how the responses sent by the Norwegian diplomats in China to the Ministry of Foreign Affairs in Oslo reflected their views on the continuance of extraterritoriality. Extraterritoriality was something that all Norwegians in China benefitted from. Consequently I have decided to investigate the following sub-questions in this chapter: **1) how and why did the Norwegian diplomats respond to the Eight-Power Resolution?** And: **2) how and why did the Norwegian diplomats attempt to influence their superiors in Norway to share their opinions on the continuing practice of extraterritoriality in China?**

In order to answer these questions properly I will first briefly address the different views on extraterritoriality, before exploring the contents of the Norwegian diplomats' letters.

3.2 Different views on Extraterritoriality in China

Kayaoğlu argues that during the time of the Washington Conference the Chinese government had enacted multiple reforms to the Chinese Legal Code as an attempt to both please and persuade the treaty powers to voluntarily abolish their extraterritoriality.¹³⁵ This attempt set in motion a series of intense debates among foreigners and Chinese alike on whether or not China was ready to be integrated into International Society. Some of the foreigners in China argued that China did not act in accordance with their new westernized and unbiased legal system and thus China was incapable of putting its new modified laws into practice.¹³⁶ Furthermore, according to Westad, the Beiyang government (the central Chinese government) during the early 1920s did in reality only exercise its authority over a region in close proximity to the capital Beijing.¹³⁷ This limited regional power was something frequently mentioned in the foreigners' critique of the Chinese government at the time.

Kayaoğlu points to that China applied two different strategies for ending extraterritoriality. He explains that the original Chinese approach to end this system was to challenge it on normative terms. In coherence with this strategy the Chinese had attempted to demonstrate the system's inefficiency and inability to be non-partial. These complaints did not however, end extraterritoriality; instead it encouraged the Westerners to reform the existing system.¹³⁸ The Chinese strategy then shifted to attempting to westernize its legal institutions, as several Western countries had stated the possibility of abolishing the system if and when they saw an improvement in the Chinese judicial

¹³⁵ Kayaoğlu, *Legal Imperialism* p. 154

¹³⁶ *Ibid.* p. 152

¹³⁷ Westad, *Restless Empire* pp. 123-124

¹³⁸ Kayaoğlu, *Legal Imperialism* p. 152

administration.¹³⁹ Britain had already during the opening years of the 20th century promised to abolish extraterritoriality in China.¹⁴⁰ The condition for doing so was that China established proper judicial institutions that protected the legal and property rights of British citizens.¹⁴¹

Kayaoğlu clarifies that the Western terms were also acknowledged by China since they did try to westernize their legal institutions on several occasions.¹⁴² Kayaoğlu also reveals how Japan also had been subjected to extraterritoriality; but that the Japanese had managed to get it abolished through several Western inspired reforms.¹⁴³ Therefore, Japan had proved that it was possible for an Asian country to get rid of extraterritoriality through the implementation of requested reforms. Suzuki highlights that China in reality had no choice but to comply with such conditions.¹⁴⁴ Therefore all parties recognized the premise for the abolition of extraterritoriality. In other words all had a mutual understanding: If China fully practiced a just westernized legal system, only then would extraterritoriality be removed. The Eight-Power Resolution signed during the Washington Conference specifically addressed the status of foreign extraterritoriality in China. In doing so the signatory states decided to establish a commission which would inquire into the practices of extraterritoriality in China.

3.3 The Norwegian Diplomats' Responses to the Resolution

This section will investigate how the Norwegian diplomats in China portrayed the debate that occurred there because of the Eight-Power Resolution, and examine the arguments they put forward to their superiors back in Norway. The general debate had been triggered because the Eight-Power Resolution had declared an intent to investigate

¹³⁹ Kayaoğlu, *Legal Imperialism* p. 153

¹⁴⁰ Wang, *China's Unequal Treaties* pp. 19-23

¹⁴¹ Kayaoğlu, *Legal Imperialism* - p. 153

¹⁴² Ibid. p. 49

¹⁴³ Ibid. pp. 97-98

¹⁴⁴ Suzuki, *Civilization and Empire* p. 90

extraterritoriality, something that might result in the abolishment of the practice. This worst case scenario sparked a debate where foreigners living in China expressed their worry if this investigation should result in the abolishment of extraterritoriality.

It is crucial to keep in mind when analyzing the primary sources used, that most foreigners, including the Norwegians, either went to China for economic or religious reasons. Extraterritoriality was important for all foreigners since it offered protection to their businesses as well as to their religious practices. Many of the foreigners who sought their fortunes in China were working for foreign-administered institutions such as the Imperial Maritime Customs Service,¹⁴⁵ while others lived there as missionaries. In fact, a letter written on the 29th of April 1926 by a Norwegian diplomat in Shanghai declares that more than half of the Norwegians residing in China during the mid-1920s were working for some Christian mission.¹⁴⁶ However, the same letter also states that most missionaries, as well as the other Norwegians residing outside Shanghai, rarely took advantage of extraterritoriality.¹⁴⁷ This suggests that it was the Norwegians in Shanghai who were the most worried by the possible removal of their extraterritorial rights. Therefore it is not surprising that it was the foreign residents of Shanghai, including the Norwegian diplomats working there, who were the most vocal for keeping the status quo regarding foreign extraterritoriality. I will look into how and why the Norwegian diplomats expressed their views on extraterritoriality in regard to the safety of the foreigners in China. Another detail to keep in mind is that out of all Norwegians in China, it was the diplomats who were best suited to influence Norway's actions on everyone's behalf. Their letters to Oslo reveal their attempts and arguments to persuade the Norwegian Ministry of Foreign Affairs to become more sympathetic towards the perseverance of foreign extraterritoriality.

¹⁴⁵ Seeberg, & Filseth. *I Yangzidragens Rike* pp. 37-38

¹⁴⁶ Riksarkivet. (The Norwegian National Archives) Utenriksstasjonene, Generalkonsulatet i Shanghai, (The Norwegian Consulate General in Shanghai) S-2611/Db/L0238/0002. - 2329

¹⁴⁷ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2329

3.3.1 “The Standard of Civilization”

Gong introduces a term in his book: *The Standard of ‘Civilization’ in International Society* which he calls “the standard of civilization”. According to Gong this term underlines the five requirements that the major foreign powers demanded from non-Western states in order to consider them parties of the “civilized” world. Summarized, these five requirements are:

- 1) A guarantee of basic rights for Westerners residing in the country.
- 2) An efficient bureaucracy capable of defending the country.
- 3) Adherence to international law and an effective legal system.
- 4) The maintenance of diplomatic relations.
- 5) The compliance with the new Western norms that prohibited “uncivilized practices” (examples that Gong mentions are slavery and polygamy).¹⁴⁸

However, Gong’s definition has been criticized by other academics. Kayaoğlu stresses that the requirements that Gong lists are all bound by his subjective values. This makes it rather difficult to measure to what extent Gong’s requirements were actually met when extraterritoriality was abolished in China. He continues this argument by stating that even if a non-Western country had fulfilled the requirements that Gong lists, it could still be perceived by the West as being uncivilized. In other words, he suggests that a better approach to explain the reason for why extraterritoriality was abolished, is to examine if the West perceived China to have fulfilled the necessary requirements.¹⁴⁹ I found it interesting that Kayaoğlu stresses this notion. This is because many of the sources I’ve examined emphasize that China had only reformed its judicial system on paper, not in practice.

Suzuki also highlights some problems with the view presented by Gong in his book: *Civilization and Empire*. He pinpoints that it is fairly problematic to blindly presume that

¹⁴⁸ Gong, Gerrit. 1984. *The Standard of ‘Civilization’ in International Society* USA: Oxford University Press pp. 14-15

¹⁴⁹ Kayaoğlu, *Legal Imperialism* p. 60

the industrialized Western states were the most advanced in all aspects. According to Suzuki, to suppose that a Chinese westernization will involve an entire duplication of all the political, economic and social institutions of the Western societies at the time, has its shortcomings.¹⁵⁰

The critique against Gong's five requirements highlights some important issues. It is important to recognize that the Western way of institutionalizing its bureaucracy not automatically is the most efficient. Even so, Gong's five requirements is a reasonable way to classify the various necessities that were required of China by the foreign powers. The aim of this thesis is investigating Norway's role and involvement in process that ultimately ended in the abolishment of extraterritoriality in China. For this purpose making use of Gong's requirements to classify the arguments found in the primary sources, is fruitful. I have noticed that the arguments that the Norwegian diplomats made for keeping extraterritoriality unchanged, fit well together with the five necessities that Gong argues were required of China.¹⁵¹

3.3.2 The Response from the Norwegian diplomats

The correspondence sent from the Norwegian diplomats in Beijing and Shanghai is voluminous. Examining the bulk of these letters I have noticed that many arguments are repeated. This can be explained because the recipients of these letters were many; hence the contents of the letters were of a similar nature. While working through this extensive source material, two long letters have stood out. These two lengthy letters contain most of the arguments found in the entire bulk of correspondence. Thus these are excellent source material to provide the necessary foundation for establishing the required understanding of the arguments that the diplomats portrayed. These two letters will be briefly introduced before exploring their contents. Further on, the narrative of the letters will be explored, and how they depicted the views of the Norwegian diplomats on extraterritoriality will also be looked into.

¹⁵⁰ Suzuki, *Civilization and Empire* pp. 14-15

¹⁵¹ Gong, *The Standard of 'Civilization'* pp. 14-15

The first letter is written on the 6th of April 1921 in Shanghai, addressed to Erik Andreas Colban.¹⁵² Colban¹⁵³ was a Norwegian diplomat who in 1919 had started his service within the newly established League of Nations.¹⁵⁴ This letter is unsigned and therefore I cannot know for sure who wrote it. However, it is likely that Nicolai Aall had at least vouched for this letter since it was sent from the Consulate-General in Shanghai, the institution he was in charge of. The contents of the letter suggest that the author's intent was to influence Colban into both understanding and supporting the author's views. This intent is made clear by the author himself since he emphasizes that because the League of Nations is going to bring up the question of extraterritoriality, he has decided to write a letter to Colban. Since Colban was an influential Norwegian diplomat at the time, it was important for the individual who wrote this letter to make Colban understand his concerns. The author also forwarded several newspaper cuttings in his letter. He stated when introducing the articles in his letter, that he fully supported their contents. Because of this statement I consider the two related articles to be useful in understanding the Norwegian diplomat's point of view. The author further stated that the ones written by a "Mr. Gilbert" had caused a huge debate in China.¹⁵⁵

Rodney Gilbert published his two articles in the 22nd and 23rd of March issues of the *North China Daily News* in 1921. The online source *Syracuse University Libraries* describes Gilbert as a "conservative editorial writer and newspaper columnist."¹⁵⁶ The site also states that Gilbert was an American who had traveled to China in 1912 and ended up spending 17 years there, and that he also became fluent in Chinese. While living in China he worked as a correspondent for the *North China Daily News*. In 1926 Gilbert's columns in the paper were compiled into a book named: *What's Wrong with China*.¹⁵⁷ The site also highlights how Gilbert became a strong supporter of Chinese

¹⁵² Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2405-2408

¹⁵³ The addressee is a "Mr. Colban" however, in another similar letter "Mr. Colban" is referred to with the title "director" because of this as well as the context I believe that it is evident that "Mr. Colban" is Erik Andreas Colban, a Norwegian diplomat who worked for the League of Nations from 1918-1930.

¹⁵⁴ Norsk Bigrafisk Leksikon, (Norwegian Bibliographical Encyclopedia) s.v. *Erik Colban* Accessed on: May 07. 2015 Accessible from:<https://nbl.snl.no/Erik_Colban>

¹⁵⁵ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2405

¹⁵⁶ Syracuse University Libraries. *Rodney Gilbert Papers* Accessed on: May 09. 2015 Accessible from: <http://library.syr.edu/digital/guides/g/gilbert_r.htm>

¹⁵⁷ Ibid.

nationalism and of Chiang Kai-shek' regime, as well as him being firmly anti-Communist.¹⁵⁸

The author emphasized in the letter how he believed that one did not need to have resided long in China to understand how true the two articles were. He also stated that the Chinese students' theories could not overshadow what he believed to be the hard truth. And according to him, that truth was that extraterritoriality should rather have ended during the Qing Empire than in 1921 (when he wrote the letter). He wrote that the reason for this was because back then there was at least a strong central Chinese government with a functioning administration enforcing its laws. This was something the author argued was the exact opposite of the situation at the time when he wrote his letter.¹⁵⁹

Another relevant letter was sent from Nicolai Aall on the 10th of February 1922 to the Norwegian Ministry of Foreign Affairs.¹⁶⁰ At first I did not know who the author of this letter was, but I later discovered a duplicate of letter that had been signed by Nicolai Aall.¹⁶¹ This letter starts off by affirming that the continuance of extraterritoriality had been a hot topic in China. It lists many of the same arguments as in the previous letter, such as how the Chinese students allegedly were trying to deceive the West into believing that China has matured enough to take full legal responsibility for every resident in the country. Aall also mentioned his discomfort with the Chinese practice of "Squeezing". In the letter addressed to Colban it was described as a sort of bribe paid on sales and purchases, and was further compared to political corruption.¹⁶² Another issue that was highlighted in Aall's letter was the case and trial of a Swedish citizen working for the harbor-police in Shanghai at the time.¹⁶³ Aall stated that he wanted to provide a more accurate narrative of the actual situation in China. He also emphasized that it was neither his responsibility nor his intent to express any theoretical examination on the abolishment of extraterritoriality. Yet he argued that he ought to provide some examples

¹⁵⁸ Ibid.

¹⁵⁹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2405

¹⁶⁰ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2394-2400

¹⁶¹ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, (The Norwegian Legation in Beijing) S-2610/Db/L0090/0009. -- 3529-3533

¹⁶² Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2408

¹⁶³ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2397

and he expressed hope that they would be taken into consideration when Norway had to make a decision on whether it wanted to keep its extraterritoriality or not. But even though Aall stated otherwise, the contents of his letter show that the intent most probably was to attempt to influence his superiors back home.

3.3.3 No Guarantee for Basic Rights

Firstly, the concerns mentioned in the sources relating to the diplomats' expressed fear for their basic rights being violated if they were subjected to Chinese jurisdiction, will be examined. This worry is consistent with Gong's first requirement, especially since the foreigners stated that they feared that the Chinese authorities could not guarantee their basic rights in the county.

The letter written to Colban began by telling that all foreigners living in China (and who knew the Chinese) were worried about what the author describes as "the Chinese students' propaganda". The author underlined that he is concerned that this propaganda might influence people who were unaware of the actual state of affairs in China.¹⁶⁴ He wrote that it was crucial that those evaluating extraterritoriality in China realized how incapable China was of enforcing its own jurisdiction. The author argued his worry concerning that the Chinese authorities did not exercise enough authority to assure the wellbeing of the foreign population.

This worry was also further emphasized in the letter written to the Ministry of Foreign Affairs which brought up the case and trial of the Swedish man employed in Shanghai's harbor-police.¹⁶⁵ This Swede had while on duty had a quarrel with a Chinese sailor who had later been killed. The colleagues of the Chinese accused the Swede of being the murderer because of their earlier dispute. The Chinese authorities started an investigation and demanded that the Swede should be extradited to them. Aall emphasized that this request was fortunately declined and further emphasized that

¹⁶⁴ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2405

¹⁶⁵ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2395-2396

without extraterritoriality to protect him he would have been executed for a crime he allegedly did not commit. He also stated that during the Swedish investigation it was not possible to find the witnesses that had sworn that the Swede was the murderer. He continued by stating that the Chinese autopsy had been hasty and sloppy and that the body had been buried before it could be properly examined.¹⁶⁶ This case was also mentioned in a letter marked strictly confidential, written on the 17th of February 1922, in Shanghai, addressed to the Norwegian Ministry of Foreign Affairs.¹⁶⁷ In this letter it was stated that the Swedish Consul-General had told the author that the Chinese Commissioner of Foreign Affairs had visited him. The Chinese Commissioner had then attempted to influence the Consul-General to alter the Swedish harbor policeman's verdict. The author also stated that the reason the Commissioner had given for wanting to punish the Swede was that he needed to comply with the Chinese people's general opinion. The letter written to Colban also mentions an incident that had happened when the author visited a "Mr. E. Tollefsen" during Easter. Tollefsen was a Norwegian employed at the Postal Commissioners Office in Nanjing.¹⁶⁸ The author stated that during that visit he had also met the American consul who had told him that the locals now frequently threw rocks at rickshaws with foreigners aboard. The author also added that he had heard several hostile shouts directed towards him while he had been walking the streets.

3.3.4 An Inefficient Bureaucracy

China's allegedly ineffective bureaucracy is also frequently mentioned in the diplomatic letters. The critique is that China had not managed to construct an efficient bureaucracy. Therefore the sources highlight the same problems that Gong pinpointed as his second requirement. Gilbert for instance, addressed the Chinese bureaucracy's ineffectiveness

¹⁶⁶ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2395-2396

¹⁶⁷ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2391

¹⁶⁸ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2406

in his second article titled "*Peking's Powerlessness: Provincial Mandarins a Law to Themselves (...)*".¹⁶⁹ He said in the opening lines of the article that:

"The first argument against any immediate consideration of the abolition of Extraterritoriality is that no administration, whether it be in Peking (Beijing) or Canton, (Guangzhou) or in the provincial capitals, exercises sufficient authority over the military and civil officials in the territories which it governs"¹⁷⁰

The allegedly ineffectiveness of the Chinese government is also mentioned in the letter written to Colban. In this letter the author highlighted how he recently had been visited by two Norwegians residing in two different regions in China. These two had told him about the ill-deeds committed by Chinese soldiers. He then underlined how both of them had told him that they were only expecting more turmoil, looting and theft from the Chinese warlords' soldiers where they resided.¹⁷¹ The author then followed up by making this statement about the Chinese authorities:

"The reality is that the government, or rather the governments (there are two now) are even unable to control their own soldiers, who seem to do whatever they desire when they aren't getting their pay. And that is something that probably happens regularly."¹⁷²

The author concluded the same letter by citing and seconding the remarks made by the Shanghai Municipal Council when suggesting that the Chinese within the international settlement should obtain communal voting rights.¹⁷³

"Never, (...) have chaos, disunion, and inefficient government been more marked in China's annals than it is to-day. Until the condition of affairs has been righted, until China has firmly established good government, until she has carried out judicial reforms and has attuned to standards of efficiency, progress and development which are more in accord with our own, this backdoor method of

¹⁶⁹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2413

¹⁷⁰ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2413

¹⁷¹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2406

¹⁷² Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2406.

¹⁷³ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2407

working for the abolition of Extraterritoriality must be defeated. It is not in our interests, it is not in the interests of our fellow Chinese residents, - and my views, I know are shared by a large number of thinking Chinese.”¹⁷⁴

Gilbert ended his article by underlining that China would not be content before being able abolishing foreign extraterritoriality.

“We are going to hear more of this from Geneva. All Chinese, not to mention a foreign agent or so, who are bound for Switzerland, are primed with sad stories of China’s disabilities under the extraterritorial provisions. It would not be amiss if those who assemble at Geneva were provided with a few facts about the disabilities of the Chinese people under their own judicial and administrative systems.”¹⁷⁵

Essentially, Gilbert argued that the Chinese were much better in identifying the flaws of the practice of extraterritoriality than they were in acknowledging their own system's limitations.

3.3.5 Adherence to International Law and an Effective Legal System

Gong listed the necessity of having an effective and just legal system. The Chinese legal system is frequently criticized in the diplomatic letters. These primary sources suggest that the foreigners in China did not hold the Chinese legal system in high regard.

Nicolai Aall stated in the letter written to the Ministry of Foreign Affairs on 10th of February 1922 that he considered the Chinese students’ knowledge of both foreign law and China to be questionable.¹⁷⁶ He argued that the students who were agitating for the abolition of extraterritoriality, considered the Chinese laws to be in coherence with the necessities required for having extraterritoriality abolished. Even though he gave this claim some recognition; he still argued that the students ignore the detail that these

¹⁷⁴ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2407-2408

¹⁷⁵ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2414

¹⁷⁶ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2396

modernized laws simply were not being practiced by Chinese judges. He added that these laws did not enforce themselves. He then justified this claim by saying that those who should enforce and practice these laws were easily bribed, manipulated and regarded other concerns higher than the laws they were supposed to uphold.¹⁷⁷ He also claimed that it was engraved in Chinese culture that all officials needed to acquire personal gain from every economic transaction. This allegedly corrupt tendency is something that the diplomats frequently described as “squeezing”.¹⁷⁸ Aall also added that this tendency applied to every Chinese in all social classes, high as well as low. He further added that judges and other functionaries in public offices were easily bribed by various kinds of “considerations”.¹⁷⁹ Aall further described the entire Chinese bureaucracy as thoroughly corrupt and highlighted that “squeezing” was not even considered dishonest among the Chinese.¹⁸⁰

Gilbert also mentioned the Chinese legal system in his article and emphasized that China did not have any "uniform judicial system, and no justice of a sort for that matter". Gilbert also brought up the allegedly corrupt tendency of the Chinese officials, and claimed that they had more concern towards personal gain through bribes than righteous justice.¹⁸¹

These sources suggest that the authors of the letters doubted China's ability to immediately incorporate a satisfactory Western-styled system into its bureaucracy. They argued that the Chinese magistrates practiced many corrupt tendencies that were in no way on par with their Western counterparts. Hence they claimed that China had to properly deal with these issues before the foreigners could even consider having extraterritoriality abolished.

¹⁷⁷ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2396

¹⁷⁸ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2408

¹⁷⁹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2397

¹⁸⁰ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2398

¹⁸¹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2413

3.3.6 The Maintenance of Diplomatic Relations

Gong's fourth requirement underlines that China needed to maintain a functioning Ministry of Foreign Affairs to sustain its diplomatic relations with foreign powers. When addressing this issue it is important to mention that the Beiyang government that represented China diplomatically during the early 1920s, was internationally recognized as the legitimate government of China. Westad mentions how the foreign powers tried to keep a semblance of central power afloat in China during the era of the warlords. The foreign powers did so by offering the Beiyang Government several significant loans.¹⁸² Westad also makes clear that no foreign power at the time wanted a complete fragmentation of China.¹⁸³ This notion is also consistent with how the Nine-Power Treaty from 1922 declared:

"To respect the sovereignty, the independence, and the territorial and administrative integrity of China"¹⁸⁴

This shows that most of the treaty powers officially supported China's right to exist as a sovereign nation. However, this declaration was rather made to prevent one another from further expansion than because of the treaty powers' sympathetic concerns towards the Chinese.

The treaty powers thus recognized the Beiyang government as China's legitimate government; therefore it would have been surprising if the Norwegian diplomats had argued differently. However, this didn't prevent the diplomats from questioning the means the Chinese used to gain Western support for the abolition of extraterritoriality. In the letter to Colban, the author claimed that even though it may seem reasonable that China, just like Japan, should no longer be bound by extraterritoriality, China was not ready for such a responsibility. He continued this argumentation by stating that the students who had been studying at Western universities most likely had learned the

¹⁸² Westad, *Restless Empire* p. 144

¹⁸³ *Ibid.* p. 124

¹⁸⁴ The Public's Library and Digital Archive. *Treaty between the United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, Signed at Washington February 6, 1922*. Accessed on: August 26, 2015 Accessible from: <http://www.ibiblio.org/pha/policy/pre-war/9_power.html>

Western way of “thinking” and thus might be able to convince many to support their cause.¹⁸⁵ He added that he was afraid that people lacking the insight into the conditions in China might be swayed by these seemingly reasonable arguments. The author also emphasized that many Westerners supporting the end of extraterritoriality, did so for the wrong reasons.¹⁸⁶ He justified this claim by underlining that the reason for why China managed to get some Westerners’ support was because those Westerners believed they would get something in return. He continued by emphasizing that it was primarily the Germans who supported the abolition of extraterritoriality. The author then suggested that since the Germans already had lost their extraterritoriality, they had nothing to lose, but much to gain by supporting the Chinese. The historian William C. Kirby brings up the German post-extraterritoriality position in his book, *Germany and Republican China*.¹⁸⁷ Kirby claims that the German position paradoxically got strengthened after its loss of extraterritoriality. The ongoing Chinese Civil War made the country the world’s biggest consumer of weapons and this detail attracted many German arms manufacturers.¹⁸⁸ Kirby also brings up how the Chinese Nationalists sought to focus German interests directly on China, and worked towards a cooperative agreement that secured German support for their own party.¹⁸⁹ This indicates that Gilbert had valid reasons when pointing out that the Germans indeed had their own ulterior motives for supporting China. It was however, not only the Germans who supported the Chinese in their quest to remove extraterritoriality. The Chinese also attained support from the Soviet Union. Kayaoğlu stresses that since Soviet was profoundly anti-imperialistic, it did its best to help China in the struggle against imperialism.¹⁹⁰ Westad seconds this view and stresses that Soviet considered it its main task in China to help the Chinese nationalistic movement to triumph, before any kind of socialism could be applied in the country.¹⁹¹

¹⁸⁵ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2405

¹⁸⁶ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2407

¹⁸⁷ Kirby, William C. 1984. *Germany and Republican China* California: Stanford University Press pp. 17-18

¹⁸⁸ Ibid. p. 18

¹⁸⁹ Ibid. p. 18

¹⁹⁰ Kayaoğlu, *Legal Imperialism* p. 64

¹⁹¹ Westad, *Restless Empire* p. 159

Gilbert believed that the Chinese government had told every Chinese student who went abroad to study at Western universities that they had to campaign for the abolition of extraterritoriality. Gilbert also claimed that the Chinese students' great exaggeration of the laws that had been made by the Chinese Ministry of Justice, was an insult to common sense. He stated that the whole foreign community needed to oppose what he believed to be a misrepresentation of extraterritoriality, and how he was worried that this distortion could gain credence within the international community.¹⁹² The foundation, on which Gilbert based these assumptions, is not a pure factual one, but it is rather based on personal emotional arguments.

3.3.7 The Compliance with Western Norms and Values

The Norwegian diplomats suggested that the Chinese values were not comparable to the norms held by the Western world. Gong's fifth requirement, compliance with Western norms and values, is therefore something the Norwegian diplomats argued was not fulfilled by China. "Squeezing" has already been brought up as one example of Chinese practices that the authors believed to be profoundly corrupt. Aall stated in his letter to the Ministry of Foreign Affairs that torture happened regularly in China even though the Chinese authorities denied it.¹⁹³

Gilbert also highlighted how the Beiyang government was unable to stop the opium-growing in their provinces and how powerless the government was in constraining the warlords.¹⁹⁴ He also emphasized that he believed that it was dangerous to be rich in China because of the corruption within the Chinese bureaucracy. Gilbert claimed that no Chinese businessman could afford to start an enterprise without having a partnership with, and the support of the local officials.¹⁹⁵ In his article Gilbert wrote that if China was not able to show the world that it could provide righteous justice for its own citizens, then

¹⁹² Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2415

¹⁹³ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2398

¹⁹⁴ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2413

¹⁹⁵ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2414

extraterritoriality would certainly prevail.¹⁹⁶ He also stated that he hoped that the foreign community in China should not make the same mistake as the Russians. “The Russian, deprived of his extraterritorial rights, is back where he was 300 years ago. He is a “wai-fan” an outer barbarian”. According to Gilbert this meant that the Chinese yet again considered the Russians to be inferior to them.¹⁹⁷

3.4 Chapter Conclusion

This chapter has examined how and why the Norwegian diplomats responded to the Eight-Power Resolution. In doing so an exploration of how the primary sources have raised several arguments for why the diplomats argued that extraterritoriality in China needed to prevail, has been carried out. This has uncovered how the diplomats expressed a worry that China was incapable of guaranteeing the foreigners a fair treatment under Chinese jurisdiction. Thereby an investigation of how and why the Norwegian diplomats attempted to influence their colleagues into sharing their opinions on extraterritoriality in China, has been performed. This investigation revealed how the diplomats argued in their letters that China was not prepared for the responsibilities that would follow if extraterritoriality should be abandoned. The arguments have been grouped into five sections, inspired by how Gerrit Gong lists the five requirements he argues the major foreign powers required of China before extraterritoriality could be removed. Some of the arguments that the diplomats frequently listed were how they believed that China could not defend its own citizens from the atrocities committed by the warlords, as well as the corruption within the Chinese bureaucracy. Other examples were how China in reality did not practice their westernized laws. The Norwegian diplomats voiced a fear that all foreigners would have their rights violated by the Chinese authorities if extraterritoriality was to be removed.

¹⁹⁶ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2414

¹⁹⁷ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2414

Chapter IV

The Potential Adherence to the Eight-Power Resolution

4.1 Introduction

The previous chapter addressed how the Norwegian diplomats felt threatened by the Eight-Power Resolution because it declared an intent to investigate foreign extraterritoriality in China. This chapter will explore how and why the Norwegian diplomats advised the Ministry of Foreign Affairs in Oslo to make Norway accede to the Eight-Power Resolution and in doing so making Norway participate in the upcoming Commission on Extraterritoriality. The significant feature of the said Eight-Power Resolution was that it agreed to establish and assemble the Commission on Extraterritoriality hence the results of the commission will also be addressed in this chapter. This adheres to the research question highlighted in chapter one because it will continue the investigation of how Norway decided to position itself in regard to the Eight-Power Resolution as well as the Commission on Extraterritoriality.

Hence the primary sub-question in this chapter is the following: **1) how did Norway position itself in regard to the Eight-Power Resolution?** Another related sub-question that will be investigated is: **2) how and why did the Norwegian diplomats advise the Ministry of Foreign Affairs to arrange for Norwegian representation in the Commission on Extraterritoriality?** Additionally, the Commission on Extraterritoriality's results will be explored through the following sub-question: **3) what were the results of the Commission on Extraterritoriality?** The reasoning behind why all these sub-questions will be explored in this chapter, is primarily because they jointly investigate the first genuine initiatives initiated by the treaty powers to evaluate the continuance of extraterritoriality. Furthermore, since this chapter investigates these

questions through the narratives given in the Norwegian primary sources, this is highly relevant for the thesis' overall research focus.

4.2 Opening Remarks

Kayaoğlu points to that the Beiyang government and many Chinese intellectuals had grown increasingly frustrated with how the Western states were benefiting from China's weakened position.¹⁹⁸ The Beiyang government had attempted to westernize its laws to make them appear more appealing to the treaty powers. This attempt persuaded the great powers reevaluate the status of extraterritoriality.¹⁹⁹ Because of this, the Eight-Power Resolution declared that the signatory states were potentially willing to reconsider their position on extraterritoriality if the Commission on Extraterritoriality deemed China's attempt at reform to be satisfactory.²⁰⁰ Norway also qualified to adhere to the resolution, since the resolution stated that the non-signatory states having extraterritoriality through a treaty with China, could accede to the resolution.²⁰¹ Hence the possible Norwegian adherence will be addressed in this chapter. However, this will follow after we have explored a hypothesis presented by the contemporary Norwegian political-scientist Halvard Leira, in regards to how Norway sought international political recognition after its independence from Sweden in 1905.

¹⁹⁸ Kayaoğlu, *Legal Imperialism* pp. 48-49

¹⁹⁹ *Ibid* p. 49

²⁰⁰ Library of Congress. *Extraterritoriality and Administration of Justice in China*. Accessed on: July 20, 2015 Accessible from: <<http://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0329.pdf>>

²⁰¹ *Ibid*.

4.3 The Norwegian Status Seeking

How Norway was seeking international recognition is discussed by Leira in his article: *The formative years - Norway as an obsessive status-seeker* in the book-collaboration project: *Small State Status Seeking* (2015).²⁰² Leira argues that after Norway had become a fully independent nation in 1905 it altered its strategy on how it sought international recognition. It was no longer only Sweden that the Norwegian government wanted to match up to, but also other minor European states.²⁰³ While dealing with this topic Leira cites the words of an unnamed Norwegian diplomat, who Leira claims had been serving in the joint Swedish-Norwegian diplomatic service. According to Leira this individual had stated that one could divide the lesser powers into two different categories during a meeting dealing with how Norway should consolidate its diplomatic service.²⁰⁴ The countries in the first-class rank were the nations of Denmark, Belgium, the Netherlands, Sweden-Norway and sometimes also Portugal. Their representatives participated in their ambassadorial social duties, they were well known by their colleagues and thus properly represented their countries with dignity. The other group consisted of countries such as Serbia, Romania, Greece and occasionally also Switzerland. Their diplomats rarely participated in any social gatherings and were therefore rather unknown in comparison to the first group. Leira further highlights how the Norwegian diplomat had stated that Sweden would undoubtedly continue to be a part of the first group and so should Norway. He then emphasized the importance of Norwegian diplomats being adequately salaried to represent Norway appropriately. Most Norwegians lacked the personal wealth required for upholding their diplomatic social obligations. Hence it was very important for him that the diplomats had adequate salaries to prevent them from becoming like the Greeks who he stated were not known by anyone.²⁰⁵

²⁰² De Carvalho, Benjamin. & Iver B. Neumann, 2015. *Small State Status Seeking - Norway's quest for international recognition* New York: Routledge. p. 22

²⁰³ Ibid. p. 30

²⁰⁴ Ibid. p. 30

²⁰⁵ Ibid. p. 30

This chapter will explore how Leira's concept of Norwegian status seeking is consistent with the general message that was being emphasized by the Norwegian diplomats in their numerous letters addressed to the Norwegian Ministry of Foreign Affairs concerning the possible adherence to the Eight-Power Resolution.

This consistency can be explained by two underlying reasons. The first motive is likely because of the arguments that were examined in the previous chapter, namely that the Norwegian diplomats did not want to lose their extraterritorial privileges in China. Consequently, they worked hard to preserve their extraterritoriality; and the Commission on Extraterritoriality was the exact forum fighting for the perseverance of those privileges. The second reason, and the main issue of this chapter, is how Norway could maintain its international status by being one of the participating powers of the said commission. I will also examine how the Norwegian diplomats used Norway's strife for international status as a means to convince the Ministry of Foreign Affairs to get matters solved their way.

4.4 The Possible Adherence to the Eight-Power Resolution

In this section I will look into which kinds of arguments the Norwegian diplomats listed for why they believed it was advisable that Norway adhered to the Eight-Power Resolution and in doing so, also participating in the upcoming Commission on Extraterritoriality. It is also crucial to underline what happened in China during the time when these letters were written. Hence I will readdress the May Fourth Movement's significance as a political context. Westad states that the May Fourth Movement marked the beginning of the era of Chinese nationalism.²⁰⁶ This view is also seconded by Mackerras who states that the May Fourth Movement can be described as a whole range of progressive processes making the Chinese intellectual and cultural

²⁰⁶ Westad, *Restless Empire* p. 151

transformation following Japan's Twenty-One Demands towards China.²⁰⁷ Westad states that the new opportunities that the May Fourth Movement put forward in 1919 and onwards inspired Sun Yat-sen to reenact his old revolutionary ways.²⁰⁸ He continues by affirming that Sun was inspired by the Bolshevik revolution in Russia, and how he admired the Soviets for their ruthless efficiency. Even though Sun was never a Communist, he was motivated by their promise of making a backward country rich and strong through their Soviet-style Communism.²⁰⁹ Hence the new Kuomintang or the Chinese Nationalist Party was formed and unified through Sun's Three Principles of the People: nationalism, democracy, and the people's livelihood.²¹⁰ Westad also underlines that the Soviets considered it their main task in China to strengthen Sun Yat-sen's movement in order to seize control over the country. This was because Lenin and his successor Stalin, both believed that China needed a nationalistic revolution before socialism could become applicable. The Soviet Union's support turned the Chinese Nationalists into a significant force by the mid-1920s.²¹¹

Bearing this historical context in mind, we will first look into the relevant letters' contents chronologically, and then discuss them thematically afterwards. In doing so we will explore how the debate was developing, before analyzing the arguments that were made in the letters. We will then attempt to distinguish the arguments that convinced Norway to make a political turnabout by adhering to the Eight-Power Resolution.

4.4.1 The Debate Concerning the Norwegian Adherence

One of the first letters that mentioned the possible Norwegian adherence to the Eight-Power Resolution was an unsigned correspondence written in Beijing on the 17th of February 1922 addressed to the Norwegian Ministry of Foreign Affairs. Since this letter is unsigned one cannot know for certain who wrote it. However, it is likely that Johan

²⁰⁷ Mackerras, *China In Transformation* p. 41

²⁰⁸ Westad, *Restless Empire* p. 155

²⁰⁹ *Ibid.* p. 155

²¹⁰ *Ibid.* p. 155

²¹¹ *Ibid.* p. 159

Michelet had at least vouched for it, since it had been sent from the Norwegian legation in Beijing, the diplomatic institution that he was charge of at the time. Nevertheless, the author of this letter started off presuming that the Ministry had already been informed by the American Government about the Eight-Power resolution and how Norway might adhere to it. He also stated that he and his colleagues believed that the upcoming Commission on Extraterritoriality would result in a status quo.²¹² More concrete information was revealed in a letter sent on 28th of February 1922 to the Legation in Beijing from the Norwegian Ministry of Foreign Affairs. This letter contained a rather interesting attachment that the Ministry had received from the Norwegian Department of Justice on February 21, 1922.²¹³

This attachment concerned the Danish legation's inquiry to the Norwegian Department of Justice about how Norway was going to position itself on the matter of the continuance of foreign extraterritoriality in China.²¹⁴ The Department of Justice had concluded on the basis of the contents of the letter that the Legation in Beijing sent to the Ministry of Foreign Affairs on the 1st of December the previous year, that Norway would likely endorse the arrangement agreed to by the signatory sates of the Eight-Power Resolution. Furthermore, it was argued that since Norway would not possess much influence over the result of the said Commission on Extraterritoriality, it would be futile for Norway to join it and be an active participant.

This view was challenged by Nicolai Aall in a fairly detailed letter written on the 29th of May 1922 to the Norwegian Legation in Beijing.²¹⁵ In this letter Aall questioned the Norwegian Department of Justice's belief that Norway ought not to participate in the Commission on Extraterritoriality. Aall agreed that at first sight it seemed reasonable to believe that there were not many satisfactory reasons for making Norway participate. However, Aall also stressed that this view could not be further from the truth. The Department of Justice had stated that it believed it to be pointless for Norway to participate since the Norwegian representatives would likely not have any determining

²¹² Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3527

²¹³ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3535

²¹⁴ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3536

²¹⁵ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3548-3550

say in the given commission. Aall admitted that Norway would not enjoy much influence over the commission, but he also believed that this premise begged the question, since it already assumed to know the commission's outcome. This flaw made Aall consider it an insufficient reason to prevent Norway from joining the Commission on Extraterritoriality. Aall instead argued for why he believed that Norway in fact had much to gain by participating. He emphasized that Norway was one of the many powers enjoying extraterritorial rights and because of this Norwegian citizens in China benefitted from this right every day. For that reason many Norwegians living in China were strongly interested in the matter, and they wanted to keep their privileges.²¹⁶

Aall also argued that since Norway was going to be represented in the upcoming Tariff Conference²¹⁷ which only affected financial matters, then why was it not right for Norway to be represented on the Commission on Extraterritoriality which after all was dealing with the rights, wellbeing and safety of all Norwegian citizens living in China.

Aall also emphasized that the topic had another aspect that he believed the Department of Justice was unaware of, namely the question of recognition. Aall brought to light the fact that Norway had attained its extraterritoriality through a treaty with China. So according to Aall it was reasonable to assume that Norway was highly interested in every topic relating to this privilege. Aall continued this argumentation by stressing that if Norway was going to let the great powers represent itself in all similar cases; then Norway would eventually end up being considered among the states that the great powers as well as the Chinese, had nearly stopped to take into any kind of account. Aall also stressed how he believed that it was more advantageous for Norway to have a Norwegian representation on the upcoming commission, than for instance to send a Norwegian warship to China, something that he stated had already been considered by the Norwegian government. He carried on arguing that even if none of the Norwegian diplomats in China were capable of representing Norway because of their bias; it would still be less expensive for Norway to send an impartial delegate to the commission than

²¹⁶ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3548

²¹⁷ The Chinese Tariff Conference met in 1925 and dealt with the issues surrounding China's tariff autonomy as well as the surtax on imported goods. This conference will be addressed further in the next Chapter.

sending a Norwegian warship all the way to China. He added that if the commission decided that the time of extraterritoriality in China had come to an end, then China would certainly remember with gratitude the nations that participated on the commission.²¹⁸

A letter written in Beijing on the 4th of June 1922 addressed to the Norwegian Foreign Ministry revealed that Aall's views were being seconded.²¹⁹ The Legation in Beijing seemed to have been persuaded by Aall's arguments and shared his eagerness for a Norwegian participation on the commission. However, the author also stressed that he believed it was pointless to appoint a local Norwegian representative since the commission was supposed to be unbiased. He also stated that the only reason that he was slightly hesitant was because the monetary expenses could become costly. Furthermore he suggested that one of the bureaucrats within the Norwegian Ministry of Foreign Affairs ought to represent Norway since it was advantageous that someone working for the Ministry acquired some knowledge about the affairs in East Asia. The author could possibly have his own ulterior motives for specifically suggesting this. It would certainly have benefitted for the Norwegian diplomats in China to attain connections within the Ministry with a firsthand understanding of the state of affairs in China.

The possible expenses a participation could cost Norway is highlighted in another letter written on 29th of April 1922 that was sent from the Norwegian Legation in Washington to the Norwegian Ministry of Foreign Affairs. This letter revealed that the Americans had dedicated 21 thousand dollars to pay for the expenses for the American representation on the commission.²²⁰

Another subject is brought up in a letter written on the 25th of August 1923 written by the leader of the Norwegian Legation in Beijing, Johan Michelet, addressed to the Norwegian Ministry of Foreign Affairs.²²¹ In this letter Michelet stated that for the time being, he as well as all of his colleagues could not imagine any country except the United States that full-heartedly wanted to address the abolishment of extraterritoriality. In the

²¹⁸ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3549

²¹⁹ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3552

²²⁰ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3558

²²¹ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3568

same letter he also brought up how two recent cases where foreigners were sentenced under Chinese jurisdiction had shocked the foreign community in China.

Now that we have finished exploring the letters that dealt with the possible Norwegian adherence to the Eight-Power Resolution, it is time to start to discuss and analyze their contents.

4.4.2 The Reasons For and Against the Norwegian Adherence

Comparing this debate to the letters that were explored in the previous chapter; we see that the general debate has shifted from how the diplomats believed that extraterritoriality needed to prevail during the preceding years (before 1923), to how they now thought that the Kingdom of Norway should act on the matter. That being said, I have discovered some examples within the letters (from 1923 to 25) stating how extraterritoriality is a necessity for the prosperity and wellbeing of the foreigners in China, for instance in the letter from August 25. 1923. Nevertheless, I believe that this shift of focus suggests that the diplomats have settled themselves more into the new circumstances. They are now doing their utmost to make the best out of a situation they are not fully comfortable with. It seems that their new primary focus is to attempt to make Norway seem as influential as possible. To be a participant on the Commission on Extraterritoriality would undoubtedly strengthen the Norwegian legitimacy for keeping its extraterritorial privileges.

With all of that being said, I will now start to analyze the several reasons given for and against the Norwegian adherence to the Eight-Power Resolution. The letter that Nicolai Aall wrote to the Norwegian Legation in Beijing from the 29th of May 1922 reveals many of the key aspects of the entire adherence debate. Status and prestige are some of the primary reasons Aall highlighted for why he believed it was important that Norway should participate on the commission. He stressed that it was essential that Norway showed both China and the great powers that it was one of the treaty powers and considered extraterritoriality to be an important topic that needed to be addressed.

If Norway took the chance of not participating on the Commission on Extraterritoriality, it would signalize Norwegian indifference not only to the Chinese government but also to the treaty powers. This could also make Norway seem weak to the treaty powers, and would make Norway seem like a state that could not properly look after its own interests. This worry is consistent with Leira's hypothesis that stresses how important it was for Norway to gain international recognition at the time.

Aall also stressed in the same letter from 29th of May 1922 that Norway could risk becoming a passive treaty power state by not participating in any meetings in China. Aall believed that it was disadvantageous to allow the other powers to represent themselves without any kind of Norwegian interference. This could possibly not only signify Norwegian weakness, but also indicate that Norway was oblivious and uninterested in extraterritoriality in general. This indifference could potentially make the other treaty powers start to question Norway's justification for maintaining its extraterritoriality. Norwegian indifference could also signify to other treaty power states that Norway could not afford to participate in partially mandatory diplomatic meetings. Norwegian lack of interest in this matter would also be rather paradoxical since the Norwegian foreign policy during the time embraced as well as tried to strengthen international law. Therefore ignoring this matter would be rather contradictory to this policy. Another important issue that Aall brought up was that a Norwegian participation would matter very much to all Norwegian citizens who resided in China at the time.

I will not speculate on how vast the expense of 21 thousand US-Dollars would have been to the Norwegian state at the time. The important thing is that the sources suggest that every Norwegian diplomat at the time seemed to deem the expenses to be rather high. However, Aall also emphasized that even though it might be costly to send a diplomat all the way from Norway to participate on the commission, it would still be cheaper than to send a warship to China. It is reasonable to assume that since Aall specifically mentioned the possibility of sending a Norwegian warship to China, this notion had already been a topic for discussion. This topic had presumably been brought up as a possible means to help dealing with the piracy problem along the Chinese coast. This issue is also brought up by Seeberg and Filseth. They write that piracy in China

increased tremendously from the mid-1920s and further mention that this made Norway discuss the possibility of sending a warship.²²² Since the shipping industry was Norway's greatest economic interest in China, the notion of sending a Norwegian warship could therefore have been an option that the Norwegian government considered at the time. However, Seeberg and Filseth further state that even when a Norwegian ship was captured by pirates who stole valuables for the worth of 20'000 dollars, the Norwegian Consulate-General recommended that Norway abstained from sending a warship.²²³ They further state that this was because the Consulate-General believed that it was important that Norway was not considered among the imperialistic states, since they had become an increasing target of the Chinese Nationalists' strategy.²²⁴

The earlier mentioned sources also suggested that the Norwegian diplomats were rather confident that the Commission on Extraterritoriality would end with a status quo concerning foreign extraterritoriality. They also implied that they believed that only the United States was properly willing to alter the practice of extraterritoriality at that time.

It is important to mention that even though Norway did not adhere to the Eight-Power Resolution before in 1925, most of the correspondence concerning the adherence happened between 1922 and 1923. This was likely because the Commission on Extraterritoriality was delayed several times. Originally it was supposed to assemble only three months after the Washington Conference;²²⁵ but it was postponed due to the ongoing armed conflict in close proximity to Beijing.²²⁶ The problem surrounding the commission's postponement was also mentioned in a letter that Johan Michelet sent from Beijing on the 19th of December 1925. Michelet stated that the Commission on Extraterritoriality had been delayed because of the civil war at the time, which had caused the railroad service to shut down. Hence the commission could not start its work

²²² Seeberg and Filseth, *I Yangzidragens Rike* p. 89

²²³ *Ibid.* p. 89

²²⁴ *Ibid.* p. 89

²²⁵ Library of Congress. *Extraterritoriality and Administration of Justice in China*. Accessed on: September 06, 2015 Accessible from: <<http://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0329.pdf>>

²²⁶ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3544

on the 18th as originally anticipated.²²⁷ This problem resulted in that the Commission on Extraterritoriality did not assemble before the 12th of January 1926.²²⁸

4.5 The Norwegian adherence to the Eight-Power Resolution

After examining the arguments the Norwegian diplomats in China made for why they believed it advisable to adhere to the Eight-Power Resolution, it is time to explore the actual Norwegian adherence. Even though there are some letters concerning the possible Norwegian adherence to the Commission during the year of 1924, it is not before the 16th of October 1925 that a new highly relevant letter was sent from the legation in Beijing to the Norwegian Ministry of Foreign Affairs.²²⁹ The author of this letter urged the Ministry to determine whether or not Norway would adhere to the Washington Resolution and appoint a delegate to the Commission on Extraterritoriality. He also stressed that many of the other treaty powers including Sweden and Denmark, had already appointed their delegates to the said commission. He further notified the Ministry that the two Scandinavian delegates had informed him that they only intended to participate passively in the assembly.

Finally, it was stated in a letter dated October 31. 1925 that Norway had decided to adhere to the Eight-Power Resolution. This letter sent from the Norwegian Ministry of Foreign Affairs to the Consulate General in Shanghai, further declared that Norway had decided to accede to the resolution on October 23.²³⁰ The letter also revealed that the Ministry of Foreign Affairs was allowed to appoint a member to the Commission on Extraterritoriality. A similar letter was also sent to the Norwegian Legation in Beijing on

²²⁷ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2342

²²⁸ 1927. *The American Journal of International Law*. 1927, Vol. 21, No. 3. Accessed on: September 07. 2015 Accessible from: <<http://www.jstor.org/stable/2212804>> p. 58

²²⁹ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0090/0009. - 3618

²³⁰ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2371

the same day that notified the legation about Norway's decision to adhere to the Eight-Power Resolution.²³¹

Mackerras highlights another important issue that was significant for the development of China's autonomy which happened during the mid 1920s; namely, that the British government in 1925 had abandoned its former strategy of "gunboat diplomacy"^{232,233} This new British approach ultimately led to the British handing back several of its former concessions in China to the advancing Chinese nationalists. Mackerras stresses that this development was important not only for the Nationalist Revolution, but also since it symbolized the first phase of British imperial retreat from China.²³⁴ It is therefore plausible that Britain's higher emphasis on a diplomatic approach towards China also inspired Norway to play a more active part within the negotiations. Nevertheless, Britain's change of approach definitely gave China a stronger hand in terms of its negotiation power.

4.5.1 The Discussion that Occurred in Norway

So far I have primarily explored the debate seen from the Norwegian diplomats in China's perspective. Now it is time to shift focus and look at how the adherence debate was perceived when brought up in the Norwegian Parliament.

The declaration of the Norwegian adherence to the Eight-Power Resolution is included in the register of the Norwegian parliamentary negotiations named:

*Stortingsforhandlinger. 1926 6b.*²³⁵ The goals of the Commission on Extraterritoriality are also clarified in this proclamation. These were: to study how extraterritorial jurisdiction is

²³¹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2363

²³² "The gunboat diplomacy" (or - Big Stick ideology) was a pursuit of foreign objectives through the display of naval superiority. This ideology implied a threat of war if the terms that were pressed were not agreed upon. The earlier discussed First Opium War is an example of this ideology in action.

²³³ Mackerras, *China in Transformation* p. 49

²³⁴ Ibid. p. 49

²³⁵ Nasjonalbiblioteket. *Stortingforhandlinger. 1926 6b* Oslo: J. CHR. Gundersen Boktrykkeri. Accessed on: October 24. 2015 Accessible from:

<<http://www.nb.no/statsmaktene/nb/b2d79a7a5832f7e03fd2d750cf3d00be?index=0#447>> p. 448

practiced in China and to propose recommendations on which reforms that are needed to make the treaty powers consent to abolish their extraterritoriality. It also stated that the two supplementary resolutions allowed other powers that had valid treaties with China, including Norway, to adhere to the resolution. Hence it made clear that Norway could also accede to the resolution, because Norwegian citizens had enjoyed extraterritorial privileges in China since the original Sino-Swedish-Norwegian Treaty of Canton from 1847. The declaration elucidated that nations could participate on the Commission on Extraterritoriality by sending a declaration to the government of the United States. It is also stressed that the signatory powers were not in any way bound to follow the Commission's advice on the matter. Another important fact that was brought to light was that China had declared its willingness to cooperate with the commission.²³⁶ Hence the source suggested that the Norwegian Parliament was well aware of the general circumstances surrounding the Eight-Power Resolution before deciding to make Norway adhere to it.

The declaration clarified why Norway finally decided to adhere to the Eight-Power Resolution. The primary reason given in the document was that the Norwegian representatives in China had strongly advised the government to do so. The reasoning listed is essentially a summary of the reasons listed by the diplomats in China that was explored earlier in this chapter. That is that the diplomats had stressed that it was in the interest of the Norwegian citizens who lived there that Norway joined. The diplomats had argued that this action was needed for securing the Norwegian citizens' personal wellbeing and security. It is also mentioned that further reasons for adhering were the need to maintain Norway's status and ranking internationally, and that it would be a better advertisement than the other proposed arrangements.²³⁷ The fact that to participate on the Commission on Extraterritoriality would be a better way to uphold Norwegian status than all other conceivable actions, was also brought up as a reason for the Norwegian adherence.

²³⁶ Nasjonalbiblioteket. *Stortingforhandlingene. 1926 6b* Oslo: J. CHR. Gundersen Boktrykkeri. Accessed on: October 24, 2015 Accessible from:

<http://www.nb.no/statsmaktene/nb/b2d79a7a5832f7e03fd2d750cf3d00be?index=0#447> p. 448

²³⁷ Ibid.

This source suggests that the arguments that were made by the Norwegian representatives in China, did in fact convince the Ministry of Foreign Affairs to make Norway accede to the commission.

We see that many of the arguments that were made in the correspondence from the Norwegian diplomats in China were also highlighted as reasons for why Norway adhered to the Commission. It seems that this adherence was caused by two primary motives. The first being Norway's search for status and international recognition. Norway would gain status if it was represented on the commission thus showing the world that Norway was amongst the decision maker nations. The second reason was the economic considerations; it would be much cheaper for Norway to participate on the commission rather than for instance sending a warship all the way to China. Norway was a rather poor nation at the time, yet it desired to be amongst the well respected nations. Therefore, with all these concerns in mind, the middle ground decision was essentially the most realistic action out of all the desired ones.

4.6 The Commission on Extraterritoriality

The last section of this chapter will first look into how the Norwegian Ministry of Foreign Affairs and the diplomats in China decided upon who was going to represent Norway on the Commission on Extraterritoriality. Afterwards it will address and examine the reports that the Norwegian representative sent to the Norwegian Ministry of Foreign Affairs while the Commission on Extraterritoriality was assembled. The final part of this chapter will address the Commission on Extraterritoriality's most important declarations, and see how those declarations affected the general extraterritoriality discourse.

4.6.1 Deciding on a Norwegian Delegate

The question of who was going to represent Norway was raised in a letter Johan Michelet wrote on the 18th of September 1925. In this letter Michelet encouraged the Norwegian Foreign Ministry to appoint Nicolai Aall to be the Norwegian representative. One reason for why Michelet wanted Aall to represent Norway, was the fact that he had previous experience as a consular judge. Michelet also brought up the fact that Aall had already worked on the question of the abolishment of extraterritoriality in Thailand and thus he could provide prior relevant knowledge to the commission.²³⁸ The reasons for why Michelet wanted the Ministry to appoint Aall instead of himself could be two-fold. The first reason could be that Michelet had no particular interests in being appointed, and therefore wanted someone else to represent Norway. The second reason could be that Michelet actually full heartedly believed that Aall would do a better job than himself because of his prior experience.

However, the commission was supposed to have representatives that were free of prejudice against the Chinese bureaucracy. This issue was brought up in another letter that was written by Michelet on the 9th of October 1925, addressed to the Ministry of Foreign Affairs. In this letter it was stated that Belgium had decided to appoint one of their consuls to the commission, and therefore Michelet believed that there would no problem if Norway decided to do the same.²³⁹

Nonetheless, it was in fact Michelet himself, and not Aall who was chosen by the Ministry to represent Norway on the commission. This was confirmed in a letter written by Michelet on the 15th of December 1925 addressed to the Norwegian Consulate-General.²⁴⁰ Unfortunately no reason was given in this letter for why Michelet and not Aall was chosen. However, the reason was presumably left out intentionally since the letter was sent to the institution that Aall was in charge of. The most probable reason for why Michelet was chosen was because he was stationed in Beijing where the commission

²³⁸ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2375-2376

²³⁹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2373

²⁴⁰ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2348

was going to assemble. I make this presumption because of what the Ministry of Foreign Affairs stated in the earlier mentioned letter that was written to the Legation in Beijing on the 31st of October 1925.²⁴¹ This letter declared that the Ministry was likely going to appoint Nicolai Aall as the delegate if the commission was held in Shanghai. This letter further stated that if the commission was not going to meet in Shanghai, then Norway was most likely not going to appoint any member at all to the commission. Yet Norway participated in the commission, and the commission was not held in Shanghai but in Beijing. This suggests that the reason for why it was Michelet who participated was his geographical location since this would save Norway the travel expenses. However, it might also be because of other reasons such as him being persuaded into going by either Aall or the Ministry of Foreign Affairs.

4.6.2 The Reports from the Commission on Extraterritoriality

Some interesting details are revealed in a letter that Michelet sent right after the Commission's first assembly. This letter reported back to the Norwegian Foreign Ministry about how the initial meeting went. In this report which was dated on the 12th of January 1926, Michelet explained how the other foreign delegates had opposed the notion to allow a Chinese official to become an honorary chairman. The reason they had given for this opposition was because they believed that this official would then attempt to influence the commission. Michelet then brought up that he had suggested that the Chinese Minister of Justice should be appointed as the commission's honorary president. By doing so China would attain its "face" (reputation) and at the same time the Minister would not have had any opportunity to influence the commission in any way. This was because he would not have become a member of the commission and therefore he could not partake in any of the meetings. This notion had then been accepted by all the foreign delegates. Michelet also mentioned how the foreign

²⁴¹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2363

delegates wanted to keep the meetings discreet, whereas the Chinese government wanted to give them as much publicity as possible.²⁴²

Regrettably I have not been able to find any other letters sent from Michelet that deals with the Commission on Extraterritoriality's undertakings. The most probable reason for this silence is that Michelet did the same as the two other delegates from the Scandinavian nations, namely only participate passively. The only exception is a letter that he sent from Beijing to the Consulate-General in Shanghai on February 6. 1926.²⁴³ In this letter he stated that he had been absent from the commissions' last meeting, but they had decided to gather information about the various treaty powers' practice of extraterritoriality. Hence he requested the consulate to send him the necessary information as soon as possible.²⁴⁴

Now that we have examined the Norwegian correspondence sent from the Commission on Extraterritoriality it is time to explore the commissions' declarations.

4.6.3 The Commission on Extraterritoriality's Outcome

The American Journal of International Law at the time shortened all the Commission on Extraterritoriality's declarations in to an eight page long summary.²⁴⁵ The summary is divided into four parts, in which the first deals with the practice of extraterritoriality at the time. The second part is about the Chinese judicial and prison system. The third part concerns the Chinese Administration of Justice. The most relevant part for my research is the fourth part which concerns the commission's joint recommendations. I will focus my attention on the fourth part because of its relevance to my research.

²⁴² Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2338-2340

²⁴³ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2335

²⁴⁴ Regrettably I have not managed to find the letter that responded to this request; however, I still consider it very likely that Michelet was sent the information that he requested.

²⁴⁵ 1927. *The American Journal of International Law*. 1927, Vol. 21, No. 3. Accessed on: September 07. 2015 Accessible from: <<http://www.jstor.org/stable/2212804>> p. 58-66

In short, the first section of the list of recommendations deals with how China needed to modernize its administration of justice. This list highlighted many different things that the commission believed needed to be altered in China. It included how the commission stressed the need of having institutions shielded from unwarranted interference from other branches of the Chinese government. The commission also listed several laws that China needed to put into practice, such as a Civil Code.²⁴⁶ China's need for a uniform judicial system was also emphasized in the list; this was because the commission believed that a clarity regarding the current laws that were in practice would prevent much of the malpractice surrounding the Chinese laws at the time. It stressed the need for new modern courts and prisons and the elimination of the old system. The commission also stressed that China needed to pay adequate financial provisions to its courts and prisons.²⁴⁷

The commission further called for that the treaty powers should consider the abolition of extraterritoriality after the most important highlighted issues had been resolved by the Chinese government. The commission also emphasized that the abolishment could be carried out partially over time in coherence with the Chinese progress. The commission also recommended the treaty powers to do the following, whilst all nations awaited the abolition of the extraterritoriality:

1. The treaty powers should attempt to adopt the Chinese laws and regulations that they deemed applicable.
2. The mixed courts²⁴⁸ should as a general rule, be tested before the westernized Chinese courts.
3. The treaty powers should correct the maltreatment that had arisen through the extension of extraterritoriality to the Chinese as well as to Chinese owned businesses and shipping interests. The treaty powers should also require compulsory periodical registration of their nationals in China.

²⁴⁶ A Civil Code is a collection of statutes and laws concerning the core area of private law such as business law and negligence lawsuits and practices.

²⁴⁷ 1927. *The American Journal of International Law*. 1927, Vol. 21, No. 3. Accessed on: September 07. 2015 Accessible from: <<http://www.jstor.org/stable/2212804>> p. 58-66

²⁴⁸ The Chinese and citizens from non-treaty power states in the foreign controlled settlements in Shanghai were subject to Chinese law, but were tried by the Mixed Court which had a foreign assessor as well as a Chinese judge sitting on it.

4. Necessary judicial assistance should be made available between the authorities of China and the treaty powers, and also between the treaty powers themselves.
5. The citizens of the treaty powers should be required to pay the mandatory taxes and regulations that were put in motion by the Chinese authorities.²⁴⁹

These five clauses reveal that the Commission on Extraterritoriality called for a gradual abolition of foreign extraterritoriality in China. It is also clear that the commission did not only point out the flaws of the Chinese judicial system, but also the faults found in the practice of foreign extraterritoriality. The commission further called for that all powers should comply with the mandatory Chinese taxes and regulations. At the very end of the summary one finds that Johan Michelet was among the representatives who signed the commission's joint declaration that took place on the 16th of September 1926. Kayaoğlu highlights that the creation of the Commission on Extraterritoriality displays that the treaty powers as a group demanded reorganization of the Chinese legal code.²⁵⁰ He continues by stressing that after the commission had examined the Chinese legal codes, courts and prisons, it had concluded that the Chinese government lacked the institutional structure to protect the individual and property rights. Therefore it called for China continuing its reforms to institutionalize a state-based legal system before extraterritoriality could be removed.²⁵¹

4.7 Chapter Conclusion

This chapter has examined how the Norwegian diplomats reasoned for why they believed it was advisable for Norway to adhere to the Eight-Power Resolution and participate on the Commission on Extraterritoriality. It has explored how their reasoning ultimately led to Norway adhering to the Eight-Power Resolution and participating on the

²⁴⁹ 1927. *The American Journal of International Law*. 1927, Vol. 21, No. 3. Accessed on: September 07. 2015 Accessible from: <<http://www.jstor.org/stable/2212804>> p. 58-66

²⁵⁰ Kayaoğlu, *Legal Imperialism* p. 176

²⁵¹ *Ibid.* p. 176

Commission on Extraterritoriality. Furthermore, that the reason for why Norway did so was not because it would enjoy much influence over the commission, but because it was vital to show the world that the Kingdom of Norway was among the nations that made the decisions. We have investigated how Norway's need for international recognition convinced the Norwegian government to make a full political turnabout and accede to the Eight-Power Resolution in spite of it being a rather costly venture. The sources suggest that the Norwegian diplomats also knew that the Nationalists were on the rise in China rapidly gaining new ground and popular support. It was therefore important to make Norway seem as peaceful and friendly-minded as possible towards the Chinese people. In doing so, Norway would not be considered neither by the Chinese nor by its own people to be among the expansionist orientated imperialistic states. A Norwegian participation on the commission would also demonstrate for the other treaty power nations, as well as for China, that Norway considered extraterritoriality to be a matter of importance. We have also looked into how the diplomats' views were consistent with Halvard Leira's concept of Norwegian status seeking. The matter of status was also important when the Norwegian diplomats discussed who was going to be the Norwegian representative to the Commission on Extraterritoriality. The sources suggest that the financial expenses were Norway's primary concern when deciding on its delegate. Lastly, We have briefly addressed the most significant declarations and recommendations that were proclaimed by the Commission on Extraterritoriality in regards to the abolishment of foreign extraterritoriality. Furthermore, how the commission stressed how the treaty powers needed to subject their citizens to Chinese taxes and regulation, this issue will be further addressed in the upcoming chapter.

Chapter V

Nationalist China's Campaign against Norwegian Extraterritoriality

5.1 Introduction

The previous chapter examined how and why Norway adhered to the Eight-Power Resolution in 1925, and thereby participated on the Commission on Extraterritoriality the following year. This chapter will continue by examining how the Chinese Nationalists reasserted the potential removal of the foreign privileges after they seized power in China, and how Norway reacted to these new attempts will be examined. This adheres to the research question highlighted in chapter one because it will investigate Norway's role in the extraterritoriality discourse after the Chinese Nationalists seized powers over China in 1928. Hence the primary sub-research question for this chapter is: **1) how and why did the Norwegian diplomats respond to the Chinese Nationalists' campaign to abolish the foreign privileges after they seized power over China in 1928?** In answering this question, we will need to briefly highlight the political consequences after the Chinese Nationalists seized power and look into how they attempted to remove extraterritoriality. We will then move on to address how the Nationalists succeeded in annulling the foreigners' tariff privileges. This requires looking into the events that ultimately ended in forming new treaties between China and the treaty power states. Another topic in this chapter is how Norwegian extraterritoriality was brought up and questioned in the Norwegian parliament. Therefore we will explore an interpellation from 1927,²⁵² asked by the Norwegian communist Ingvald Berentin Aase, (1882-1948) that questioned Norwegian extraterritoriality, by looking into this question: **2) how and why**

²⁵² An interpellation is a parliamentary procedure of demanding that a government officially explains its policy

was Norwegian extraterritoriality in China brought up and questioned in Aase's interpellation to the Norwegian parliament? The reason why this chapter is dedicated to these two topics is because this portrays how the Norwegian discourse regarding extraterritoriality changed after the Chinese Nationalists seized power over China in 1928.

5.2 The Consequences of the Nationalists' Rise to Power

The political landscape in China during the late 1920s changed profoundly, many historians have classified this as the start of the "Nanjing decade". Mackerras' defines the Nanjing Decade as the time period from when the Chinese Nationalists made Nanjing China's new Capital in 1927 until the Japanese invasion of China in 1937.²⁵³ However, it was not before 1928, when the Nationalists had succeeded in reunifying China under their rule that they started to confront the foreign privileges in China. Therefore the focus of this chapter will be on the events that happened after 1928. Even though the Nationalists achieved sizing power over China, this did not bring a sudden end to all of the country's prior internal struggles.²⁵⁴ Kayaoğlu highlights that the Nationalists initiated a series of state-building projects and reforms. In doing so they attempted vast, yet incomplete endeavors to westernize and centralize China's administration. He emphasizes that it was also during this period that the Nationalists revised the earlier Chinese drafted legal codes as well as compiled new ones.²⁵⁵ He also clarifies that the Nationalists' success cannot be explained by their advanced ideas about reforming China, but rather by their martial success in establishing a central government that permitted the sustaining of their state building projects.²⁵⁶ Westad underlines that the Nationalist government during the Nanjing Decade became the most

²⁵³ Mackerras, *China in Transformation* p. 52

²⁵⁴ Ibid. p. 52

²⁵⁵ Kayaoğlu, *Legal Imperialism* p. 177

²⁵⁶ Ibid. p. 178

effective government to rule China since the mid-nineteenth century.²⁵⁷ He further highlights how the Nationalists achieved an impressive economic growth through their time in power in spite of the struggling world economy at the time.²⁵⁸

Mackerras highlights that there were still many influential warlords throughout China who organized several uprisings against the Nationalists throughout their time in power.²⁵⁹ Furthermore, Japan had demonstrated a growing interest and influence over China, and thus became an increasing concern for the new Nanjing based government. In addition to these challenges, the Nationalists also faced a devastating ongoing civil war against the Chinese Communists. The rivalry between the Nationalists and the Communists occurred after the Nationalists firmly ended their former cooperation by initiating a violent purge against Communist leaders. Spence underlines that the suppression initiated by the Nationalists against the Communists ultimately marked the beginning of the Chinese Civil War.²⁶⁰

5.3 The Interpellation in the Norwegian Parliament

This thesis has until now primarily addressed the events that took place in China and the correspondence that was sent from Norwegian diplomats who were stationed there. I will now shift my focus to an interpellation that was addressed to the Norwegian parliament on the 6th of May 1927.²⁶¹ This interpellation directly questioned the Norwegian use of extraterritoriality in China and was brought up by a representative of the Norwegian Communist Party named Ingvald Berentin Aase.²⁶² It is likely that Aase had sympathetic

²⁵⁷ Westad, *Restless Empire* p. 165

²⁵⁸ Ibid. pp. 165-166

²⁵⁹ Mackerras, *China in Transformation* p. 53

²⁶⁰ Spence, *The Search for Modern China* pp. 330-341

²⁶¹ Nasjonalbiblioteket. *Stortingforhandling. 1927 7a* Oslo: Centraltrykkeriet Accessed on: September 09. 2015 Accessible from:

<<http://www.nb.no/statsmaktene/nb/3c4d40876a661da9a022178d3db50961?index=5#1309>>

pp. 1173-1177

²⁶² Norwegian Social Science Data Services. *Biografier 1905-1945 - Ingvald Berentin Aase* Accessed on: May 05 2015 Accessible from:

feelings towards his fellow communists in China and wanted to offer them support in their struggle against imperialism.

The original wording of the interpellation that Aase wanted to bring up in the Norwegian parliament highlighted two different questions. Firstly, if parliament was aware that Norway had treaties with China that were based upon inequality. Aase also stressed that these treaties made Norway join the ranks of the imperialistic states that violated China's sovereignty. Secondly, whether the Norwegian government was prepared to recognize the Chinese Nationalist government and relinquish the treaty that secured Norwegian citizens special privileges in China.²⁶³

Aase started his interpellation addressing his first question by stating that his party could not ignore the interests that tied the European and Asian workers together. Therefore he argued that the European workers needed to help the Chinese workers in their struggle against oppression. He further emphasized that the Chinese had started to organize labor unions to fight for their rights. He continued by accentuating that their campaign for justice had been suppressed by British and Japanese imperialist interests. He further emphasized that the question regarding the abolishment of extraterritoriality was a crucial topic for the Chinese in their struggle for sovereignty.²⁶⁴

The injustice regarding China's non-autonomous tariff-service was also something that Aase brought up, and he called for the ending of the practice. Aase also highlighted the issue regarding Norwegian extraterritoriality. While doing so, Aase underlined the unfairness that surrounded extraterritoriality, and he asked the representatives present if they would not have protested if such unfairness had unfolded itself in Norway. Aase even underlined the unjust practices performed by the foreigners and pointed to that there were localities in China where the Chinese were banned from entering. This suggests that Aase questioned Norwegian extraterritoriality on ideological and moral

<http://www.nsd.uib.no/polsys/index.cfm?urlname=storting&lan=&MenuItem=N1_1&ChildItem=&State=collapse&UttakNr=33&person=10056>

²⁶³ Nasjonalbiblioteket. *Stortingforhandling. 1927 7a* Accessed on: September 09. 2015 Accessible from: <<http://www.nb.no/statsmaktene/nb/3c4d40876a661da9a022178d3db50961?index=5#1309>> pp. 1173-1177

²⁶⁴ Ibid. pp. 1173-1177

grounds. Nonetheless, it seems that his primary focus was to offer his fellow communists the support he could give in their struggle against imperialism.

Nevertheless, Chiang Kai-shek and his followers in the Nationalist party had in April 1927 organized a purge against the Chinese communists known as the Shanghai Massacre.²⁶⁵ This event had alarmed the Soviet Union and the Chinese Communists. However, Mackerras highlights that even this brutal incident was not enough to make the Chinese Communists end their cooperation with the whole of the Nationalist party. Instead they firmly opposed Chiang Kai-shek's rightwing-clique within the Nationalist party.²⁶⁶ Aase also mentioned how Chiang Kai-shek's rightwing-clique had allegedly betrayed the trust given to them by the Chinese working class. This shows that this incident had caused Aase to cease his former support to Chiang Kai-shek and his followers. This suggests that the only reason for why Aase had supported Chiang Kai-shek in the first place, was because of his former alliance with the Chinese Communist. Aase further claimed that Chiang Kai-shek had been bribed by the capitalists and imperialists to betray his former allies.²⁶⁷ Therefore Aase had changed his mind and did not any longer want Norway to recognize the Nationalist Government that was led by Chiang Kai-shek's rightwing-clique. This shows that Aase was aware of the animosity between the former two allies in China.

The Norwegian Prime Minister at the time, Ivar Lykke,²⁶⁸ made a reply in which he stated that the Norwegian government did not wish to answer or discuss this interpellation due to the obscurity that surrounded the political state of affairs in China. The parliament then agreed unanimously to forward the interpellation to be evaluated by the Standing Committee on Foreign Relations and Constitutional Affairs.²⁶⁹ The parliamentary report named: *innst. S. nr. 133 - 1927* then confirmed that the committee

²⁶⁵ Spence, *The Search for Modern China* p. 336

²⁶⁶ Mackerras, *China in Transformation* p. 50

²⁶⁷ Nasjonalbiblioteket. *Stortingforhandlinger. 1927 7a* Accessed on: September 09. 2015 Accessible from: <http://www.nb.no/statsmaktene/nb/3c4d40876a661da9a022178d3db50961?index=5#1309>> pp. 1173-1177

²⁶⁸ Ivar Lykke was a politician from "Høyre", (the Norwegian Conservative Party) who was the Prime Minister of Norway from 1926 to 1928.

²⁶⁹ Nasjonalbiblioteket. *Stortingforhandlinger. 1927 7a* Accessed on: September 09. 2015 Accessible from: <http://www.nb.no/statsmaktene/nb/3c4d40876a661da9a022178d3db50961?index=5#1309>> pp. 1173-1177

did evaluate Aase's interpellation on the 2th of June 1927. In doing so the committee concluded by making a proposal that the Norwegian parliament should not process Aase's request.²⁷⁰

The Committee's proposal was made known in the Norwegian parliament on June 10, 1927. Aase then commented that he was deeply disappointed with the committee's decision to not even forward his request to the Norwegian government. Aase also brought up that despite all their internal disputes, the Chinese still agreed on one thing, and that was that extraterritoriality needed to be removed. Aase further stressed that he was sure that the question regarding extraterritoriality would be enforced sooner rather than later. Aase also emphasized that he believed that his fellow Norwegians, who probably possessed stronger nationalistic feelings than most other peoples, would sympathize with the Chinese peoples' nationalistic struggles. Nevertheless, the Norwegian parliament voted for the Committee's proposal.²⁷¹ In doing so, parliament deemed Aase's proposal to be an issue that was not needed to be further addressed. This reveals the Norwegian parliament's unwillingness to even address any of the Chinese requests at least not before they knew more about the political state of affairs in China. Furthermore, Norway had a conservative government at the time; this detail may explain why parliament was so persistent in keeping the status quo regarding extraterritoriality. The Norwegian historian Odd-Bjørn Fure underlines that the main focus of the Norwegian Conservative Party was to strengthen the Norwegian presence in international trade.²⁷² While the emerging Norwegian Labor Party, just like the Norwegian Communist Party, had embraced the Marxist goal to end the capitalistic system of production, and thus the two were strongly opposed to the market economy and wanted to redirect Norway towards a socialistic oriented economy.²⁷³ Since furthering Norwegian participation in international trade was a major objective for the

²⁷⁰ Stortinget. (The Norwegian Parliament) *Innst. S. nr. 133 - 1927* Accessed on: September. 07 2015 Accessible from: <https://www.stortinget.no/no/Saker-og-publikasjoner/Stortingsforhandlinger/Lesevisning/?p=1927&paid=6&wid=a&psid=DIVL2986&pgid=a_1044

²⁷¹ Stortinget. *Stortingtidende - 1927* Accessed on: September. 07 2015 Accessible from: <https://www.stortinget.no/no/Saker-og-publikasjoner/Stortingsforhandlinger/Lesevisning/?p=1927&paid=7&wid=a&psid=DIVL710&pgid=b_0773> pp. 2081-2082

²⁷² Fure, Odd-Bjørn. 1996. *Mellomkrigstid 1920-1940* Oslo: Univesitetsforlaget p. 33

²⁷³ Ibid. p. 33

Norwegian Conservative Party, it would have been surprising if they had supported the removal of extraterritoriality in China which Norwegian traders living there felt was a necessary basis for their personal security and economic interests.

5.4 The Making of the Sino-Norwegian Tariff Treaty of 1928

It was not only the Eight-Power Resolution which brought up and sought to address the issues surrounding foreign privileges in China. Another related agreement was signed during the Washington Conference. This resolution from the 6th of February 1922 titled the *Revision of Chinese Customs Tariff* called for the treaty powers revising the Chinese custom duties.²⁷⁴ The resolution also permitted other treaty powers, such as Norway, to adhere to the treaty, something which Norway did on the 17th of September 1925. By doing so Norway agreed to be among the participating states in the upcoming Chinese Tariff Conference.²⁷⁵ I will only briefly address this conference since it did not deal with the abolishment of extraterritoriality in an explicit way. Nevertheless, the conference called for the end of the foreigners' tariff privileges, something which laid the foundation for the tariff treaties between China and the treaty powers. This fact makes the Chinese Tariff Conference relevant enough to briefly look into, since it was a part of the chain of events that gradually ended all the foreigners' privileges in China.

²⁷⁴ Library of Congress. *Revision of Chinese customs tariff. Signed at Washington February 6, 1922.* Washington, DC : Government Printing Office Accessed on: August 26, 2015 Accessible from: <<http://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0381.pdf>>

²⁷⁵ Nasjonalbiblioteket. *Stortingforhandling. 1926 6b* Oslo: J. CHR. Gundersen Boktrykkeri. Accessed on: August 16, 2015 Accessible from: <<http://www.nb.no/statsmaktene/nb/b2d79a7a5832f7e03fd2d750cf3d00be?index=0#447>> p. 448

5.4.1 The Chinese Tariff Conference

The Chinese Tariff Conference met in Beijing on the 26th of October 1925.²⁷⁶ Generally, the conference can be divided into two phases, in which the first that lasted until November 19, dealt with the issues surrounding China's tariff autonomy. Thereafter the discussion shifted to address the surtax on imported goods. However, the focus of this study entails that only the first of these two phases will be examined. This is due to that both the foreign tariff privileges and extraterritoriality were benefits that the foreigners in China enjoyed, and which the Chinese wanted to end. Hence extraterritoriality and the foreign tariff autonomy can be considered as two sides of the same coin.

The historian Shizhang Hu in his book *Stanley K. Hornbeck and the Open Door Policy, 1919-1937* (1995) states that the American delegates present at the conference disagreed on whether or not they should grant the Chinese their wishes of acquiring full tariff autonomy. However, he underlines that the American delegates rather wanted to abolish their tariff privileges than their extraterritoriality. Consequently, by granting the Chinese full autonomy in regards to the tariff, this could temporarily prevent them from also requesting the abolishment of extraterritoriality. However, Hu underlines that the Chinese still had to drive a hard bargaining during the conference to acquire their full tariff autonomy.²⁷⁷ He stresses how the Chinese Nationalists during the conference's negotiations had declared that they did not recognize any treaties made between the Beiyang government and the treaty powers. Furthermore, Hu states that the conference adjourned without that any formal treaty having been made. However, he also mentions that even though the conference itself had failed, the tables for the interim taxes that were discussed during the conference would later become the basis of the autonomous Chinese tariff schedule.²⁷⁸

²⁷⁶ Department of State. 1949. *The China White Paper August 1949 Volume 1* California: Stanford University Press p. 444

²⁷⁷ Hu, Shizhang. 1995. *Stanley K. Hornbeck and the Open Door Policy, 1919-1937* United States: Greenwood Press pp. 72-73

²⁷⁸ *Ibid.* p. 76

5.4.2 The Sino-Norwegian Tariff Treaty of 1928

The questions regarding the Chinese tariff endured until the Nationalists took over Beijing in 1928. Wang highlights that the removal of the Unequal Treaties was a hot topic for the new Nationalist party.²⁷⁹ She further states that the Nationalists actively used and evolved the term Unequal Treaties and promised to vigorously push for their removal.²⁸⁰

Arthur N. Young, who worked as a financial advisor to the Nationalist government, clarified that the Nationalists changed the Chinese strategy regarding how to regain full tariff autonomy after they seized power.²⁸¹ Young explained that the Nationalists' new tactic was to address the powers individually instead of collectively.²⁸² In doing so they started off by addressing the United States, since the Americans had earlier displayed the most cooperativeness towards China's previous requests. Young showed that a new tariff treaty between the United States and China was agreed upon on the 25th of June 1928. Young further mentioned that one of the main struggles during the negotiations was to keep equal American rights in China without using the wording "most favored nation" since China objected to its usage. The reason for this objection was because the Chinese connected the phrase with China's national humiliation. Young continued by highlighting that the phrase was then edited to "in no way discriminatory" that legally meant exactly the same but also avoided insulting the Chinese.²⁸³ Wang underlines that the negotiations then resulted in the two countries agreeing that the United States would continue to enjoy extraterritoriality in exchange for American recognition of China's tariff autonomy.²⁸⁴ Wang continues by affirming that the other treaty powers quickly followed the American example and signed new tariff treaties with China the following months.²⁸⁵ This meant that the Chinese Nationalists had managed to restore one of China's aspirations within a relatively short period after their seizure of power.

²⁷⁹ Wang, *China's Unequal Treaties* p. 88

²⁸⁰ Ibid. p.88

²⁸¹ Young, Arthur N. 1971. *China's Nation-Building Effort, 1927-1937: The Financial and Economic Record* United States: Hoover Institution Publications p. 19

²⁸² Ibid. p. 19

²⁸³ Ibid. p. 19

²⁸⁴ Wang, *China's Unequal Treaties* p. 89

²⁸⁵ Ibid. p. 89

The Sino-Norwegian Tariff Treaty of November 12 1928²⁸⁶ is a nearly identical copy of the Sino-American treaty²⁸⁷ that was signed the previous month. This treaty was the first bilateral agreement between Norway and China since initial treaty between the two from 1847.²⁸⁸ The Sino-Norwegian tariff treaty affirmed China's tariff autonomy in exchange for Norway not going to be treated unfairly compared to other countries. The treaty further revealed that it was Nicolai Aall who represented Norway and signed the treaty together with the Chinese Minister of Foreign Affairs, Wang Zhengting, (also known as: C. T. Wang²⁸⁹).²⁹⁰ Furthermore, by signing the treaty Norway did not only recognize China's tariff autonomy, but this treaty may also be considered as Norway's de facto recognition of Nationalist China. The Norwegian ratification of the Sino-Norwegian Tariff Treaty is confirmed in the parliamentary report named: *innst. S. nr. 122 - 1929*.²⁹¹ This document confirms that Norway had ratified the new tariff treaty with China by royal resolution from February, 15. 1929 and that the new treaty was going to take effect on the first of March the same year. The reason for why Norway signed the treaty with China was because Norway, like all the other treaty powers, was quick to follow the American example. This shows that China's new strategy to address the treaty powers one by one instead of having joint discussions, had proved a successful venture. Norway was likely also satisfied with this arrangement since it kept the nation's extraterritoriality in exchange for renouncing its tariff privileges.

²⁸⁶ Hofgaard, M. 1928. *Overenskomster med Fremmede Stater* (Agreements with Foreign States) Oslo: Grøndahl & Søns Boktrykkeri pp. 23-25

²⁸⁷ China Foreign Relations.net. 1928, *Tariff Relations - USA* Accessed on: September 05. 2015
Accessible from: <<http://www.chinaforeignrelations.net/node/214>>

²⁸⁸ Norway the official site in China. *Oversikt over gjeldende avtaler mellom Norge og Kina* Accessed on: October 14. 2015 Accessible from:
<<http://www.norway.cn/Documents/Oversikt%20over%20gjeldene%20avtaler%20mellom%20Norge%20og%20Kina.pdf>>

²⁸⁹ All the Norwegian primary sources refer to Wang Zhengting as either C. T. Wang or Dr. Wang.

²⁹⁰ Hofgaard, *Overenskomster med Fremmede Stater* pp. 23-25

²⁹¹ Stortinget. *Innst. S. nr. 122 - 1929* Accessed on: September. 05 2015 Accessible from:
<https://www.stortinget.no/no/Saker-og-publikasjoner/Stortingsforhandlinger/Lesevisning/?p=1929&paid=6&wid=a&psid=DIVL1651&pgid=a_0344%20> p. 252

5.5 China's New Abolition-Campaign against Extraterritoriality

The Nationalists quickly readdressed the question regarding extraterritoriality after they had successfully acquired full Chinese tariff autonomy. It was important for the Nationalists to have something to show the public that gained them prestige and popular support. Accordingly, the success in regaining full tariff autonomy had been important for the Nationalists in securing the support of the Chinese public. The removal of foreign extraterritoriality was equally important for them to achieve. Hence Wang Zhengting initiated a new campaign against foreign extraterritoriality during the late 1920s. As a result, Norway was sent two letters in the course of 1929 in which China requested that Norway relinquished its extraterritoriality.

5.5.1 The Norwegian Strategy Regarding Extraterritoriality

It is important to understand to what extent the Norwegian diplomats argued that Norwegian interests in China would suffer if extraterritoriality was to be abolished, before starting to explore the two letters that Zhengting Wang sent to Norway. This issue was brought up in a letter that was written by Nicolai Aall on February 22, 1927 addressed to the Norwegian Legation in Beijing.²⁹² This letter is significant not only because it highlighted how Nicolai Aall argued that Norwegian interests would be affected if extraterritoriality was removed, but more importantly because Aall also claimed that he underlined his personal opinions on extraterritoriality. This is significant because Nicolai Aall led much of the Norwegian negotiations with China regarding Norwegian extraterritoriality. Therefore his personal views on the matter are of major importance when examining the negotiations and their results.

This letter was sent from Nicolai Aall to the Norwegian Legation in Beijing as a response to the legation's earlier inquiry about which consequences the abolishment of

²⁹² Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2311-2313

extraterritoriality would bring about for Norway. Aall highlighted his own views on the continuance of Norwegian extraterritoriality. In doing so he reaffirmed his words from the correspondence that he sent to the Norwegian Ministry of Foreign affairs on the 10th of February 1922.²⁹³ He emphasized that all the issues he had brought up in this correspondence were still valid. However, he also underlined that Norway evidently needed to follow the example of the other treaty powers if they decided to end their extraterritoriality. Yet, Aall argued that Norway should keep its extraterritoriality for as long as diplomatically possible. He further underlined that he believed that Norwegian interests in China would suffer if extraterritoriality was to be removed. Nevertheless, Aall also added that Norwegians had generally not invested much in China, and therefore the Norwegian interests there as a whole were small compared to other treaty powers. However, Aall also underlined that there were some exceptions. These were primarily the Norwegian paper export to China and the Norwegian shipping industry in East Asia. Aall also brought attention to the fact that Norwegian missionaries had invested a significant amount of wealth in China. Nevertheless, Aall concluded that Norway would generally not suffer as much as the other treaty powers that had invested more heavily in China, if extraterritoriality was abolished.

This source suggests that the general views of Norwegian diplomats on extraterritoriality had not shifted as result of the Nationalists having gained power in China. However, since they were still fully benefitting from extraterritoriality, and therefore might be considered as stakeholders, this makes their status quo position no surprise. They argued that extraterritoriality was still a vital requirement for the Norwegian economic interests as well as for the wellbeing of Norwegian citizens residing in China. Even so it seems like the diplomats acknowledged the slight shift in international opinion concerning extraterritoriality. They were fully aware of that Norway, as a small nation, was diplomatically obliged to follow the great powers initiative in this matter. Any other action would be in severe conflict with the general Norwegian foreign policy at the time that emphasized the importance close ties to Britain.

²⁹³ This was one of the diplomatic correspondences that I thoroughly examined in Chapter III - Responses to the Washington Naval Conference.

5.5.2 Nationalist China's First Note to Norway

In coherence with the Nationalists' new campaign against foreign extraterritoriality, Zhengting Wang sent an official request to Nicolai Aall on the 27th of April 1929.²⁹⁴ The essence of this letter was that the Chinese government called for Norway as soon as possible to abolish its extraterritoriality. Wang started off by emphasizing that a new era of friendly relations between China and Norway had dawned through the reunification of China under a new solid government. He further added that this friendly attitude had been displayed when the two countries agreed to sign the new tariff treaty. He also underlined that the Chinese government wanted to accelerate the new friendship by readjusting extraterritoriality to be based solely upon equality. Wang also emphasized China's eternal gratefulness towards Norway if the Norwegians fulfilled this request. He also stressed how this action would end another inconvenient obstacle that stood in the way of a complete cooperation between the two countries.

He then claimed that extraterritoriality was only a legacy of China's old regime. He further underlined how extraterritoriality was slowing down China's progress into international society. He also mentioned the importance of how the close contact between China and the foreign powers had led to a rapid assimilation of western legal concepts into the Chinese legal system. He further stressed how the new Chinese civil and commercial codes were going to be put into circulation before the first of January 1930.

Wang also attempted to assure Aall that all the powers that had ceased to benefit from extraterritoriality had found satisfaction in the protection the Chinese laws had given their nationals. For this reason he claimed that no one would be unfavorably affected if they relinquished their extraterritoriality. Wang ended his letter by stressing that the Chinese government deeply desired to have extraterritoriality abolished at the earliest possible date. For this reason he wished that all the treaty power nations would take China's request into immediate and sympathetic consideration.

²⁹⁴ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2283-2285

5.5.3 The Norwegian Reaction to China's First Note

Wang's request was brought up in a letter that was written on the 6th of May 1929 that was sent from the Norwegian Consulate General in Shanghai to the Norwegian Ministry of Foreign Affairs.²⁹⁵ This unsigned letter started off by assuming that the Ministry had already received a copy of Wang's note from the 27th of April. It also mentioned how the American, British, Dutch, Brazilian and French diplomats had received similar notes. The author stated that the reason for why the Chinese had only contacted these six treaty powers was because the other powers had already vaguely accepted to renounce their extraterritoriality by the first of January 1930. However, this acceptance was on the condition that the details surrounding the abolition were agreed upon in a later treaty. The author further mentioned how Switzerland had agreed to relinquish its extraterritoriality in its treaty with China from 1918. However, this was on the condition that it would not happen before the other treaty powers did the same. Therefore the author believed that the Chinese were satisfied with this arrangement and thereby considered it superfluous to send any further requests to the Swiss.

The author further clarified that he did not yet know how the other powers were going to respond to Wang's note. However, he decided to second the words Nicolai Aall wrote after he had settled the conditions of the Sino-Norwegian Tariff Treaty of 1928. Aall had then expressed his confidence in that the Norwegian government would know when the time was right to reevaluate the treaty with China from 1847. However, the author also stressed that the reassessment should only be decided upon when Norway fully knew how the other treaty powers' decided to respond to the request. He further added that he believed that it was advisable to send a vague, but friendly answer that could temporarily satisfy the Chinese.

²⁹⁵ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2296-2297

More information on how the Norwegian diplomats discussed the Chinese request is revealed in a confidential letter written to the Norwegian Ministry of Foreign Affairs.²⁹⁶ This letter was written in Beijing on the 15th of May 1929 by Kaare Ingstad, an attaché (the lowest rank of the regular diplomats)²⁹⁷ in service in the Norwegian legation from 1927 to 1933.²⁹⁸ Ingstad notified the Ministry that the reason for why it was he and not Nicolai Aall who wrote the letter, was Aall's absence from Beijing at the time. Ingstad begun the letter by affirming that the request that the Chinese foreign minister had sent to Norway and the other five treaty powers on the 27th of April, in no way came as a surprise. He highlighted that the Chinese minister in Washington already in February had sent a similar request to the American Department of State. Ingstad underlined how the request had been declined by the Department after it had consulted the governments of the other treaty powers. Ingstad further emphasized that the Chinese campaign against extraterritoriality had been temporarily set aside until the Chinese government's assembly in March 1929. He explained that the Chinese government during its meeting then had congratulated Zhengting Wang on his success in acquiring the new tariff treaties for China, and had encouraged him to carry on his effort. Ingstad further highlighted how he believed that the Nationalist government attempted every measure that would at least temporarily silence the radicals within their own government.

Ingstad also drew attention to the fact that most of the other treaty powers had forwarded the Chinese note to their governments. He stressed that he believed that the powers would then jointly turn down the request in a forthcoming and understanding manner. Ingstad also brought up the possibility that Japan could obtain leadership over the treaty power's joint policy concerning extraterritoriality in China. He then underlined how Japan could declare to relinquish their extraterritoriality, but only if the other treaty powers did the same.

²⁹⁶ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2276-2280

²⁹⁷ Neumann & Leira, *Aktiv og avventende*. p. 542

²⁹⁸ Project Runeberg. *Hvem er Hvem - 1973* Accessed on: September 09 2015 Accessible from: <<http://runeberg.org/hvemerhvem/1973/0273.html>> p. 273

Ingstad highlighted how the British, the Americans, the Dutch and the French had already met and jointly discussed the Chinese request. They had then concluded that they would answer the Chinese with identical notes. Ingstad further underlined that when he had asked them about why Norway and Brazil had not been invited, they had responded that the meeting had been private. This suggests that these significant treaty powers did not consider it necessary to include neither Norway nor Brazil into their joint meeting. This is likely because they were relatively sure that both Norway and Brazil would follow in their initiative. Therefore they might have considered it superfluous to include these two nations that were likely to tag along in any case.

Ingstad concluded the letter by affirming that he had strong reasons to believe that the powers would demand hard facts from China in regard to how they practiced their jurisdiction before they would abolish their extraterritoriality, which in his belief was the exact opposite of what they had done during the tariff negotiations when they had blindly trusted China's promises. Ingstad also stressed that the Norwegian role would likely be similar to what it was during the tariff treaty negotiations; namely, to await and see what the great powers' decided to do. However, he also underscored that this could be tough because of the secrecy that surrounded their meetings.

This source further puts an emphasis on the Norwegian role as a minor nation among the treaty powers. Hence the source suggests how the diplomats believed that it was important that Norway awaited how the great powers were going to respond before doing anything significantly. This action would also be consistent with the Norwegian foreign policy of the time that emphasized the necessity of having close diplomatic ties to Great Britain. By awaiting Britain's response, Norway would not risk to anger the British by doing something in regards to China that they did not approve of.

5.5.4 Nationalist China's Second Note to Norway

Zhengting Wang sent a follow-up note on behalf of the Chinese government to Nicolai Aall on the 12th of September 1929.²⁹⁹ He began with affirming that he had received Aall's note of August 14,³⁰⁰ in which Aall had transmitted the views held by the Norwegian government regarding extraterritoriality. Wang reemphasized in a diplomatic manner how the Chinese government was pleased with the friendly attitude Norway had displayed towards China through the signing of the new tariff treaty. However, he continued by stressing that Norway now had another opportunity to demonstrate its friendship towards China by relinquishing its extraterritoriality. He also emphasized that the Norwegian government needed to realize that there was no longer a need for extraterritoriality in China. Therefore Wang urged the Norwegian government to enter into immediate discussions with the Chinese and initiate the arrangements required to abolish extraterritoriality.

This source reveals that Norway did send a vague, yet forthcoming response to the first request from the Chinese. However, the source shows that China was not satisfied with the Norwegian response of the 14th of August and wanted something more specific and binding. It is likely that the reason for this was that Zhengting Wang knew very well how Western diplomats often utilized a rather vague and ambiguous diplomatic language to in reality promise nothing.

²⁹⁹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2269-70

³⁰⁰ I have regrettably not been able to find a copy of this note.

5.5.5 The Norwegian Reaction to China's Second Note

A new Norwegian discussion regarding extraterritoriality was initiated after Zhengting Wang had sent his second note to Norway. The fresh Norwegian approach is revealed in the letter Nicolai Aall wrote on the 2th of October 1929 that was addressed to the Norwegian Ministry of Foreign Affairs.³⁰¹ Aall started off this letter by highlighting that the ministers from the countries that had been contacted by the Chinese had now collectively met to discuss the Chinese request. This detail shows a significant contrast to the earlier Norwegian situation. Norway had now been invited to participate along with the other treaty powers that earlier preferred to discuss the matter in secrecy. This suggests that Nicolai Aall took matters into his own hands when he returned to Beijing and used his diplomatic influence to join the group. This accomplishment was likely much easier for Aall to achieve than what it had been for Ingstad. This was perhaps because Ingstad was only an attaché at the time and lacked the diplomatic ranking, influence and experience that Aall possessed. Furthermore, the earlier mentioned biographical register: *Men of Shanghai and North China* highlighted that Aall in 1933 (when it was written) was one of the oldest foreign consular officials in North China.³⁰² He thereby had useful networks and prior knowledge of the rules and norms of the diplomatic game in China. This suggests that Aall at the time enjoyed a seniority status among the other foreign consuls in China. This being the case suggests that it could not have been very difficult for Aall to secure himself a seat among the other diplomats who discussed how to respond to the Chinese requests.

By participating Aall also managed to inform the Ministry about what the other treaty powers were planning to do. The summarized version was that they wanted to make China send more concrete suggestions for dialogue and in doing so they attempted to drag out the issue. However, Aall also underlined in the letter that they all agreed that it was crucial to answer the Chinese request before the Chinese used their silence as an excuse to abolish extraterritoriality altogether by the first of January 1930. He also highlighted how he had suggested to the other diplomats that they should jointly draw

³⁰¹ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2271-2274

³⁰² Nellist, *Men of Shanghai and North China* p1

attention to the recent cases of piracy that had occurred along the Chinese coast, and use these as an example for why China was not capable to protect the lives and property of its foreign residents.³⁰³

Aall also suggested that he believed that the reason for why the Nationalists wanted to press for the abolition of extraterritoriality was to regain some of their lost prestige in the eyes of the Chinese public. He further highlighted how the Nationalists had struggled with several recent adversities. Some examples that Aall mentioned were how a Chinese province had declared its independence from the Nationalists as well as how China had lost the Chinese Eastern Railway dispute³⁰⁴ to the Soviet Union in 1929. Westad even underlines that this conflict ultimately ended all of the Chinese Nationalist former ties with the Soviets.³⁰⁵

More information is revealed in a letter that Nicolai Aall wrote on the 14th of October 1929 that was addressed to the Norwegian Ministry of Foreign Affairs.³⁰⁶ In this letter Aall mentioned the draft reply that the diplomats from the treaty powers that had been contacted by the Chinese, had discussed. Aall highlighted that the British strategically decided not to mention the recent pirate attacks on foreign interests as a reason to doubt the Chinese guarantees of protection. Aall explained that the reasoning for this was because they believed that such a move could weaken the overall cause since they already had brought up plenty of reasons for postponing the abolition of extraterritoriality. Aall further highlighted that he had told the other diplomats that Norwegian citizens had recently been attacked by Chinese pirates, and therefore it was possible that Norway wanted to bring this up in its reply.

Aall also clarified in the letter that he had told the other diplomats that Norway in an earlier note to China, had declared that the Norwegian government did not want to maintain extraterritoriality longer than it deemed necessary; whereby China had bluntly

³⁰³ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2271-2274

³⁰⁴ The Sino-Soviet conflict of 1929 was a minor armed dispute between Nationalist China and the Soviet Union over the Manchurian Chinese Eastern Railway. When the Chinese seized the railway, Soviet military quickly intervened and ended the dispute by force. The Chinese thereby had to accept the restoration of the railways' joint Sino-Soviet administration.

³⁰⁵ Westad, *Restless Empire* pp. 167-168

³⁰⁶ Riksarkivet. Utenriksstasjonene, Generalkonsulatet i Shanghai, S-2611/Db/L0238/0002.- 2262-2266

answered that extraterritoriality was not needed anymore. Aall also mentioned that he believed the extraterritoriality negotiations between China and the treaty powers were far from over. Nevertheless, a mutual understanding between China and Norway was in fact agreed on during the next few years, something that happened in spite of Aall's prediction. Hence we will now move on and examine this highly relevant agreement.

5.6 The Agreement between China and Norway

It is important to highlight some major events that occurred in China at the time when Norway came to a new agreement with China regarding its extraterritoriality. Westad explains why the Nationalists did not go through with their attempts to unilaterally abolish all of the unequal treaties by the first of January 1930. He clarifies that the reason why the Nationalists did so cannot only be explained because of the West's unwillingness to negotiate with them. In fact Westad underlines that the most significant factor for why the Nationalists changed their mind was because of the growing threat of war with Japan.³⁰⁷ He continues by stressing that during the early 1930s it had become evident that Japanese expansionism could not coexist with Chinese nationalism.³⁰⁸ Westad further explains that the Japanese staged "Mukden Incident"³⁰⁹ had resulted in Manchuria being seized by Japanese forces in 1931. He continues by stressing how the Chinese Nationalists considered Manchuria to be an unchallengeable part of China. However, the Nationalists were lacking both international support and military power to fight Japan outright. Hence Westad concludes that the Nationalists knew that China's survival depended on postponing the inevitable war with Japan.³¹⁰ Dong Wang also highlights how the Mukden Incident bluntly ended all the ongoing negotiations between the Chinese and the British Empire, the United States and Japan. She continues by underlining that on December 29, 1931 the Chinese also announced to suspend its

³⁰⁷ Westad, *Restless Empire* p. 166

³⁰⁸ Westad, *Restless Empire* p. 169

³⁰⁹ The Mukden Incident was a bomb explosion staged by the Japanese military as a pretext for the Japanese invasion of Manchuria in 1931.

³¹⁰ Westad, *Restless Empire* p. 168

previous declaration from two years earlier that revoked extraterritoriality.³¹¹ With this historical context in mind we can move on to examining the negotiations between China and Norway.

Much information about the discussions between China and Norway is disclosed in a letter written on the 30th of January 1931 addressed to the Norwegian Ministry of Foreign Affairs from Ludvig Aubert.³¹² Ludvig Aubert was a Norwegian diplomat who worked in East-Asia from 1929 to 1935 as a "Sendemann"³¹³ (a permanent leader for a diplomatic station).³¹⁴ Aubert revealed in this letter that he and Zhengting Wang had met and discussed Norwegian extraterritoriality. Aubert had then explained to Wang that Norway had delayed its response to China due to the traditional Norwegian policy of having close diplomatic ties with Norway's neighbors. These concerns had made Norway await its response until China had received a reply from countries like Great Britain. Aubert also revealed in the letter that the Norwegian government had requested that he offered the Chinese that Norway indeed did agree to abolish its extraterritoriality at the same time as the other treaty powers if the status quo regarding Norwegian extraterritoriality remained until that happened. Aubert then clarified that Wang had agreed to this proposal nearly without any hesitation. Wang had then informed Aubert that he would shortly make the necessary arrangement to establish the new agreement between China and Norway.

This letter suggests that one important Norwegian concern regarding the continuance of extraterritoriality was not to do anything that could possibly upset the European great powers. It was especially important for Norway to always strive for good relations with Great Britain. Hence China's campaign against extraterritoriality was certainly not something that Norway was willing to risk its good relations with Great Britain for. That being said, I also believe that it was important for China to push the minor powers into relinquishing their extraterritoriality before the great powers. This was because nations such as Norway had generally small economic interests in China and thus they did not

³¹¹ Wang, *China's Unequal Treaties* p. 89

³¹² Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0061. - 3030-3032

³¹³ Project Runeberg, *Hvem er Hvem - 1948* Accessed on: September 21 2015 Accessible from: <http://runeberg.org/hvemerhvem/1948/0030.html> > p. 30

³¹⁴ Neumann & Leira, *Aktiv og avventende* p. 545.

have much to lose if they abolished their extraterritoriality. However, if China managed to make new agreements with the smaller treaty powers, it could on a moral basis push the great powers to follow their examples and also relinquish their extraterritoriality.

The Norwegian parliament briefly addressed the circumstances regarding Norwegian extraterritoriality in China on the 20th of February 1931.³¹⁵ The report from this meeting states that negotiations between China and Norway regarding extraterritoriality had been going on for a while. The report also emphasised the Chinese declaration that announced that by the first of January 1930 all foreigners within China would be put under Chinese jurisdiction. However, the report also made clear that this ultimatum was not directly given to the treaty powers, and therefore it had been surrounded by many uncertainties. The negotiations between China and the treaty powers had therefore continued. The report also highlighted how the Chinese in December 1930 had sent a proposal regarding the abolishment of extraterritoriality to the Norwegian legation in Shanghai. The Ministry of Foreign Affairs had then asked the legation to inform the Chinese that Norway was willing to relinquish its extraterritoriality, but not before the other treaty powers did the same. Until then, Norway desired to keep the status quo regarding its extraterritoriality in China. The report further underlined that the Chinese Minister of Foreign Affairs (Wang Zhengting) had agreed to such an arrangement.

Aubert finally reported to the Ministry of Foreign Affairs on the 28th of April 1931, that a new agreement had been made between Norway and China, in spite of some earlier minor disagreements regarding the new agreement's wording.³¹⁶ Aubert also claimed that this agreement was as advantageous as possible for Norway, since Norway kept its extraterritoriality until the time the other treaty powers also agreed to abolish theirs. Therefore Aubert concluded that Norway did not any longer need to focus its attention on the discussions that regarded extraterritoriality. Norway could patiently await the agreements that China made with the remaining treaty powers while still enjoying its extraterritoriality.

³¹⁵ Stortinget. *Stortingstidene, 1931 Forhandling i Stortinget* (Negotiations in the Norwegian Parliament) Accessed on: September 07 2015 Accessible from: <https://www.stortinget.no/no/Saker-og-publikasjoner/Stortingsforhandling/Lesevisning/?p=1931&paid=7&wid=a&psid=DIVL630&pgid=a_0356> p. 236

³¹⁶ Riksarkivet, Utenriksstasjonene, Ambassaden/Legasjonen i Beijing, S-2610/Db/L0061. - 2963-2968

This agreement put Norway into the same position as Switzerland had acquired more than a decade earlier in 1918. In doing so Norway had secured Chinese goodwill and gratitude in addition to keeping its extraterritorial privileges until the remaining foreign powers also agreed to abolish theirs. This was an advantageous position for Norway, since Norwegian citizens could continue to benefit from extraterritoriality without having to persist discussing, as well as justifying the matter to the Chinese. This arrangement was also favourable due to that the Norwegian foreign policy at the time which would likely have required Norway to follow the British example in any case regarding foreign extraterritoriality. Nevertheless, this arrangement meant that the extraterritoriality discourse for Norway's part, came to a conclusion for now.

Furthermore, this arrangement was also beneficial for China since it could focus its diplomatic attention even more on making the remaining treaty powers relinquish their extraterritoriality as well. The one possible disadvantage that this arrangement could entail was that the other treaty powers could feel that Norway opened a possibility for China to on a moral basis claim that the other treaty powers had to follow the Norwegian example. However, Aubert did not bring up this issue after having come to this agreement with China. This might have been because he desired to portray the agreement as beneficial as possible since he himself wanted to appear as being significant in the making of this advantageous agreement.

5.7 Chapter Conclusion

In this chapter we started off by exploring how the Norwegian parliament was not interested in discussing Aase's interpellation that questioned the Norwegian practice of extraterritoriality. This interpellation was pushed aside by the Norwegian parliament due to the obscurity that surrounded the political state of affairs in China. This action demonstrated that the Norwegian parliament was not interested at all in discussing Norwegian extraterritoriality in China at the time. Further on we investigated how the

Chinese Nationalists acquired new tariff treaties that returned full tariff autonomy to China. We explored how Norway, just like the other treaty powers, followed the American example and quickly returned the tariff autonomy to China. Then we looked into how one of the main reasons for why the Americans agreed to return full tariff autonomy to China, was because the United States deemed extraterritoriality more important to keep. We then shifted focus and researched the Nationalists' campaign against extraterritoriality. We explored how Norway reacted to China's new attempt to remove foreign extraterritoriality. Lastly we looked into how Norway and China jointly agreed to that Norway could keep its extraterritoriality until the day the other treaty powers also agreed to relinquish theirs. Thus Norway stepped aside from the extraterritoriality discussions while still benefitting from extraterritoriality, and it continued to observe the discussions from the sideline. This agreement is in many ways the answer that I have been looking for while researching this topic. Yet, Norwegian extraterritoriality continued to have effect for another decade. For this reason I will briefly examine the final causes that led up to Norway abolishing its extraterritoriality in the upcoming chapter.

Chapter VI

Historical Epilogue

6.1 The Second World War

The mutual agreement between China and Norway ended the extraterritoriality debate for Norway's part. However, the debate continued between China and the remaining treaty powers states that had yet to give up on their extraterritoriality. Dong Wang highlights that even though the extraterritoriality discourse experienced a growing interest in both intellectual and popular circles during the years between 1930 and 1940, no breakthrough was made.³¹⁷ I will therefore move forward in time to the most relevant circumstances that made Norway abolish its extraterritoriality in China. In doing so I will highlight the main political context that made Norway end its extraterritoriality in 1943, that evidently being the Second World War.

Kayaoğlu highlights that the Japanese invasion of China in 1937 downgraded how China viewed the importance of the removal of extraterritoriality.³¹⁸ The Japanese invasion had made China's survival the first priority of its government. Westad underlines that the Japanese invasion led to that China not only gained extensive military support from the Soviet Union, but also the sympathy of the world.³¹⁹ He also states that after the Japanese attack on Pearl Harbor on the 8th of December 1941, the Sino-American alliance developed rapidly.³²⁰

Kayaoğlu highlights that it was surprisingly the British and Americans and not the Chinese that pressed for continuing the negotiations in the early 1940s. Yet, the United

³¹⁷ Wang, *China's Unequal Treaties* p. 88

³¹⁸ Kayaoğlu, *Legal Imperialism* p. 181

³¹⁹ Westad, *Restless Empire* p. 258

³²⁰ *Ibid.* p 267

States and Britain agreed that neither state would act alone on this issue.³²¹

Consequently, the two countries agreed to notify the Chinese government on October 10, 1942, that they were prepared to abolish their extraterritoriality.³²²

Kayaoğlu clarifies that this decision may be explained by two reasons. Firstly, the Allied policy makers were deeply interested in laying the foundation to a new postwar international world order. Secondly, they considered extraterritoriality to be outdated and archaic, and therefore it did not belong in this new world order. Hence Kayaoğlu suggests that this change of opinion on extraterritoriality indicates that a normative shift occurred on how the treaty powers perceived the system's appropriateness in the new postwar international system.³²³

Nevertheless, the treaty that relinquished the American extraterritoriality was signed in Washington on January 11, 1943.³²⁴ The first article in this treaty declared that:

“Nationals of the United States of America (...) shall be subject to the jurisdiction of the Government of the Republic of China in accordance with the principles of international law and practice.”³²⁵

However, it was not only the United States that signed such a treaty with China on that day. The British did just like the Americans, agree to abolish their extraterritoriality as well on the very same day.³²⁶ In doing so, the two most significant Allied powers had agreed to end their extraterritoriality in China. It might be argued that part of the reason for why the British and the Americans abolished their extraterritoriality was because all three countries were parts of the Allies. However, Kayaoğlu claims that the reason for why the United States and Britain came to this decision was not because of their joint warfare with China against Japan. He supports this claim by highlighting that the wartime alliance between the Allies and China against Japan dates back to long before extraterritoriality was removed in 1943. He further stresses that the termination of

³²¹ Kayaoğlu, *Legal Imperialism* pp. 182-183

³²² *Ibid.* p. 185

³²³ *Ibid.* p. 185

³²⁴ Wang, *China's Unequal Treaties* p. 93

³²⁵ ChinaForeignRelations.net. 1943, *Extraterritorial Rights – USA* Accessed on: October 27, 2015

Accessible from: <<http://www.chinaforeignrelations.net/node/215>>

³²⁶ Wang, *China's Unequal Treaties* p. 93

extraterritoriality was not needed to keep this alliance intact. Instead he emphasizes that the strategic reason that kept the alliance firm was their joint struggle to combat Japanese aggression.³²⁷ Hence Kayaoğlu rather gives credit to the paradigm shift that had occurred among British and American policy makers for finally terminating their extraterritoriality. It might be argued that part of the reason for this was that the anti-imperialistic movements had gained increasing political credence within these two countries. This had in turn made them more understanding towards a universal right for sovereignty on state level.

Yet, it can be argued that Kayaoğlu's claim underestimates the strategic importance that such a gesture of goodwill demonstrated to China. By renouncing their extraterritoriality they ensured that China had regained one of its key aspirations that Chinese leaders had sought after for nearly a century. Thereby this gesture would surely reinforce Chinese morale, and encourage Chinese resistance against the Japanese aggression.

6.1.1 The Abolition of Norwegian Extraterritoriality in China

The German occupation of Norway that had begun on the 9th of April 1940,³²⁸ had thrown Norway unwillingly into the Second World War on the Allies' side. The Norwegian government had fled to London and continued to manage the Norwegian resistance against the Axis powers from there. Hence the Norwegian and the Chinese governments were allied in a war against the Axis aggressors that had seized their territories.

The Japanese decided in April 1942 to forcefully shut down the Norwegian Legation and Consulate-General in Shanghai because they represented the Norwegian government in London. This action ultimately resulted in another Norwegian legation being reopened the same year in China's wartime capital, Chongqing.³²⁹ It was therefore in Chongqing that the two countries agreed to abolish Norwegian extraterritoriality on November 10,

³²⁷ Kayaoğlu, *Legal Imperialism* pp. 185-186

³²⁸ Riste, *Norway's Foreign Relations* p. 154

³²⁹ Arkivportalen. *Generalkonsulatet i Shanghai, Kina* Accessed on: October 24. 2015. Accessible from: <http://www.arkivportalen.no/side/aktor/detaljer?aktorId=no-a1450-0100000508817>

1943.³³⁰ This agreement was in no way a surprise since the one condition that Norway had required before it would abolish its extraterritoriality had been fulfilled earlier that year. Winning the war was also evidently Norway's primary objective and since both Norway and China were on the Allied side any other action would have been rather questionable. The ongoing world war and the fact that the Norwegian diplomatic presence in Shanghai was relocated to Chongqing, are also the most likely reasons for why it took several months after both Britain and the United States had officially agreed to renounce their extraterritoriality, until Norway lived up to its promise to China and abolish its extraterritoriality on November 10, 1943.

³³⁰ Utenriksdepartementet. (The Norwegian Ministry of Foreign Affairs) 1950. *Overenskomster med Fremmede Stater 1940-1945* Oslo: Grøndahl & Søns Boktrykkeri p. 107

Chapter VII

Thesis Conclusion

7. Concluding Remarks

This thesis has examined how the continuance of the extraterritoriality discourse developed as well as how Norway participated in this process. The primary goal of this research has been to understand why Norway abolished its extraterritoriality in China in 1943. I have therefore focused the research on the time period from when Norway attained diplomatic representation in the Chinese capital, Beijing, in 1919 until extraterritoriality was abolished in 1943. This investigation has been structured and divided into three analytical chapters that have chronologically explored this development from different angles.

In the first analytical chapter we looked into how and why the Norwegian diplomats responded negatively to the outcome of the Eight-Power Resolution and argued for keeping extraterritoriality unchanged. We thereby explored which kinds of arguments the diplomats made for keeping the status quo regarding foreign extraterritoriality in China. We have also uncovered how the Norwegian diplomats argued that Chinese jurisdiction was incapable of protecting the foreigners and offer them fair judicial treatment. We have therefore also looked into how and why the Norwegian diplomats attempted to influence governmental colleagues at home to support their views on the continuance of extraterritoriality. The investigation has further shown why the diplomats claimed China to be incapable of handling the responsibilities the abolition of extraterritoriality would bring about. The diplomats' primary arguments were explored. We found that these arguments corresponded to the five necessities that Gerrit Gong argues that Westerners required China to fulfill before abolishing their extraterritoriality. We have also seen how the diplomats argued that the Chinese had only westernized their laws on paper, and

rarely practiced them. Hence we came to the conclusion that the Norwegian diplomats portrayed a worry that all foreigners would suffer under the Chinese jurisdiction if extraterritoriality was removed. It is also likely that the Norwegian diplomats who disagreed with the Eight-Power Resolution's outcome reflect the general view of the foreign population in China. Articles such as the one written by Rodney Gilbert, suggest that the consensus among the foreigners in China was to oppose the resolution. Hence British and American diplomats in China might have written letters of similar content to their colleagues with the same ulterior motives as we have found in the Norwegian letters examined in this research.

In the next chapter we shifted focus and looked into how the Norwegian diplomats reasoned for why they believed it was desirable to make Norway adhere to the Eight-Power Resolution and participate on the Commission on Extraterritoriality. We also saw how their arguments eventually made Norway adhere to the resolution and participate on the commission. We therefore also looked into how this action was consistent with Halvard Leira's concept of Norwegian status seeking. We discovered that Norway's campaign for status likely was an important factor for why it ended up participating on the commission. We saw that it was vital for Norway to show the world that it was among the decision-making nations in spite of not having much influence over the outcome of the commission. Hence Norway's strife for international status was likely an influencing factor for why it joined this rather costly venture. We also saw that the Norwegian diplomats were well aware of the Chinese Nationalists' rise to power. The diplomats tried to make Norway seem as friendly as possible to avoid making the Chinese associate them with imperialism. By taking part in the Commission on Extraterritoriality this would show other nations that the practice of extraterritoriality was an important matter that needed to be addressed. We also briefly looked into the commission's most significant declarations, such as how it urged that the treaty powers needed to subject their citizens to Chinese taxes and regulations.

In the final analytical chapter we discovered that the Norwegian parliament was not interested in addressing the issues surrounding Norwegian use of extraterritoriality in China in 1927. We saw that this was because parliament believed that the political

obscurity in China made the topic futile to discuss. We also investigated how the political landscape in China changed after the Nationalist seized power and how this political change ultimately led to new tariff treaties that returned full tariff autonomy to China. We explored how Norway, just like the other treaty powers, followed the American example and returned tariff autonomy to China. We also looked into how the main reason for why the United States agreed to this was because they considered extraterritoriality a more important privilege to keep. We saw how Norway reacted to Nationalist China's strategy to remove foreign extraterritoriality, which ultimately led to China agreeing to let Norway keep practicing its extraterritoriality until the day the other treaty powers agreed to surrender their rights. Norway then continued to only observe the ongoing talks from the sideline.

This is in many ways the real answer to my research question in spite of the fact that Norway's extraterritoriality continued to have effect for another decade. Nevertheless, we confirmed in the historical epilogue that Norway lived up to the promise it had given China in 1931, since it agreed to abolish its extraterritoriality in China on the 10th of November 1943. This agreement was not a surprise because both Norway and China were parts of the Allies. It would be strange if Norway did not keep its promise to China when both countries were on the same side in the ongoing world war. Another key aspect for why Norway had been hesitant to outright end its extraterritoriality was because it had been afraid to anger Britain. One of the most significant political contexts for Norway during this era, was to have as close political ties to Britain as diplomatically possible. Norway could at worst risk its good standing with Britain by angering them by starting a domino effect by abolishing its extraterritoriality which could potentially require Britain to do the same. Since Britain had invested heavily in China it was also likely to be more hesitant to abolish the judicial rights that legally protected its interests in the country. Hence the answer to this research may be seen as an example of Norway's foreign policy at the time. Since Britain had already abolished its extraterritoriality earlier in 1943, this worry was no longer relevant at the time.

Summing up, the Norwegian participation in the extraterritoriality discourse during the timeframe of this study developed from one position into another. The Norwegian

position shifted from a rather fixed belief that extraterritoriality was a necessity to be kept in China in order to safeguard the lives and wellbeing of the Norwegians living there; into the position where it agreed to relinquish extraterritoriality when all other treaty power states did so as well. This development is mainly consistent with the long lines of Norway's foreign policy during this timeframe. Norway was a state that looked to Britain as its lodestar in regards to its foreign policy. However, at the same time Norway wanted to strengthen international law and order to ensure the lawful protection of small countries from aggressor states. Norway also stressed its neutrality position during the interwar period and wanted to become a state to be reckoned with in international politics. This might be perceived as somewhat of a paradox; Norway wanted to be a self-reliant political actor on the international scene, but at the same time Norway fell in line with the other treaty powers.

Nonetheless, the Norwegian participation on the Commission on Extraterritoriality was an action in coherence with Norway's status seeking project as well as with Norway's belief in the premise that international law should be firm and protective towards the rights and sovereignty of the less powerful nations. The Sino-Norwegian Agreement of 1931 fits into this premise simply by being made, but it also clearly linked to the Norwegian adhere to Britain in foreign matters, as Norway stated that it would not act independently, but wait until the other foreign powers had abolished their extraterritoriality before following suit.

The outbreak of the Second World War shifted Norway from being a neutral state to being an occupied country with an exiled government in league with the Allies. Thus when the United States and Britain ended their extraterritoriality in China, Norway naturally followed their example.

The shift in the international position on extraterritoriality, from seeing it as necessary provision to ensure the basic rights of property and safety for foreigners in China, to recognizing China's full sovereignty over its foreigners in 1943 has been explained by different factors by different historians. The international situation in World War II with China being allied to the United States and Britain, has been put forward as a reason by

among others Westad.³³¹ However, the normative shift pointing to that extraterritoriality “has no place in international law”³³² is the premise that Kayaoğlu stresses. He accentuates that the United States and Britain did not abolish extraterritoriality in China to strengthen China against Japan. He states that the Chinese Nationalists in the 1930s had introduced legal reforms which were recognized by the United States and Britain, and that especially the United States was eager to establish a new world order after the world war that they expected to win. Kayaoğlu shows that after the Second World War the United States has created new forms of extraterritorial jurisdiction which is more in coherence with the open liberal trading systems created by the Allies after the war.³³³

Norway’s position towards the international shift on extraterritoriality was however, not being an active party. The outcome of Aase’s interpellation to the Norwegian parliament in 1927 suggests that the anti-imperialist sentiments were not very prominent among Norway’s political elite at the time. Even though we have seen that Norway did not want to be perceived as an imperialistic state by the Chinese, Norway did in these matters follow the larger foreign powers and the shift towards recognizing China’s right to sovereignty over all people living within its borders, came as part of the international shift towards this position. Actually some of the Norwegian diplomats seem to have been somewhat reluctant to move into the new position, but being political realists they moved with the times and shifted their position to recognize the value of having good Sino-Norwegian relations. This is something the agreement of 1931 would bring about while it also would ensure that Norway awaited its abolishment of extraterritoriality until the larger foreign powers also abolished theirs, and as such Norway toed the line towards international society, especially towards Britain.

Finally, it is important to emphasise that a vital aspect of this research has been to examine one of the smaller treaty powers’ role in this political structure. As earlier mentioned, not much academic work has been written about the abolishment of extraterritoriality seen from a smaller nations’ perspective. Therefore I hope that this

³³¹ Westad, *Restless Empire* pp. 268-269

³³² Kayaoğlu, *Legal Imperialism* p. 185

³³³ *Ibid.* pp. 193-195

outlook has contributed new information that may be useful in future studies for better understanding extraterritoriality as a historical concept.

7.1 Future Research

Throughout this thesis we have gained a general understanding of how the Norwegian diplomats portrayed the practice of extraterritoriality in China. Another interesting narrative for future research would be to go one step further and examine the reasons for why the Norwegian diplomats pictured extraterritoriality the way that they did. This research would require an examination of what the lives of the Norwegian diplomats in China were like. It would also be important to investigate if their negativity towards the Chinese and their administration was justifiable or whether it was blind prejudice against a culture and its systems that they did not comprehend. Another study that could be built upon this research is to look further into the personal and professional lives of the diplomats by for instance writing Nicolai Aall's biography. This focus could also possibly study how Norwegian extraterritoriality was practiced in China by examining cases that were brought up for the Norwegian extraterritorial court in Shanghai. I found several letters concerning such cases when examining the primary sources in the Norwegian National Archives, but I had to discard these sources because they did not relate to the main focus of this thesis.

Another interesting study that could be built upon this research would be a comparative study of the Norwegian role compared to that of the other smaller treaty powers. This research could investigate whether Norway's position differed in any way from what the other treaty powers did concerning their extraterritoriality in China.

English Summary

In this master thesis I have investigated how and why Norway abolished its extraterritoriality in China. Extraterritoriality was a privilege that allowed Norwegians, as well as other foreign citizens in China, to be sentenced by their own national laws instead of the Chinese ones. This privilege was originally established by Great Britain in 1842 and then later extended to other foreign powers throughout the 19th century. This happened mainly because Western nations deemed the Chinese laws to be unjust, brutal and arbitrary and thus incapable of guaranteeing the safety and judicial rights of its foreign population. Hence extraterritoriality was enjoyed by Western citizens for about a century until the mid 1940s.

In this thesis I have examined how and why Norway positioned itself and participated in the abolishment-processes of foreign extraterritoriality in China. I have explored as well as investigated the correspondence between the Norwegian diplomats in China and the Norwegian government. I have through this examined how the correspondence reflects the Norwegian role within this process. I have also made use of several specialist studies that have researched extraterritoriality in China as a historical phenomenon, and thereby attempted to put my Norwegian findings into a greater context. I have also tried to see how the general historical developments in both China and Norway may be understood as contexts for the decisions that were made.

Conclusively I have seen that Norway and China agreed in 1931 that Norway would abolish its extraterritoriality in China when all the other treaty powers did the same. This mutual understanding lasted for over a decade, Norwegian citizens thereby continued to enjoy their extraterritorial privileges while the negotiations between China and the great powers persisted. These negotiations lasted until the Second World War, when Great Britain and the United States agreed to abolish their extraterritoriality in 1943. Norway then followed their example and abolished its extraterritoriality the same year just as earlier promised.

Norsk Sammendrag

I denne masteroppgaven tar jeg for meg hvordan og hvorfor Norge avsluttet sin ekstraterritorialrett i Kina. Ekstraterritorialretten var et privilegium som tillot nordmenn, så vel som andre utenlandske borgere i Kina, retten til å bli dømt etter sitt eget lands lover istedenfor de kinesiske. Denne retten hadde opprinnelig blitt etablert av Storbritannia i 1842 og senere utvidet til andre vestlige land i løpet av det nittende århundret. Dette skjedde i hovedsak fordi de vestlige nasjonene mente at kinesiske lover var urettferdige, brutale og vilkårlige og dermed ute av stand for å kunne garantere sikkerhet og rettferdig behandling av utlendingene. Dermed benyttet vestlige lands borgere seg av denne retten i nærmere hundre år, helt frem til midten av 1940-tallet.

I denne masteroppgaven har jeg undersøkt hvordan Norge stilte seg til, og deltok i, avviklingsprosessene av ekstraterritorialretten. Jeg har gjennomgått og undersøkt korrespondansen mellom de norske diplomatene i Kina og styresmaktene i Norge. Gjennom dette arbeidet har jeg sett hvordan denne korrespondansen reflekterer Norges rolle i denne prosessen. Jeg har også benyttet meg av en rekke tidligere studier som har undersøkt ekstraterritorialretten i Kina som et historisk fenomen, og med dette prøvd å sette mine norske funn inn i en større kontekst. På samme vis har jeg også forsøkt å se hvordan den generelle historiske utviklingen i Kina, så vel som i Norge, har hatt relevans for de beslutninger som ble tatt.

Avslutningsvis så jeg sett at Norge og Kina inngikk en avtale i 1931 der Norge lovet Kina å avvike sin ekstraterritorialrett når alle andre nasjoner med denne rettigheten også gjorde det. Denne bilaterale overenskomsten gjaldt i over ti år, da norske borgere fremdeles kunne benytte seg av ekstraterritorialrettighetene mens forhandlingene fortsatte mellom Kina og stormaktene. Disse forhandlingne varte helt frem til andre verdenskrig, da Storbritannia og USA oppgav sine ekstraterritoriale rettigheter i 1943. Deretter fulgte Norge deres eksempel og oppgav, som avtalt, sine ekstraterritoriale rettigheter samme år.

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Abbreviations:

NCGS = The Norwegian Consulate-General in Shanghai

NLB = The Norwegian Legation in Beijing

NMFA = The Norwegian Ministry of Foreign Affairs

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Appendix

The Eight-Power Resolution

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.

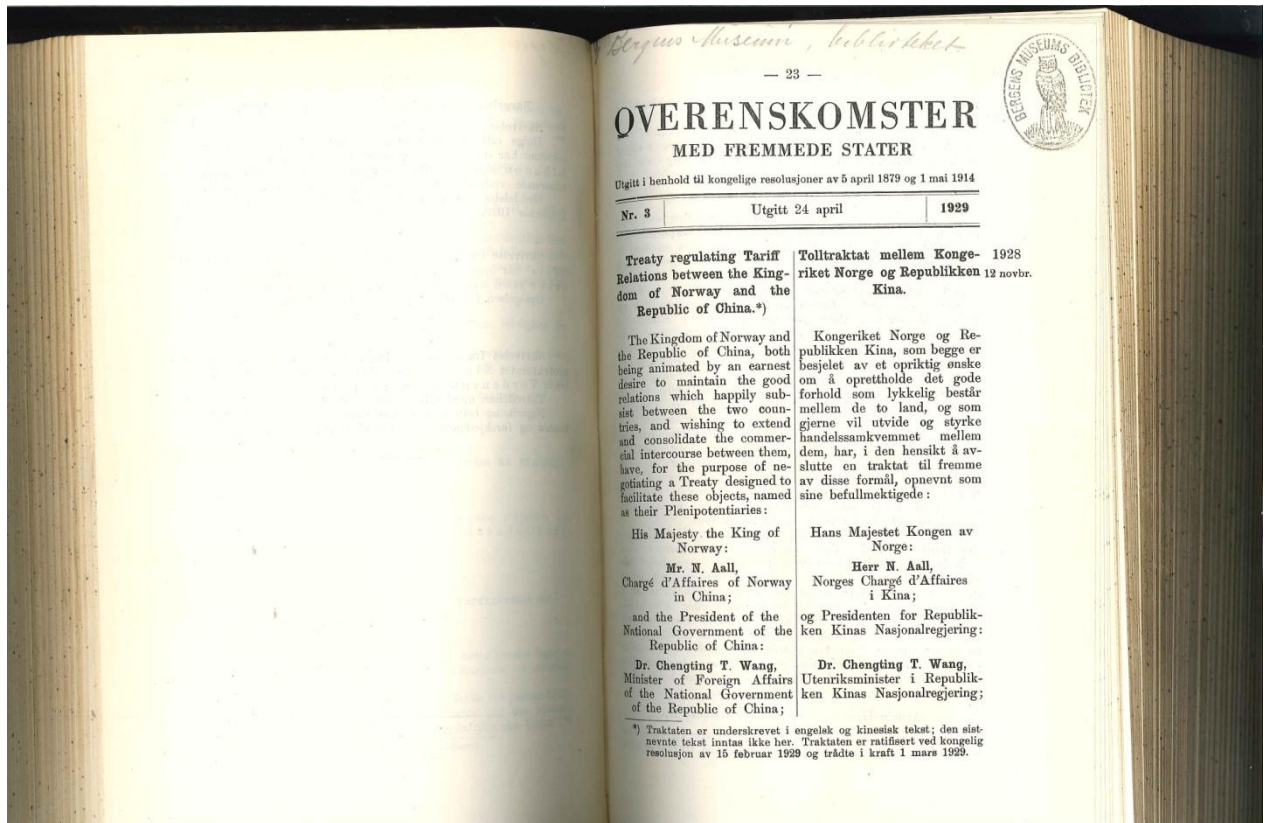
ADDITIONAL RESOLUTION REGARDING PARTICIPATION BY CHINA

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.]

The Sino-Norwegian Tariff Treaty of 1928



1928 who, having met and duly
12 novbr. exchanged their full powers,
which have been found to be
in proper form, have agreed
upon the following Articles:

Article I.

All provisions which appear in the treaties hitherto concluded and in force between Norway and China relating to rates of duty on imports and exports of merchandise, drawbacks, transit dues and tonnage dues in China shall be annulled and become inoperative, and the principle of complete national tariff autonomy shall apply subject, however, to the condition that each of the High Contracting Parties shall enjoy in the territories of the other with respect to the above specified and any related matters treatment in no way discriminatory as compared with the treatment accorded to any other country.

The nationals of neither of the High Contracting Parties shall be compelled under any pretext whatever to pay within the territories of the other Party any duties, internal charges or taxes upon their importations and exportations other or higher than those paid by nationals of the country or by nationals of any other country.

Article II.

The English and Chinese texts of the present Treaty

som, efter å være kommet sammen og behørig ha utvekslet sine fullmakter, som blev funnet å være i riktig form, er blitt enig om følgende artikler:

Artikkel I.

Alle bestemmelser som forekommer i de traktater som hittil er avsluttet og som er i kraft mellom Norge og Kina angående tollsatsar for innførsel eller utførsel av varer, drawbacks, transitavgifter og tonnasjeavgifter i Kina, skal opheves og være uten virkning, og prinsippet om fullstendig nasjonal tollautonomi skal komme til anvendelse, dog på den betingelse at i de ovenfor angitte og i ethvert dermed beslektet forhold, skal enhver av de Høie Kontraherende Parter innen den annen parts områder nyde en behandling som på ingen måte er mindre gunstig enn den som tilståes et hvilket som helst annet land.

Ingen av de to Høie Kontraherende Parters borgere skal under noget som helst påskudd bli tvunget til innen den annen parts områder å betale andre eller høiere tollavgifter, indre avgifter eller skatter av sin innførsel eller utførsel, enn den som betales av landets egne borgere eller av et hvilket som helst annet lands borgere.

Artikkel II.

Den engelske og kinesiske tekst til denne traktat er blitt

have been carefully compared and verified; but in the event of there being a difference of meaning between the two, the sense as expressed in the English text shall be held to prevail.

The present Treaty shall be ratified as soon as possible and shall come into force on the day on which the two Governments shall have notified each other that the ratification has been effected.

In testimony whereof the respective Plenipotentiaries have signed the present Treaty in duplicate in the Chinese and English languages and have affixed thereto their seals.

Done at Shanghai this twelfth day of November, nineteen hundred and twenty-eight, corresponding to the twelfth day of the eleventh month of the seventeenth year of the Republic of China.

(L. S.) N. Aall,
Plenipotentiary and Chargé
d'Affaires of Norway in China.

(L. S.) Chengting T. Wang,
Plenipotentiary and Minister
of Foreign Affairs of the National
Government of the Republic
of China.

omhyggelig sammenlignet og
efterset; men i tilfelle av at
der måtte være en uoverens-
stemmelse mellom de to tek-
ster, skal den mening som er
uttrykt i den engelske tekst
anses som den avgjørende.

Denne traktat skal ratifi-
seres så snart som mulig og
tre i kraft den dag de to re-
gjeringer har meddelt hver-
andre at ratifikasjonen har
funnet sted.

Til bekreftelse herav har
de respektive befullmektigede
underskrevet denne traktat i
to eksemplarer i kinesisk og
engelsk tekst, og har forsyn-
t den med sine segl.

Utførdiget i Shanghai den
tolvte november nitten hundre
og otte og tyve, som svarer
til den tolvte dag av den el-
levte måned av Republikken
Kinas syttende år.

(L. S.) N. Aall,
Befullmektiget og Norges
Chargé d'Affaires i Kina.

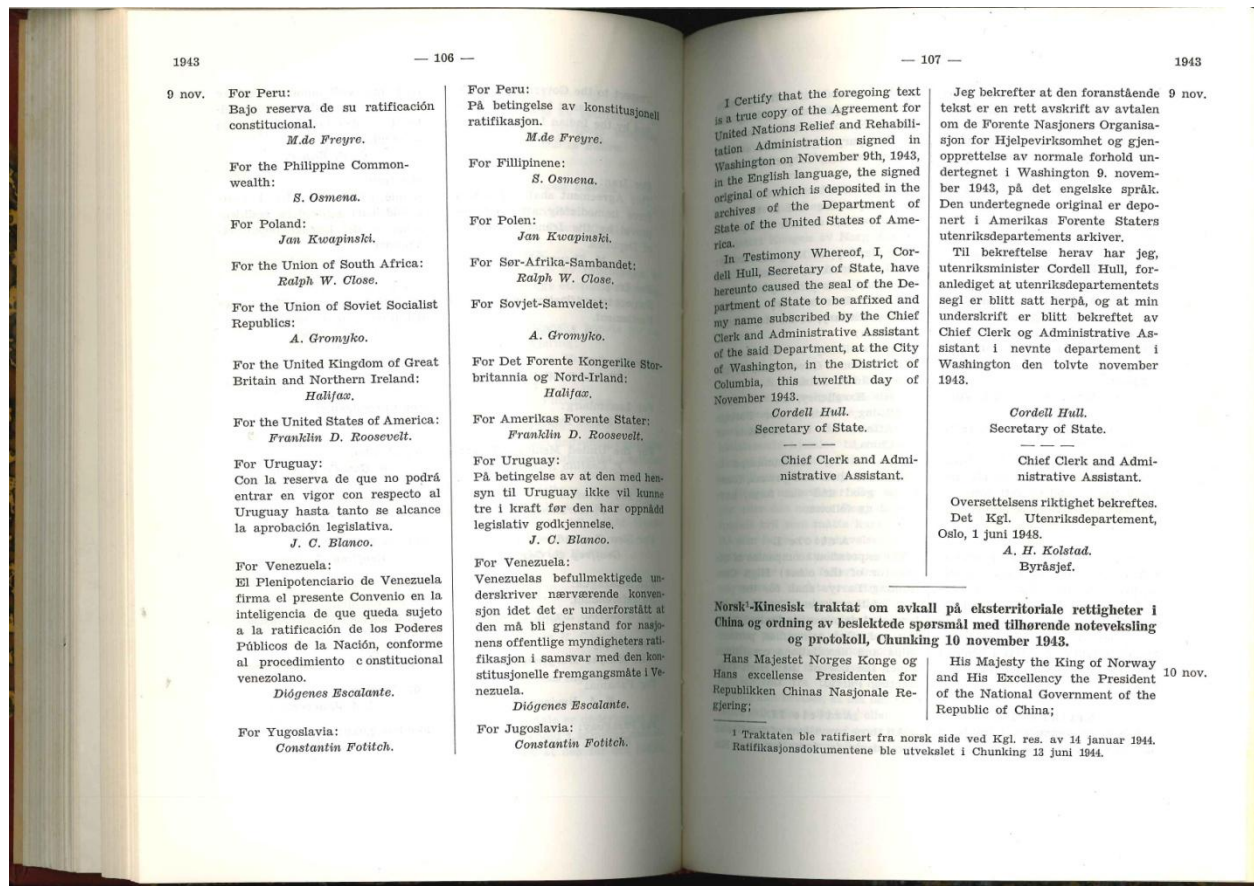
(L. S.) Chengting T. Wang,
Befullmektiget og Utenriks-
minister i Republikken Kinas
Nasjonalregjering.

Översettelsens riktighet be-
kreftes.

Utenriksdepartementet, Oslo
20 mars 1929.

Rolf Andvord,
fung. byråchef.

The Sino-Norwegian Treaty of 1943



1943

9 nov. For Peru:
Bajo reserva de su ratificación constitucional.
M. de Freyre.

For the Philippine Commonwealth:
S. Osmena.

For Poland:
Jan Kwapiński.

For the Union of South Africa:
Ralph W. Close.

For the Union of Soviet Socialist Republics:
A. Gromyko.

For the United Kingdom of Great Britain and Northern Ireland:
Halifax.

For the United States of America:
Franklin D. Roosevelt.

For Uruguay:
Con la reserva de que no podrá entrar en vigor con respecto al Uruguay hasta tanto se alcance la aprobación legislativa.
J. C. Blanco.

For Venezuela:
El Plenipotenciario de Venezuela firma el presente Convenio en la inteligencia de que queda sujeto a la ratificación de los Poderes Públicos de la Nación, conforme al procedimiento constitucional venezolano.
Diógenes Escalante.

For Yugoslavia:
Constantin Fotitch.

— 106 —

For Peru:
På betingelse av konstitusjonell ratifikasjon.
M. de Freyre.

For Filippinene:
S. Osmena.

For Polen:
Jan Kwapiński.

For Sør-Afrika-Sambandet:
Ralph W. Close.

For Sovjet-Samveldet:
A. Gromyko.

For Det Forente Kongerike Storbritannia og Nord-Irland:
Halifax.

For Amerikas Forente Stater:
Franklin D. Roosevelt.

For Uruguay:
På betingelse av at den med hensyn til Uruguay ikke vil kunne tre i kraft for den har oppnådd legislativ godkjenning.
J. C. Blanco.

For Venezuela:
Venezuelas befullmektigede underskriver nærværende konvensjon idet det er underforstått at den må bli gjenstand for nasjonens offentlige myndigheters ratifikasjon i samsvar med den konstitusjonelle fremgangsmåte i Venezuela.
Diógenes Escalante.

For Jugoslavia:
Constantin Fotitch.

— 107 —

1943

I Certify that the foregoing text is a true copy of the Agreement for United Nations Relief and Rehabilitation Administration signed in Washington on November 9th, 1943, in the English language, the signed original of which is deposited in the archives of the Department of State of the United States of America.

In Testimony Whereof, I, Cordell Hull, Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Chief Clerk and Administrative Assistant of the said Department, at the City of Washington, in the District of Columbia, this twelfth day of November 1943.

Cordell Hull.
Secretary of State.

Chief Clerk and Administrative Assistant.

Jeg bekrefter at den foranstående tekst er en rett avskrift av avtalen om de Forente Nasjoners Organisasjon for Hjelpevirksomhet og gjenoppsettelse av normale forhold undertegnet i Washington 9. november 1943, på det engelske språk. Den undertegnede original er deponert i Amerikas Forente Staters utenriksdepartements arkiver.

Til bekreftelse herav har jeg, utenriksminister Cordell Hull, foranlediget at utenriksdepartementets segl er blitt satt herpå, og at min underskrift er blitt bekreftet av Chief Clerk and Administrative Assistant i nevnte departement i Washington den tolvte november 1943.

Cordell Hull.
Secretary of State.

Chief Clerk and Administrative Assistant.

Oversettelsens riktighet bekreftes. Det Kgl. Utenriksdepartement, Oslo, 1 juni 1948.
A. H. Kolstad.
Byråsjef.

Norsk-Kinesisk traktat om avkall på eksteritoriale rettigheter i China og ordning av beslektede spørsmål med tilhørende noteveksling og protokoll, Chungking 10 november 1943.

Hans Majestet Norges Konge og Hans excellense Presidenten for Republikken Chinas Nasjonale Regjering;

His Majesty the King of Norway and His Excellency the President of the National Government of the Republic of China;

10 nov.

¹ Traktaten ble ratifisert fra norsk side ved Kgl. res. av 14 januar 1944. Ratifikasjonsdokumentene ble utvekslet i Chungking 13 juni 1944.

10 nov. idet det er underforstått at ingen rettighet eller hjemmel skal gjøres ugyldig i medhold av noensomhelst påfølgende endring i den opprinnelige fremgangsmåte som den var ervervet gjennom. Det er også enighet om at utøvelsen av disse rettigheter og hjemler skal være underkastet Republikken Chinas lover og forskrifter vedrørende beskatning, nasjonalt forsvar og overhøyhetsrett; og om at ingen slike rettigheter eller hjemler kan avhendes til noen tredje stats regjering eller borgere (innbefattet selskaper) uten uttrykkelig samtykke fra Republikken Chinas Regjering.

(ii) De Høye Kontraherende Parter er også enige om at hvis Republikken Chinas Regjering skulle ønske å ombytte med nye tingsrettslige dokumenter eksisterende kontrakter om evig leie eller annet dokumentarisk bevismateriale vedrørende fast eiendom som tilhører Hans Majestet Kongen av Norges undersåtter eller selskaper eller den norske Regjering, så skal ombyttingen foretas av de kinesiske myndigheter uten noen slags omkostninger og de nye dokumenter skal fullt ut beskytte eierne av slike kontrakter eller annet dokumentarisk bevismateriale, og deres lovlige arvinger og de som utleder sin rett fra disse eierne, uten at det gjøres noe skår i deres tidligere rettigheter og interesser, innbefattet avhendelsesretten.

(iii) De Høye Kontraherende Parter er videre enige om at Hans Majestet Kongen av Norges under-

virtue of any subsequent change in the original procedure through which it was acquired. It is also agreed that the exercise of these rights or 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 no such rights or titles may 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.

(ii) The High Contracting Parties also agree that if it should be the desire of the Government of the Republic of China to replace by new deeds of ownership existing leases in perpetuity or other documentary evidence relating to real property held by nationals or companies of His Majesty the King of Norway or by the Norwegian Government, the replacement shall be made by the Chinese authorities without charges of any sort and the new deeds of ownership shall fully protect the holders of such leases or other documentary evidence, and their legal heirs and assigns without diminution of their prior rights and interests, including the right of alienation.

(iii) The High Contracting Parties agree further that nationals or companies of His Majesty the King

såtter eller selskaper, eller den norske Regjering, ikke skal få seg forelagt krav eller anmodninger fra de kinesiske myndigheter om å foreta noen betalinger av gebyrer i forbindelse med overføringer av grunneidom i løpet av eller i tilknytning til noe tidsrom forut for ikrafttredelsen av denne traktat.

Artikkel IV.

Da hans Majestet Norges Konge lenge har tilstått borgere av Republikken China rettigheter, innenfor Norges område, til å reise, oppholde seg og drive handel innenfor hele dette områdes utstrekning, tilstår Republikken Chinas Regjering lignende rettigheter til Hans Majestet Kongen av Norges undersåtter innenfor Republikken Chinas område. Hver Høy Kontraherende Part vil innenfor sitt område søke å tilstå den annen Høye Kontraherende Parts borgere og selskaper, med hensyn til alle rettslige skritt og i saker som berører rettsåndhevelsen, skatteinnskravningen og krav i forbindelse dermed, en behandling som ikke er mindre gunstig enn den som tilstås hans egne borgere og selskaper.

Artikkel V.

Den ene Høye Kontraherende Parts konsulære tjenestemenn, som er behørig utstyrt med exequaturer, skal ha tillatelse til å oppholde seg i slike havner, steder og byer på den andre Høye Kontraherende Parts område som det måtte bli enighet om. Den ene Høye Kontra-

of Norway or the Norwegian Government shall not be required or asked by the Chinese authorities to make any payments of fees in connection with land transfers for or with relation to any period prior to the effective date of this Treaty.

Article IV.

His Majesty the King of Norway having long accorded rights to nationals of the Republic of China within the territory of Norway travel, reside and carry on commerce throughout the whole extent of that territory, the Government of the Republic of China agree to accord similar rights to nationals of His Majesty the King of Norway within the territory of the Republic of China. Each High Contracting Party will endeavour to accord in his territory to nationals and companies of the other High Contracting Party in regard to all legal proceedings and in matters relating to the administration of justice, the levying of taxes and requirements in connection therewith treatment not less favourable than that accorded to his own nationals and companies.

Article V.

The consular officers of one High Contracting Party duly provided with exequaturs, shall be permitted to reside in such ports, places and cities of the territory of the other High Contracting Party as may be agreed upon. The consular officers

10 nov. herende Parts konsulære tjenestemenn skal ha rett til innenfor sine distrikter på den andre Høye Kontraherende Parts område å komme sammen med, sette seg i forbindelse med og råde førstnevnte Høye Kontraherende Parts borgere og selskaper, og den ene Høye Kontraherende Parts borgere og selskaper på den andre Høye Kontraherende Parts område skal ha rett til å sette seg i forbindelse til enhver tid med førstnevnte Høye Kontraherende Parts konsulære tjenestemenn. Den ene Høye Kontraherende Parts konsulære tjenestemenn på den andres område skal straks underrettes av vedkommende lokale myndigheter når noen av deres landsmenn er arrestert eller holdt i forvaring i deres konsulære distrikter av de lokale myndigheter. De skal ha rett til å besøke innenfor grensene av sine distrikter enhver av sine landsmenn som sitter arrestert eller som i fengsel venter på å bli stillet for retten. Meldinger fra den ene Høye Kontraherende Parts borgere som er i fengsel på den andre Høye Kontraherende Parts område adressert til førstnevnte Høye Kontraherende Parts konsulære tjenestemenn vil bli sendt til vedkommende konsulære tjenestemenn av de lokale myndigheter. Den ene Høye Kontraherende Parts konsulære tjenestemenn skal på den andre Høye Kontraherende Parts område tilstås de rettigheter, privilegier og immuniteter som konsulære tjenestemenn nyter i henhold til moderne mellomfolklig sedvane.

of one High Contracting Party shall have the right within their districts in the territory of the other High Contracting Party to interview, communicate with and to advise the nationals and companies of the former High Contracting Party, and the nationals and companies of one High Contracting Party within the territory of the other High Contracting Party shall have the right at all times to communicate with the consular officers of the former High Contracting Party. The consular officers of one High Contracting Party in the territory of the other shall be informed immediately by the appropriate local authorities when any of their nationals are arrested or detained in their consular district by the local authorities. They shall have the right to visit within the limits of their districts any of their nationals who are under arrest or awaiting trial in prison. Communications from the nationals of one High Contracting Party in prison in the territory of the other High Contracting Party addressed to the consular officers of the former High Contracting Party will be forwarded to the appropriate consular officers by the local authorities. Consular officers of one High Contracting Party shall be accorded in the territory of the other High Contracting Party the rights, privileges and immunities enjoyed by consular officers under modern international usage.

Artikkel VI.

(1) De Høye Kontraherende Parter vil åpne forhandlinger om avslutning av en omfattende moderne traktat eller traktater om vennskap, handel, skipsfart og konsulære rettigheter etter anmodning av en av dem eller iallfall innen seks måneder etter opphøret av de nåværende fiendtligheter. Den traktat eller de traktater som det således skal forhandles om skal baseres på folkerettens og den internasjonale sedvanes prinsipper slik som de gjenspeiler seg i moderne mellomfolklig fremferd og i de moderne traktater som de Høye Kontraherende Parter har sluttet hver for seg med andre Makter i de senere år.

(2) Hvis det i fremtiden skulle oppstå noen spørsmål som vedrører rettigheter på Republikken Chinas område, tilhørende Hans Majestet Kongen av Norges undersåtter eller selskaper eller den norske Regjering, og hvis disse spørsmål ikke dekkes av nærværende traktat og noteveksling eller av bestemmelsene i eksisterende traktater, konvensjoner eller overenskomster mellom de Høye Kontraherende Parter som ikke er opphevet ved eller ufornlig med nærværende traktat og noteveksling, skal slike spørsmål i påvente av avslutningen av den omfattende traktat eller de traktater som er omhandlet i foregående ledd, drøftes av representanter for de Høye Kontraherende Parter, og avgjøres i samsvar med folkerettens og den moderne internasjonale

8 — Overenskomster med fremmede stater.

Article VI.

(1) The High Contracting Parties will enter into negotiations for the conclusion of a comprehensive modern treaty or treaties of friendship, commerce, navigation and consular rights upon the request of either of them or in any case within six months after the cessation of the present hostilities. The treaty or treaties to be thus negotiated will be based upon the principles of international law and practice as reflected in modern international procedure and in the modern treaties which each of the High Contracting Parties have respectively concluded with other Powers in recent years.

(2) Pending the conclusion of the comprehensive treaty or treaties referred to in the preceding paragraph, if any questions affecting the rights in the territory of the Republic of China of the nationals or companies of His Majesty the King of Norway, or of the Norwegian Government, should arise in future and if these questions are not covered by the present Treaty and Exchange of Notes or by the provisions of the existing treaties, conventions and agreements between the High Contracting Parties which are not abrogated by or inconsistent with the present Treaty and Exchange of Notes, such questions shall be discussed by representatives of the High Contracting Parties and shall be decided in accordance with the generally accepted principles of

10 nov.

10 nov. sedvanes alminnelig anerkjente prinsipper.

Artikkel VII.

Nærværende Traktat skal ratifiseres og ratifikasjonsdokumentene skal utveksles til Chungking snarest mulig. Traktaten skal tre i kraft den dag ratifikasjonene blir utvekslet.

Til vitnesbyrd om dette har ovennevnte befullmektigede undertegnet nærværende traktat og påført den sine segl.

Gjort i Chungking denne 10 dag i den ellefte måned av Republikken Chinas to og tredeve år, som motsvarer den 10 dag av november måned 1944, på norsk, kinesisk og engelsk i to eksemplarer, i det den engelske tekst er autentisk.

(u) Alf Hassel.
(u) Tse Vung Soong.

Noteveksling.

A.

Chungking, 10 november 1943.

Herr Ambassadør,

Under forhandlingene om den traktat som er undertegnet i dag mellom Hans excellense Presidenten for Republikken Chinas Nasjonale Regjering og Hans Majestet Norges Konge, er det blitt drøftet en rekke spørsmål som det er oppnådd enighet om. De avtaler som er truffet

International Law and with modern international practice.

Article VII.

The present Treaty shall be ratified and the instruments of ratification shall be exchanged at Chungking as soon as possible. The Treaty shall come into force on the day of the exchange of ratifications.

In witness whereof the above mentioned Plenipotentiaries have signed the present Treaty and affixed thereto their seals.

Done at Chungking the Tenth day of November, 1943, corresponding to the Tenth day of the Eleventh Month of the Thirty-second year of the Republic of China, in Norwegian, Chinese and English each in duplicate, the English text being authentic.

(s) Alf Hassel.
(s) Tse Vung Soong.

Exchange of Notes.

Note from the Chinese Minister for Foreign Affairs to the Norwegian Ambassador.

Ministry of Foreign Affairs,
Chungking, November 10,
1943.

Sir,

During the negotiations for the Treaty signed to-day between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Norway, a number of questions have been discussed upon which agreement has been reached.

med hensyn til disse punkter er gjengitt i vedlegget til nærværende note; dette vedleg skal ansees som en integrerende del av den traktat som er undertegnet i dag og skal ansees for å tre i kraft fra samme dato som ikrafttredeisen av denne traktat. Jeg ville sette pris på om Deres Excellense ville bekrefte disse avtaler på vegne av den Kongelige Norske Regjering.

Jeg benytter anledningen til å gjenta overfor Deres Excellense forsikringen om min mest utmerkede høyaktelse.

(u) Tse Vung Soong.

Hans Excellense
M. Alf Hassel,
Norsk Ambassadør,
Chungking.

Vedlegg.

1. Idet det vises til traktatens artikkel 2 og 6 (ii), fastslås det at:

a) Hans Majestet Norges Konge gir avkall på alle eksisterende traktatrettigheter med hensyn til traktatavsystemet i China. Hans Excellense Presidenten for Republikken Chinas Nasjonale Regjering og Hans Majestet Norges Konge er gjensidig enige om at den ene Høye Kontraherende Parts handelskip skal ha lov til fritt å komme til havner, steder og farvann på den annen Høye Kontraherende Parts område som er eller måtte bli åpnet for oversjøisk handelsskipsfart og at den behandling som tilstås slike skip i slike havner, på slike

The understandings reached with regard to these points are recorded in the annex to the present Note, which annex shall be considered as an integral part of the Treaty signed to-day and shall be considered as effective upon the date of the entrance into force of that Treaty. I should be glad if your Excellency would confirm these understandings on behalf of the Royal Norwegian Government.

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

(s) Tse Vung Soong.

His Excellency
M. Alf Hassel,
Norwegian Ambassador,
at Chungking.

Annex.

1. With reference to Article 2 and Article 6 (ii) of the Treaty, it is understood that:

(a) His Majesty the King of Norway relinquishes all existing treaty rights relating to the system of treaty ports in China. His Excellency the President of the National Government of the Republic of China and His Majesty the King of Norway mutually agree that the merchant vessels of one High Contracting Party shall be permitted freely to come to ports, places and waters in the territory of the other High Contracting Party which are or may be opened to overseas merchant shipping and that the treat-

10 nov. steder og i slike farvann skal ikke bli mindre gunstig enn den som tilstås egne skip og skal være like gunstig som den som tilstås skip fra noe tredje land. Uttrykket en Høy Kontraherende Parts «skip» betyr alle skip som er registrert etter denne Høye Kontraherende Parts lov.

b) Hans Majestet Norges Konge gir avtall på alle eksisterende rettigheter med hensyn til bruk av fremmede løser i havner på Republikken Chinas område.

c) Hans Majestet Norges Konge gir avtall på alle eksisterende traktatsrettigheter vedrørende hans krigsskips adgang til Republikken Chinas farvann; og Republikken Chinas Regjering og den norske Regjering skal vise hverandre i forbindelse med besøk av den ene Høye Kontraherende Parts krigsskip i den annen Høye Kontraherende Parts havner gjensidig hoflighet i samsvar med alminnelig internasjonal sedvane.

d) De hans Majestet Kongen av Norges domstoler som hittil har fungert på Republikken Chinas område er blitt stengt i samsvar med artikkel II i den traktat som er blitt undertegnet i dag, skal beslutninger, kjennelser, dommer og andre avgjørelser av noen av de norske domstoler i China bli betraktet som *res judicata*, og skal når det måtte være nødvendig bli eksekvert av de kinesiske myndigheter; videre skal hvilkensomhelst saker som ver- serer for noen av de norske dom-

ment accorded to such vessels in such ports, places and waters shall be no less favourable than that accorded to national vessels and shall be as favourable as that accorded to vessels of any third country. The term «vessels» of a High Contracting Party means all vessels registered under the law of that High Contracting Party.

(b) His Majesty the King of Norway relinquishes all existing rights with regard to the employment of foreign pilots in the ports of the territory of the Republic of China.

(c) His Majesty the King of Norway relinquishes all existing treaty rights relating to the entry of His naval vessels into the waters of the Republic of China; and the Government of the Republic of China and the Norwegian Government shall extend to each other in connection with the visits of warships of one High Contracting Party to the ports of the other High Contracting Party mutual courtesy in accordance with ordinary international usage.

(d) The courts of His Majesty the King of Norway which have hitherto been sitting in the territory of the Republic of China having been closed down in accordance with Article 2 of the Treaty signed this day, the orders, decrees, judgments and other acts of any of the Norwegian courts in China shall be considered as *res judicata* and shall when necessary be enforced by the Chinese authorities, further, any cases pending before any of the Norwegian courts in China at the time of the coming

stoler i China på det tidspunkt da traktaten trer i kraft, hvis saksekeren eller klageren ønsker det, bli overgitt til Regjeringen for Republikken Chinas rette domstoler, som skal gå i gang med å avgjøre dem så hurtig som mulig og som idet de gjør dette skal så langt det er gjørlig, anvende den rett som den norske domstol ville ha anvendt.

e) Hans Majestet Norges Konge gir avkall på de særskilte rettigheter som har vært tilstått hans skip med hensyn til kystfart og innenlandsfart i Republikken Chinas farvann og Republikken Chinas Regjering er rede til å overtta hvilkensomhelst eiendommer tilhørende norske borgere eller selskaper som har vært brukt i forbindelse med disse foretagender og som eierne måtte ønske å skille seg av med, og til å betale passende erstatning for det. Skulle en Høy Kontraherende Part på noen av sine områder tilstå noe tredje lands skip rett til kystfart og innenlandsfart, vil slike rettigheter likeledes bli tilstått den annen Høye Kontraherende Parts skip forutsatt at sistnevnte Høye Kontraherende Part tillater førstnevnte Høye Kontraherende Parts skip å delta i kystfart og innenlandsfart på sine områder. Kystfart og innenlandsfart er unntatt fra kravene om nasjonal behandling og skal reguleres i samsvar med hver Høye Kontraherende Parts lover vedrørende disse farter. Det er dog enighet om at med hensyn til kystfart og innenlandsfart skal hvilkensomhelst Høy Kontra-

into force of the Treaty shall, if the 10 nov. plaintiff or petitioner so desires, be remitted to the appropriate courts of the Government of the Republic of China, which shall proceed to dispose of them as expeditiously as possible and in so doing shall, as far as practicable, apply the law which the Norwegian court would have applied.

(e) His Majesty the King of Norway relinquishes the special rights which His vessels have been accorded with regard to coasting trade and inland navigation in the waters of the Republic of China, and the Government of the Republic of China are prepared to take over any properties of Norwegian Nationals or companies which have been used for the purposes of these trades and which the owners may wish to dispose of and to pay adequate compensation therefor. Should one High Contracting Party accord in his territory the right of coasting trade or inland navigation to vessels of any third country, such rights would similarly be accorded to the vessels of the other High Contracting Party provided that the latter High Contracting Party permits vessels of the former High Contracting Party to engage in the coasting trade or inland navigation of his territory. Coasting trade and inland navigation are excepted from the requirement of national treatment and are to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the ves-

10 nov. herende Parts skip nyte en likeså gunstig behandling innfor den annen Høye Kontraherende Parts område som den som tilstås noe tredje lands skip under forutsetning av ovennevnte forbehold.

f) Hans Majestet Norges Konge gir avkall på sine spesielle rettigheter, om noen sådanne eksisterer, i det diplomatiske kvarter i Peiping og de internasjonale Settlements i Shanghai og Amoy.

2. Idet det vises til siste setning i traktatens artikkel III (1), erklærer Republikken Chinas Regjering at den innskrenker i retten til å avhende eksisterende rettigheter og hjemler til fast eiendom som er omhandlet i nevnte artikkel vil bli anvendt av de kinesiske myndigheter på en rettfærdig måte og at hvis og når den kinesiske Regjering nekter å gi sitt samtykke til en foreslått overdragelse, vil den kinesiske Regjering, i et rettfærdig sinnelag og i den hensikt å avverge tap for Hans Majestet Kongen av Norges undersåtter eller selskaper hvis interesser er berørt, påta seg å overtage de rettigheter og hjemler det er tale om og å betale en rimelig erstatning for dem, såfremt den anmodes om det av den norske borger eller det norske selskap som er blitt nektet tillatelse til å avhende.

3. Det fastslås at opphevelsen av systemet med traktathavner ikke vil berøre eksisterende eiendomsrettigheter, og at hver Høye Kontraherende Parts borgere vil nyte retten til å erverve og besitte fast

sels of either High Contracting Party shall enjoy within the territory of the other High Contracting Party with respect to coasting trade and inland navigation treatment as favourable as that accorded to the vessels of any third country subject to the above mentioned proviso.

(f) His Majesty the King of Norway relinquishes His special rights, if any, in the diplomatic quarter at Peiping and the International Settlements at Shanghai and Amoy.

2. With reference to the last sentence of Article 3 (1) of the Treaty, the Government of the Republic of China declare that the restriction on the right of alienation of existing rights and titles to real property referred to in that Article will be applied by the Chinese authorities in an equitable manner and that, if and when the Chinese Government decline to assent to a proposed transfer, the Chinese Government will, in a spirit of Justice and with a view to precluding loss on the part of the nationals or companies of His Majesty the King of Norway whose interests are affected, undertake, if so requested by the Norwegian national or company to whom permission to alienate has been refused, to take over the rights and titles in question and pay adequate compensation therefor.

3. It is understood that the abolition of the system of treaty ports will not effect existing property rights and that the nationals of each High Contracting Party will enjoy the right to acquire and hold real

eiendom over hele den andre Høye Kontraherende Parts område i samsvar med de vilkår og krav som er foreskrevet i denne Høye Kontraherende Parts lover og forskrifter.

4. Det er videre enighet om at spørsmål som måtte berøre Republikken Chinas suverenitet og som ikke omfattes av nærværende traktat eller av de foregående bestemmelser i nærværende note skal drøftes av representantene for Republikken Chinas Regjering, og den norske Regjering og avgjøres i samsvar med folkerettens og moderne internasjonal sedvanes alminnelig anerkjente prinsipper.

B.

Norges Ambassade, Chungking,
10 november 1943.

Herr Utenriksminister,

Jeg har den ære å erkjenne mottagelsen av Deres Excellenses brev av dags dato som lyder slik:

«Under forhandlingene om den traktat som er undertegnet i dag mellom Hans Excellense Presidenten for Republikken Chinas Nasjonale Regjering og Hans Majestet Norges Konge, er det blitt drøftet en rekke spørsmål som det er oppnådd enighet om. De avtaler som er truffet med hensyn til disse punkter er gjengitt i vedlegget til nærværende note; dette vedlegg skal anses som en integrerende del av den

property throughout the territory of the other High Contracting Party in accordance with the conditions and requirements prescribed in the laws and regulations of that High Contracting Party.

4. It is further agreed that questions which may affect the sovereignty of the Republic of China and which are not covered by the present Treaty or by the preceding provisions of the present Note shall be discussed by representatives of the Government of the Republic of China and the Norwegian Government and decided in accordance with the generally accepted principles of international law and modern international practice.

Note from the Norwegian Ambassador to the Chinese Minister for Foreign Affairs.

Royal Norwegian Embassy,
Chungking,

November 10, 1943.

Sir,

I have the honour to acknowledge receipt of Your Excellency's Note of to-day's date reading as follows:

«During the negotiations of the Treaty signed to-day between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Norway, a number of questions have been discussed upon which agreement has been reached. The understandings reached with regard to these points are recorded in the annex to the present Note, which annex shall be considered as an inte-

- 7 jan. 1. The installation and the personnel will be withdrawn from the Island after the cessation of the present hostilities.
2. The Commanding Officer of the American unit will be subordinated to the Commanding Officer of the Norwegian garrison in questions concerning the defence of the Island.
3. Only such exterritorial rights which are prescribed by international law, will be enjoyed by the American personnel.
4. Full compensation will be paid by the American Authorities for any damage due to the installation or the American personnel on Jan Mayen Island.
5. The American personnel will not undertake any hunting or trapping on the Island without having obtained a permit from the Norwegian Ministry of Commerce, according to the rules established by Royal Decree of June 8th, 1930.
- Finally, the Ministry of Foreign Affairs wish to draw the attention of the Embassy to the fact that according to Law concerning Jan Mayen of February 27th, 1930, the Island is a part of the Kingdom of Norway, and Norwegian law is in force on the Island.
- London, 1st November, 1943.

Embassy of the United States of America near the Royal Norwegian Government.

No. 172.
The American Chargé d'Affaires

1. Stasjonen og det amerikanske personell fjernes fra Jan Mayen etter fiendtlighetenes opphør.
2. Stasjonens sjef underlegges den norske garnisonssjef forsåvidt angår forsvar av øya.
3. Den amerikanske besetning nyter kun eksterritorialitetsrett i den utstrekning som følger av folkerettens alminnelige regler.
4. De amerikanske myndigheter betaler full erstatning for skade som måtte forårsakes av anlegget eller av det amerikanske personell på Jan Mayen.
5. Det amerikanske personell vil ikke drive jakt eller fangst på øya uten særskilt tillatelse fra Handelsdepartementet, overensstemmende med forskrifter fastsatt ved kgl. resolusjon av 6 juni 1930.

Utenriksdepartementet ønsker videre å gjøre Ambassaden oppmerksom på at i henhold til lov om Jan Mayen av 27 februar 1930 er øya en del av Kongeriket Norge, og norsk lov gjelder på stedet.

London, 1 november 1943.

De Forente Staters Ambassade hos den Kgl. norske regjering.

Nr. 172.
Den amerikanske chargé d'affaires

presents his compliments to His Excellency the Royal Norwegian Minister for Foreign Affairs and has the honor to refer to the latter's Note of November 1, 1943, giving the Norwegian Government's consent, subject to certain conditions, to the installation by the United States Navy of a high frequency radio direction finder station manned by small staff of American naval personnel at Jan Mayen Island.

Mr. Schoenfeld now desires to inform Mr. Lie that the United States Navy Department has indicated its concurrence in the conditions proposed by the Norwegian Government with respect to the installation and operation of the station in question.

London, January 7, 1944.

7 jan. res har den ære å henvise til Hans Excellence den norske utenriksminister's note av 1 november 1943, som ga den norske regjering's samtykke, på visse betingelser, til De Forente Staters installering på Jan Mayen av en høyfrekvent retningsfinder betjent av amerikansk marinepersonell.

Herr Schoenfeld ønsker nå å underrette Herr Lie om at De Forente Staters Marindepartement har bifalt de betingelser som den norske regjering foreslo m. h. t. installeringen og driften av den omhandlede stasjon.

London, 7 januar 1944.
Oversettelsens riktighet bekreftes.
Det Kgl. Utenriksdepartement.
Oslo 11 oktober 1948.
Egil Winsnes,
fung. byråsjef.

Internasjonal overenskomst om visse ensartede regler angående konossementer, Brussel 25 august 1924.

(«Overenskomster» 1939 s. 1).

Skrivelse fra Utenriksdepartementet.

Ifølge melding fra det belgiske utenriksministerium har Egypt 19 14 jan. november 1943 tiltrådt ovennevnte overenskomst. Ifølge overenskomstens artikkel 14 blir tiltrædelsen virksom fra 19 mai 1944.

Samtidig som han overleverte tiltrædelsesdokumentet i det belgiske utenriksministerium meddelte den egyptiske chargé d'affaires at den egyptiske regjering forbeholdt seg rett til fritt å regulere den nasjonale kystfart ved sin egen lovgivning.