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# Mutually Beneficial Sino-Russian Boundary Treaties in Early Qing Dynasty

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Abstract—At the end of the 17th century and the beginning of the 18th century, China and Russia signed two boundary treaties, the Nerchinsk Boundary Treaty and the Kyakhta Treaty. Through those two treaties, China ceded part of its territory to Russia and opened its borders to trade, while Russia promised to extradite Junggar army deserters in Russia. Finally, China consolidated the dominion of the central government in Qing Dynasty and achieved stability in the northwestern frontier, while Russia obtained a rich commercial profit. Judging from the interests of both parties, the two treaties made between China and Russia in early Qing Dynasty were mutually beneficial to both parties.

Keywords—Nerchinsk Boundary Treaty; Kyakhta Treaty; mutually beneficial treaty; the end of 17th century; the beginning of 18th century

# I. INTRODUCTION

In early Qing Dynasty, China and Russia entered into two boundary treaties, Nerchinsk Boundary Treaty (1689) and Kyakhta Treaty (1727) 1. In Russian, the Nerchinsk Boundary Treaty is called "Sino-Russian Nerchinsk Peace Treaty on the Boundary and Commercial Conditions" in full name. In Chinese, although it is called the Boundary Treaty, its content includes delimitation, trade, fugitive extradition, border management, and the principle of peaceful settlement of border disputes (referring to border wars and bloody conflicts). Therefore, the purpose of the treaty can be seen from the full name in Russian. In Russian, Kyakhta Treaty is called "Sino-Russian Kyakhta Treaty on the Mutual Political and Economic Relationship and Conditions" in full name. The same as Nerchinsk Boundary Treaty, Kyakhta Treaty has a wide range of contents, including delimitation, trade, deserter extradition, border management and peaceful settlement of disputes, in addition to provisions for construction and use of Russian office in Beijing and procedures for official correspondences in the boundary.

For a long time, historians of the two countries have different opinions on the two boundary treaties signed in early Qing Dynasty. Most Chinese scholars hold that the Nerchinsk Boundary Treaty is fair, while few scholars believe that it is no way to be treated as fair because there is content about ceding territory. However, many later generations of scholars of the Soviet Union maintained that Nerchinsk Boundary Treaty was signed by force over two Albazin wars. For Kyakhta Treaty, the Chinese academic circles rarely mention it. Seen from the results of territorial delimitation, the loss of China is huge. Most Russian scholars pay more attention to the provisions about trade in the Treaty. This paper analyzes the benefits of China and Russia from the two treaties in detail based on the specific content of the two treaties, hoping to benefit the discussion on the fairness of the treaty.

### II. THE BOUNDARY TREATIES HAVE A MASS OF COMPLICATED CONTENTS

### A. Nerchinsk Boundary Treaty

From the history of international law, early inter-state treaties were comprehensive treaties. This can be seen by looking at the treaties in European history. Russia, which is in Europe and familiar with international law, brought the form of treaty with wide range of and comprehensive content to China. Of course, this is not only the custom of early international law, but also the usual practice caused by modern wars. In modern times, a state has the right to war and can wage war for promoting its own policies or interests. Hence at that time, the inter-state treaty was based on the premise of peace after war so that the content of the treaty was concentrated on armistice, ceding territory, delimitation, etc. The main content, of course, will be accompanied by other content, such as granting with rights of trade, citizen property and other civil rights. There is no exception for the two boundary treaties signed with Russia in early Qing Dynasty. So, although they were called "boundary treaty," they are actually not the pure boundary treaties with modern significance but having comprehensive and wide range of contents.

<sup>&</sup>lt;sup>1</sup> The Burinsky Boundary Treaty signed in the same year was completely consistent with the delimitation provisions in the Kyakhta Treaty; so the two treaties were only regarded as one boundary treaty.



The main body of Nerchinsk Boundary Treaty totally has six articles<sup>2</sup>. Wherein, there is only one article on the delimitation: Article I: it stipulates the general alignment of the eastern boundary of China-Russia; China shall transfer Nerchinsk to Russia; and the two countries shall take the Ergun River, Gorbitsa and Stanovoy Range as the border; the land, mountains and rivers between the Stanovoy Range and Уда́ shall be left not divided and be discussed after detailed investigation. Article III of the Treaty stipulates that "Afterwards, neither state shall accept any fugitives escaped to the state but get them repatriated by force." This provision is the focus signing purpose of the government of Qing Dynasty, so as to achieve a blow to the Junggar clan fleeing to Russia. Article 5 of the Treaty permits those having passports to go cross the border to communicate with the publics of the counterparty's state and trade in the border place. This Article is precisely one of the articles that Russia paid more attention to and is also the main concerns that decides Russia's willing to sign the boundary treaty with China. Judging from the signing process of the Nerchinsk Boundary Treaty, it was the government of Qing Dynasty that took the initiative to propose delimitation. If not due to the failure from two Albazin wars, Russia would not be willing to restrict its territory to the desolate and cold north of the Xinganling. If Russia was greatly satisfied with the delimitation between Ergun and Xinganling, it would certainly neither ask for setting Heilongjiang as the boundary at the beginning of the negotiations, nor refuse to establish a boundary monument in the same way as China after the signing of the boundary treaty. Therefore, the same as traditional international customs, the only six articles with extensive content in the Nerchinsk Boundary Treaty is the result of the confrontation between the two sides' military strength. It not only satisfies the requirements of the government of Qing Dynasty for delimitation and extradition of fugitives, but also fulfills Russia's requirement for trade in the boundary place.

## B. Kyakhta Treaty

If it is said that Nerchinsk Boundary Treaty is the same as many international peace treaties or boundary treaties in the international relationship history before 19th century and is the result of war so that the treaty contains complicated contents, Kyakhta Treaty is an exception. Kyakhta Treaty is a treaty negotiated between the two states in peace time, but its content is also numerous.

After the signing of the Nerchinsk Boundary Treaty, although China and Russia have had disputes in the process of fulfilling the peace treaty, the two states can basically abide by their respective commitments in accordance with the provisions in the treaty: China has opened up border trade, and both states have also mutually extradited fugitives<sup>3</sup>.

Although there were some minor frictions at the border, as Emperor Yongzheng said, there was no major event between the two countries, which did not directly affect the implementation of the treaty by both parties. This makes China recognize the binding force of international treaties on the state, a dispute settlement method that is beneficial to both parties. Therefore, when there was conflict in the middle of Sino-Russian border again, the government of Qing Dynasty was eager to sign a binding boundary treaty with Russia, such as the previous Nerchinsk Boundary Treaty, in order to fully the resolve the boundary problem with Russia in the eastern and middle sections of the border.

The government of Qing Dynasty cared about delimitation, while Russia values trade; both parties complained but were both not willing to give in, so there had always been no agreement reached<sup>4 5</sup>. The reversal of the relation between the two countries began with the succession of the new emperors of the two countries. In November 1722, Emperor Kangxi died, and Emperor Yongzheng succeeded; in early 1725, Peter I died, and Empress Catherine I ascended the throne. Russia had seen that Emperor Yongzheng would not be an enemy of the neighboring country, Russia, and would not have strict policy to Russia as the Emperor just ascended the throne and was taking measures to prevent rebellion of his royal brothers and in urgent preparation for Junggar war. Therefore, Russia planned to make another boundary negotiation with China soon after the reigning of Emperor Yongzheng in order to strive for more commercial interests. In 1724, the Privy Council of Russia dispatched the business representative Lange and the secretary Glazunov who were still in Seskesk, to jointly solve the boundary and business problems with China, while China sent Prince Heshuolianqin Yunsi to Seskesk to negotiate with the Russian delegates. Consequently, this meeting did not reach any agreement. In 1725, a Russian delegate Vladislavic Court was dispatched to Beijing to congratulate Emperor Yongzheng's succession to the throne and delimitate the border and eliminate all disputes that have occurred so far on the border. Of course, the purpose of the Russian delegate was to restore the free trade between the two countries and "strive to conclude a trade treaty with the Chinese court." To this end, if the China did not agree to negotiate other issues before reaching an agreement on the delimitation, "in a pinch, the arranged plenipotentiary may negotiate with the court" in the principle that "any actually delimitated boundary place shall be maintained still; for any boundary place which had not been delimitated, the arranged plenipotentiary may selectively act as appropriate based on the data on the place sent to him

The three texts (in Latin, language of the Manchus and Russian) of Nerchinsk Boundary Treaty are different from each other, among which the Latin text was stipulated as the official text. The following analysis on the text of the treaty can be referred in the Latin text.

<sup>&</sup>lt;sup>3</sup> [Russian] Н.Бантыш-Каменский. "Collection of China-Russia Diplomatic Documents (1619-1792)", translated by Russian Teaching Research Office of Renmin University of China, Beijing: The Commercial Press, 1982, p.153.

<sup>&</sup>lt;sup>4</sup> Ming and Qing Dynasties Files Division of The Palace Museum. Selected Works of Archives of Sino-Russian Relations in the Qing Dynasty (Vol.1, A), Chung Hwa Book Co., 1981, pp. 421-424, 436; [Russian] H.Бантыш-Каменский. "Collection of China-Russia Diplomatic Documents (1619-1792)", translated by Russian Teaching Research Office of Renmin University of China, Beijing: The Commercial Press, 1982, p.130-133.

<sup>&</sup>lt;sup>5</sup> [Russian] Н.Бантыш-Каменский. "Collection of China-Russia Diplomatic Documents (1619-1792)", translated by Russian Teaching Research Office of Renmin University of China, Beijing: The Commercial Press, 1982, p445-460.



during the period and the materials he collected on the way crossing Siberia and that he ordered the authority of Siberia to prepare for him during the period", but he must act to the best of his loyalty and talent.

During Vladislavic's stay in Beijing, he made 32 rounds of negotiation with Chinese negotiating minister, after which the two-side negotiation was moved to a place along a river in the boundary Burinsky and hold for two months; finally on Aug.31, 1927 (Jul.15 of the fifth year of Yongzheng period), both parties concluded the Burinsky Boundary Treaty <sup>6 7</sup>. This is a treaty only including contents about delimitation, wherein Russia acquired a part of land in Kamika Mongolia that originally belongs to China in Qing Dynasty. Afterwards, the two sides immediately concluded the Kyakhta Treaty which totally included 11 articles. All contents about delimitation as regulated in Burinsky Boundary Treaty were incorporated into Article III of the Kyakhta Treaty. In addition, the Treaty also stipulated that Russia shall not accept cross-border fugitives and the government of Qing Dynasty shall open Kyakhta and Nerchinsk as the boundary place for free trade (Article IV); and Russia was allowed to set up office in Beijing for accommodation of Russian coming to Beijing (Article V). Through Articles IV and V of the Treaty, the Russians "achieved the legalization of the Russian caravans they have been dreaming of for years to expand trade and the Orthodox Church's residing in Beijing". It was just like what Marx evaluated: "when British and Americans have no access to directly contact with the Governors of Guangdong and Guangxi, the Russians have the priority of sending diplomatic envoys to stay at Beijing ".

# III. MUTUALLY BENEFICIAL "BOUNDARY TREATIES": THE GOVERNMENT OF QING DYNASTY PAYS MORE ATTENTION TO EXTRADITION, WHILE RUSSIA PAYS MORE ATTENTION TO TRADE

To the end of the 17th century, in order to ensure the smooth progress of Junggar war and finally achieve a stability in the Northwest Frontier, Emperor Kangxi ceded Nerchinsk and in return, Russia agreed the delimitation proposal and agreed to get any Junggar fugitives escaped to Russia repatriated to China by force; in addition, Russia also acquired the benefit of trade in Nerchinsk which is the most valued economic form and basic national policy in the theory of European mercantilism. Both parties of the Treaty had obtained benefits and paid the price. This is the meaning of "No consideration no contract" in the European and American contract law theory. The consideration of the Nerchinsk Boundary Treaty is China and Russia's respective concessions at the time of signing the contract, namely China gave up part of the territory in exchange for Russia's promise to the extradite deserters; Russia agreed to extradite deserters in exchange for China's promise to allow their people trading at the boundary place and the promise to the extradite deserters

In the second year after signing the Nerchinsk Boundary Treaty (1690), Qing Dynasty began the battle to calm down the Junggar's armed rebellion. This battle lasted for 68 years and penetrated throughout the periods of Kangxi, Yongzheng and Qianlong. Judging from the time span of the war, there is no doubt that Kangxi had a sufficient estimate on the difficulty of the battle to Junggar. In return, it could be surely proved that Kangxi was wise to pursue for the stability of the country as a whole at the cost of sacrificing partial territorial interests before beginning the war.

China, which is individually regarded as the center of the world, was unwilling to give its territory to other countries if it had any alternative <sup>8</sup> <sup>9</sup>. According to the historical documents provided by Russian scholars, when the Russian full-right negotiator Vladislavic negotiated with the Chinese representatives in Beijing, the Chinese representative mentioned that China "had more than 6,000 fugitives in Russia"; hence, "send the fugitives back to China", the Chinese Minister growled and said, "and finally delimitated the boundary; only this issue is solved will we be willing to negotiate other issues such as trade". Such a writing may be somewhat exaggerated, but at least it can be proved that China treated the repatriation of fugitives in Russia and the delimitation of border as the most important prerequisite for the treaty under negotiation. However, the Russian representative insisted on that "they don't want to discuss issues about the boundary before the trade issue is solved". After several twists and turns and getting stuck in stopping in the negotiations, China had no alternative but agree with Vladislavic to redraft a treaty text; after Emperor Yongzheng personally read the text, it was finally decided to change the signing place of both sides to the river side of Burinsky to avoid letting Russia excessive territory and further enraging the aristocrats in Kamika Mongolia.

Only seen from the contracting techniques and means, Chinese negotiation and contracting techniques at that time are naive and immature — they neither knew where the binding force of the treaty came from (namely the validity basis of international law), nor knew how to restrain the other party to comply with the treaty, nor even understood that the legal effect of the treaty needed to be maintained by both parties and even a pure delimitation treaty might become an invalid text. Therefore, in order to seek for the final delimitation, China gave in a large part of the territorial interest, while not only satisfying almost all the requirements of the other party (including the permit of trade and mission), but also not paying core concern to the delimitation for China, because as long as the border was delimitated, Russia

<sup>&</sup>lt;sup>6</sup> Zhou Zuoshao. "Envoys from the Qing Dynasty in the Negotiation of Kyakhta Treaty", Journal of Shandong University (Philosophy and Social Sciences), No. 4, 2000, p. 47.

<sup>&</sup>lt;sup>7</sup> [German] Marx. "Russian Trade with China", compiled and translated by Central Compilation & Translation Bureau: Selected Works of Marx and Engels (Vol. I), Beijing: People's Publishing House, 1995, p. 698.

<sup>&</sup>lt;sup>8</sup> [Russian] Н.Бантыш-Каменский. "Collection of China-Russia Diplomatic Documents (1619-1792)", translated by Russian Teaching Research Office of Renmin University of China, Beijing: The Commercial Press, 1982, p.155.

<sup>&</sup>lt;sup>9</sup> [Russian] Н.Бантыш-Каменский. "Collection of China-Russia Diplomatic Documents (1619-1792)", translated by Russian Teaching Research Office of Renmin University of China, Beijing: The Commercial Press, 1982, p.158-160.



could be required to extradite the deserters who fled to the territory of Russia. For China, it surely meant that it would be somewhat guaranteed to win in the Junggar war if Russia did not accept the deserters. There was no doubt that it was a cost-effective political deal wherein China obtained the stability in the northwest border by losing partial territory. Only from this point of view, Russia's interest that could be sought in this negotiation was obviously more than that in the previous border negotiation.

The signing of the Kyakhta Treaty had played a huge role in promoting Sino-Russian border trade, and the commercial profit that Russia had acquired from it was abundant. In Aug., 1728 (the 6th year of Yongzheng period), the Kyakhta market was opened. Although this was nothing more than actually restoring the border trade between the two countries as stipulated in the Nerchinsk Boundary Treaty; the only difference was that the location of the trade was moved from Kulun and Qiqihar to Kyakhta and Nerchinsk. In terms of the Kyakhta trade, not only Russian businessmen gained generous benefit, but the Russian government also benefited from it. Although the treaty stipulated that no tariffs shall be collected, the "Russian government's tariffs collected in Kyakhta accounted for as much as 20% of the total national tariffs". Therefore, some scholars said that "Russia benefited the most from Kyakhta trade, and probably no trade of Russians can compare with it". Of course, the rulers of the Qing Dynasty in China had seen the purpose of Russia's desire to communicate with China, it from the very beginning; so in the several correspondences given to Russia, what mentioned the most was matter about "mutual trade and harmonious interaction" which was concerned by Russia. In order to achieve this goal, Russia must agree to delimitate with China, no longer invade the Chinese border, and repatriate fugitives. Therefore, Ghan said, "The history of Sino-Russian relation during Peter the Great period was actually Russian's business history in the Far East and the history of impact of Chinese policies on this economic relationship". "From the beginning when Russia first interacted with China, it had made people see what it wanted to get from its interaction with neighbors." The instructions given to Nikolai (more well-known than the instructions given to Bajkhov) were clear: reconciliation is nothing but a means to realize a purpose and this purpose is business". 10 11

Therefore, Kyakhta's mutual market has become a focus of struggle between the two parties. The government of Qing

Dynasty paid attention to requiring Russia return Junggar fugitives in Russia, while Russia only expected to gain commercial interests and always had concealed attitude to the issue of fugitives and sometimes even had behavior of inducing surrender. Therefore, in order to reach the interests of both parties (repatriation of fugitives) as negotiated previously, the government of Qing Dynasty once taken the initiative to close the Kyakhta market for three times in history. The first time was from 1762 to 1768, the second time was from 1779 to 1780, and the third time lasted for the longest time, eight years, from 1785 to 1792. Because the closure of Kyakhta trade might bring large loss to Russia, "the Russian emperor urgently ordered Privy Council to write a letter to foreign secretary of the government of Qing Dynasty and even in a humble voice to beg for restoring the market in Kyakhta". After that, both parties signed the "Kyakhta City Agreement" in 1792. Wherein, the government of Qing Dynasty agreed to open the market, "Kyakhta trade was initially not beneficial to China; but the Emperor of China loved all people and cannot bear embarrassment of Russian; hence upon request of the government of Sanat, it was allowed to open the market; if both parties lost the harmonious status again, it would be not possible to open the market". In terms of the early Sino-Russian mutual trade in Kyakhta, one party was for obtaining, while the other party treated it as a bargaining chip to the party, which indeed provided a means "for both parties to regulate their relations and settle disputes in a peaceful way". Therefore, its positive role cannot be underestimated. 14 15 16

### IV. CONCLUSION

When making comment on the decision of the rulers in early Qing Dynasty made on signing boundary treaty with Russia, what should be taken into consideration is that what they concerned at that time was just the fate of the dynasty, seizing the power and stabilizing the political situation. They should not be required to put in the shoe of today's thinking. When seeing the change in Chinese boundaries from this history level of China, it is even not reasonable to require the rulers in the period, during which the theory territorial sovereignty was not that perfect, to not treat the national territory as their private property and even cede partial territory to exchange for necessary benefits if necessary. Therefore, it is more appropriate way to exchanging for their political benefits by using the property that they thought they possessed. This is the application of "empathy" as pointed out by an American historian Kevin. It is also the "intertemporal" as stated in the "intertemporal law" of international law. It can be said that their action is inappropriate rather than wrong. With respect to the signing of the two treaties, "The government of Qing Dynasty was always dominated by Russian colonials", and "China

<sup>&</sup>quot;In the eight months of 1746, the value of Chinese goods exchanged by Russian merchants reached 177,106 roubles, while the official caravans in the two years (1745-1746) sold only 100,000 roubles in Beijing". [Soviet Union] Sladkovsky. "The History of Trade and Economic Relations between the Russian Peoples and China" (Russian Edition), p. 149; quoted from Li Zhixue. "Comment on China-Russia Kyakhta Trade. Jinan Journal (Philosophy Social Science Edition), No. 2, 1992, p.118.

Lian Juan. "Jin Merchants and Sino-Russian Kyakhta Trade", Russian Central Asian & East European Market, No. 12, 2007, p. 27.

 $<sup>^{12}</sup>$   $\,$  [Soviet Union] Kabanov. translated by Jiang Yanzuo. "The Issue of Heilongjiang", Heilongjiang People's Publishing House, 1983, p. 69.

<sup>[</sup>French] Gaston Gahn. translated by Jiang Zaihua and Zheng Yongtai, "The History of Russia-China Relations during the period of Peter the Great (1689-1730)", The Commercial Press, 1980, p. 6-7.

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Article I of the "Kyakhta City Agreement".

Sun Shouchun. "The Historical Status and Role of Early Kyakhta Trade", Journal of Liaoning Normal University (Social Science Edition), Vol. 26, No. 3, 2003, p.107.



suffered a lot in aspect of delimitation." This is a comment on the gain and loss of the sovereignty of a country from the perspective of modern people, hence the conclusion that China "has much loss in national interests". Indeed, Emperor Kangxi once said, "I thought that Nerchinsk, Albazin, the upstream and downstream of Heilongjiang River, and the river and creek crossing this River, all belong to me, and can not be ceded to Russia" . Giving in the boundary place in confronting with issue of whether to guard the authority of the throne or give in boundary place was a decision that they had to make. Therefore, thirty years later, the two parties resigned the Kyakhta Treaty. Of course, in terms of territory loss, Kyakhta Treaty is more than Nerchinsk Boundary Treaty; but when a frontier rebellion war had lasted for almost 30 years and had not been ended, using own territory to exchange for guaranteeing victory in future war was the choice the Emperor Yongzheng would inevitable to select in order to inherit his father's strategic thinking. 17 18 19

Under the guidance of such policy thinking, China must first solve the boundary issues. However Russians could not understand this thinking. In their opinion, commercial trade was important, and commercial interests were supreme. Perhaps this was the true reason why Russians would like to come to Asia from Europe far away from China after going across the Ural Mountain. Their aim was to meet their continuous demand for expansion and compensate for their lack of land by seizing Asian's land, special products and treasures. Thereby, the two countries had their respective beneficial demands in the exchanges, and the contradictions were prominent and the struggle was constant. At that time, the emperors of both countries had just arrived in the throne; they all wanted to have a peaceful external environment and pay their attention to coping with domestic situations. Therefore, both parties launched a strong diplomatic offensive.

It was precisely because both parties respected the principle of freedom of contract, in the opinion of most Chinese historians, Nerchinsk Boundary Treaty was an equal treaty reached by both parties over peaceful negotiations, although China finally lost a large amount of territories by several concessions. After returning to Russia, the Russian negotiating envoy Golovin was awarded the title of nobleman and was appointed as the governor of Siberia. From this point of view, the delimitation treaty between the two countries seems to be beneficial to Russia in the eyes of Peter the Great at that time. Therefore, Russian scholars believed that the conclusion of Nerchinsk Boundary Treaty was "a major victory for Russia. By the Treaty, Eastern Siberia was determined as belonging to Russia; it was a formal agreement reached with the government of China in Beijing, which was extremely beneficial to Russia." II.T.

 $^{17}\,\,$  Refers to the two emperors Kangxi and Yongzheng who are responsible for the two boundary treaties.

Yakovleva also commented that Nerchinsk Boundary Treaty has a mutually beneficial nature. B.Γ. Shebinkov believed that from the perspective of international law, Nerchinsk Boundary Treaty was signed on the basis of equality. This viewpoint is undoubtedly in line with the historical facts, and the Nerchinsk Boundary Treaty concocted by Russian scholars was reached under the force of Chinese army and thus was unequal. This view is not true. As far as Chinese scholars are concerned, apart from the Nerchinsk Boundary Treaty, other treaties between China and Russia are unequal. This view is also inaccurate. For the two empires, one party is committed to gaining commercial interests, and the other party values the security in the frontier. Russians came to Asia from the far Europe and had always been trying the best to expand its boundary scope. Thereby at that time, Russia did not regard any region as the boundary to be fixed at by the Empire, and its major task is to seize the interests of neighbors to meet the demands of the Empire; meanwhile, the army of Qing Dynasty just occupied the territory for not a long time; what the ruler is eager to do was to fully eliminate invasion in the frontier. Among the invasions, the invasion in the north and northwest of China were most serious. Therefore, one party proposed to delimitate and one party proposed to open access to mutual trade. Each party had respective requirements and advantages. No party can get other party surrendered. So, it is reasonable and inevitable to reach an agreement in line with the international law; but perhaps the price that Qing Dynasty paid was over much in view of modern Chinese.  $^{2021}$ 

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