

LECTURE ON THE OPIUM WARS IN CHINA AND THE UNEQUAL TREATIES¹

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1.- INTRODUCTION.

Firstly, I would like to thank my dear friend, Professor Giuseppe Bellantuono, for the kind invitation to give this lecture at the prestigious *Facoltà di Giurisprudenza di Trento*, where I had the pleasure, years ago, of giving two lectures, one on the law of multilateral trade and the other on the practice of international law. I have chosen today to speak in Italian, in tribute to the memory of my mother, Sabella Maria Verginia, who was born in Campobasso, in Molise.

Today's lecture is on the topic covered in my book, *The Opium Wars in China and the Unequal Treaties*³, published in Brazil in 2021 by *Observador Legal Editora*. The book, for which I was indicated for the prize of Intellectual of the Year in Brazil, was the result of 15 years of intermittent labours, whilst working full

¹ Basic text of the lecture given at *Facoltà di Giurisprudenza di Trento*, Italy, on 11 October 2022. This text has no footnotes, which can be found in the book mentioned in 3 *infra*.

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³ Goyos Jr., Durval de Noronha, *As Guerras do Ópio na China e os Tratados Desiguais*, Observador Legal Editora, São Paulo, 2021.

time as an international lawyer. I took advantage of my frequent visits to my 3 offices in China and the many lectures I gave in India, to collect part of the material on which the book is based.

Before, however, finalizing the work, I gave a *lectio magistralis* on the subject to the post-graduate programs of the *Pontifícia Universidade Católica de São Paulo*. Notwithstanding that this is something of an arid area for a non-specialist audience, it is of fundamental importance, indispensable in fact, to understand the ethos of capitalism. The topic also sheds light on the evolution of international relations from the 18th century to the present day and also the formation of the respective governing treaties.

It was through the so-called Opium Wars, in China, that the processes of the radical internal destabilisation of a country, instigated by one or more foreign powers, were for the first time put into practice categorically and with brutality. We saw the institutional use of religion with the purpose of destroying the moral fibre of a nation, in a manner similar to what had occurred in the Americas 300 years before.

It was also through the Opium Wars and subsequent conflicts that we see the initiation of the imposition of draconian economic and commercial treaties, not just by one country, but by a nucleus of various powers, for the general, but unequal, benefit of the oppressors and to the absolute detriment of the target States. Many of the international organizations and multilateral organisms existing today have such a profile, including, but not exclusively, the World Trade Organization (WTO).

For the purposes of this lecture, by virtue of the necessity to condense the analysis of the matter, I decided to concentrate on

only some of the topics covered in my book. Hence my presentation is set out in the following form:

- i.- This introduction;
- ii.- The origins of opium and its uses;
- iii.- The arrival of the Portuguese in China in 1513;
- iv.- The arrival of the English in the Celestial Empire in 1637;
- v.- The First Opium War (1839-1842) and its Treaties;
- vi.- The Second Opium War (1856-1860), subsequent conflicts and their Treaties; and
- vii.- Conclusions: the poisonous fruits of imperialism.

2.- THE ORIGINS OF OPIUM AND ITS USES.

Opium is a narcotic substance prepared from the juice of a poppy, the plant *papaver sonniferum*, which is smoked or eaten for its narcotic and intoxicating effects. Its most relevant use over time however is medicinal, as *laudanum* or with its derivatives, as a sedative. The cultivation of the poppy started some 8,000 years ago, in what today is Syria. It was first introduced into Europe around 5,000 B.C, in the proximities of the region of Lazio, in Italy

In ancient Rome, Pliny the Elder (A.D. 23- 79), in his work *Naturalis Historia*, wrote about the medicinal use of opium, including in the purging of the bowels.

Subsequently, Claudius Galenus (A.D. 129-199) developed a pharmaceutical methodology on the use of opium as an anaesthetic, using the drug to develop a compound for insomnia, which was used by the Emperor Marcus Aurelius (A.D. 121-180).

The Persian physician, Avicenna (A.D. 980-1034) continued the studies of Galenus and developed a vast body of work on pain and its respective treatment, included in which was the use of opiates. However, Galenus already alerted in his studies to the dangers of the use of excessive doses of the drug, including death. Such works greatly influenced medieval European medicine.

The first Chinese medical manual, the *Shennong Bencaojing*, or medical material on herbs, dates back more than 2,000 years and does not mention opium, which appears for the first time in the work compiled by Liu Han, in A.D. 973. The Chinese name for the drug, *tienfan*, is a transliteration of the Arabic *afium*, which leads us believe that it had been introduced into the Celestial Empire by Arab merchants.

In the military campaigns of the Crusades (A.D. 1095 - 1492), the Christian surgeons came into contact with the advanced medicine and *maristans*, the Arab hospitals and, consequently, with the use of opiates as anaesthetics. China had its first school of medicine in the Tang dynasty, in 609 B.C. and, in the Middle East, the precursor was in Baghdad and the first *maristan* was built in Damascus in the X century.

Alchemy had been practiced in China since 144 B.C. In its turn, acupuncture had been used by the Chinese since 300 B.C. More than 2,000 years ago the medical manual *Shennong Bencaojing*, set out 280 therapies for various illnesses, including diabetes and also gynaecological practices and disorders of the mouth, throat and oesophagus. The *Shennong* manual equally discoursed on the use of *cannabis* in the treatment of epilepsy, spasms and pain.

Furthermore, the *Shennong* Manual correctly described the process of blood circulation, a discovery which the Englishman William Harvey tried to claim for himself in the 17th century. Since approximately the year 1111, the Chinese had developed a method to vaccinate against smallpox, as described in the Imperial Medical Encyclopedia. In the 19th century an English doctor tried to take credit for the invention. Frequently the English sought to take credit for Chinese inventions with a view to exalting their supposed *mission civilisatrice*, whilst at the same time undervaluing Chinese advances in the field of knowledge.

Opium was one of the agricultural products, was considered for the purposes of trade statistics as “spices” and had its use restricted for medicinal purposes. Neither Marco Polo (1254 – 1324), nor before him the Franciscan Friar Giovanni da Pian del Carpine O.F.M. (1182 – 1252), specifically mentioned the use of opium in China, in their pioneering work on the country.

Indian records on the trade with Portuguese merchants in the 16th and 17th centuries registered that the principal product on the list of exports was pepper, followed by cinnamon, ginger, precious stones and cotton fibers, paid for in copper. On the other hand, the detailed Portuguese records on trade with the East indicate that pepper accounted for about 75% of exports, followed by nutmeg, cloves, ginger and fine cinnamon.

With the arrival and spread of the Black Death in Europe, between 1346 e 1353, there was a great demand for opium, which proved effective against the symptoms, though not so much against the actual disease itself. In Italy, where the pandemic returned every 10 years, half of the population disappeared as a direct result thereof. It was a graduate of the School of Medicine of the University of Bologna, Paracelsus (1494-1541), who radically transformed the use of the drug, with the invention of the medical preparation called *laudanum*, which enabled it to be standardized.

3.- THE ARRIVAL OF THE PORTUGUESE IN CHINA IN 1513

Western trade with China was carried out, since the late Middle Ages, through Muslim trading posts on the coasts of India via maritime routes. From India, the Chinese merchandise was transported in caravans and by sea to Constantinople. With the defeat of the Byzantine

Empire in 1453, the traditional flow of European trade with the Orient was interrupted. In Asia however the rhythm of exchange remained unaltered.

Favoured by a privileged geographical situation and with an old maritime tradition, since trade with Rome, the Portuguese expanded their mercantile activities to the coast of Africa. They were guided by a search for profits with the support of the Catholic Church. To such end, Portugal developed a naval technology, with fast and light ships, caravels, with diverse naval instruments and with the famous nautical letters called portolans.

In the middle of 1498, the Portuguese admiral, Vasco da Gama, docked in India and quickly established a trading post in Kozhikode. The doctor, Garcia de Orta, in his turn, disembarked in India and soon produced his famous work "*Colóquio dos simples e drogas e coisas medicinais da Índia*", published in Goa in 1553.

At that time, the principal commercial centre for Southeast Asia was Malacca, which controlled the navigation route to the Chinese Empire. Dom Manuel I of Portugal decided to take Malacca by force from the Muslims in 1511, which was done with unusual violence. Immediately a trading post was set up there which started to service Portuguese trade with Asia and also to protect the maritime passages to the South and North.

The first Portuguese seaman to reach China was Captain Jorge Álvares, em 1513, quickly followed by others, having established contacts in the Pearl River Delta

and in Canton. The Portuguese merchants quickly realized that the Chinese had little interest in European products but were eager for products with other origins, including Asian.

In particular, in China there was great interest in silver from Japan, where the Portuguese had arrived in 1543, a presence that was rapidly consolidated with the arrival of Saint Francisco Xavier S.J. in 1549. Shortly thereafter the Portuguese founded the Port and City of Nagasaki, centre of their commercial and religious activity in Japan. Frequently both were combined.

The Chinese ban on trade with Japan did not apply to the Portuguese, who ended up carrying out the greatest part of their trade in Asia itself. Contemporary records indicate that that trade consisted of “metals, wood, food, spices, perfumes, precious stones, ivory and various types of manufactured goods, including fabrics, dyes and Chinese porcelain”.

In that period, since the beginnings of the reign of D. Manuel I (1495-1521), the use and trade of opium, besides other drugs, was controlled by Portugal, which punished the respective violations with rigorous civil and criminal sanctions. The crime was defined by the Manueline Ordinances of 1512, which was then incorporated into the so-called Philippine Ordinances, from 1580, which was in force in Portugal until 1867.

A member of the Dominican Order, Friar Gaspar da Luz O.P., who lived in China in the middle of the 16th

Century wrote, in Portuguese, an important and detailed work on the Oriental Country, in which he covered various aspects of the local culture, including the Government, trade, wealth, culture and social relations. In that book, called “Considerations on things in China” (“*O Tratado das Cousas da China*”), the Dominican friar does not mention, not even once, the traffic or the addiction to the consumption of opium.

It must be noted that the Chinese never had any particular admiration for the Portuguese, considered barbarians by the heirs of the millennial culture of the Oriental Country. In particular, the methods used by the Portuguese in the conquest of Malacca were considered abominable. Notwithstanding, the Chinese never considered the Portuguese as a strategic threat. On the other hand, the trade carried on by the Westerners benefitted a small part of the Chinese population in the region of Canton.

Hence, for more than a century, amongst the European countries, the Portuguese exercised a virtual monopoly not just on trade with China, mas also on trade within Asia carried out by Western Nations. The resulting prosperity for the Portuguese was expressive and stimulated the greed of the bigger European powers, amongst which were England, Holland and France.

After various attempts frustrated by poor navigation, the English pirate Captain John Weddel arrived at the Portuguese trading post of Macau in 1637, in command of

a fleet of 4 ships. He was determined to do business with China even on the basis of “blood and sweat”. It was therefore, in this aggressive tone, that we see the start of the disastrous presence of the English in China.

4.- THE ARRIVAL OF THE ENGLISH IN THE CELESTIAL EMPIRE IN 1637.

At the time of their arrival in China, in the mid 16th Century, the English had as a comparative advantage the development of their Navy, obtained as a result of their principal economic activity: piracy. From a civilizational perspective, England had only just started to possess a language suitable for scientific and literary production.

London only had a network of sewers as of the second Half of the 19th Century, whilst Rome had the *cloaca massima* 2,500 years earlier. Many Chinese cities already had sewers many centuries before the arrival of the Europeans in the country. Chinese writing, which is effected through characters or logograms, symbols that express ideas, started to be used around 1700 B.C.

As a result, we see the start of the development of literature and, with the invention of typography by Bi Sheng, around A.D. 1040, the publication spread of government material, school books and philosophical and poetical works for general public consumption. This invention had been preceded by that of paper in 105 B.C.

By way of comparison, the first dictionary of the English language, written by Samuel Johnson, was published only in 1755.

For around 10 years after their arrival in the Celestial Empire, the English took advantage of the trading posts of Macau, controlled by Portugal, which was a *de facto* client State of England, since the time of the Reconquest, a situation which was recognized *de jure* by the Treaty of Methuen of 1703. England maintained consistent trade deficits with China, given the lack of interest of the Chinese in the purchase of its products.

During that period, bilateral trade indicated a Chinese surplus six times greater, on an *ad valorem* basis. In 1714, the GDP of England, recalculated by the IMF was Only US\$ 10 billion, against US\$ 160 billion for India and US\$ 140 billion for China. Contrary to what is set out in the imperialist propaganda, the Celestial Empire was not in decadence when the Europeans arrived.

The cultural difference between the West, generally, and England, in particular, and China, which is large even today, was enormous in the 17th Century. The Chinese people stood as heirs and trustees of a millennial civilization, with pioneering advances in the sciences, medicine, engineering, architecture, chemistry, arts and literature, long before the West.

The teachings of the philosopher Confucius (551 B.C.-479 B.C.) permeated the cultural *ethos* cultural of the Chinese people and also other Oriental countries.

Confucius prioritized education, personal decency, respect and social harmony social incorporated into the principle of *Li*. According to the Master, the moral is contrary to profit and the merchant is on the lowest rung on the scale of human activities, *shang*, beneath the scholars, the peasants and the artisans. It is because of the teachings of Confucius that there is a low level of litigiousness in China and Japan even today. It can be noted that Confucius taught that “the standard of humanism is the concept of reciprocity”.

There could not be a greater contrast with the English posture, which favoured profit as the greatest value to be obtained, a position arising from the uninterrupted exercise of piracy by the English for some 600 years since the Crusades. It was this worldview of profit that subsequently came to inspire capitalism as an economic doctrine and imperialism as its instrument.

In 1773, the East India Company, a public company which held the monopoly on trade with China, inaugurated the experimental trade of opium to China, contrary to International Law and the internal laws of civilized countries, through systematic smuggling and the corruption of Chinese officials. The company sought profit and achieved it. The growth of smuggling was dizzying. If in 1730 the total quantity of opium imported by China was 200 chests, in 1767 it reached 1000 chests and in 1836, 37 thousand chests.

The English started planting opium in India and, taking advantage of the strengths of their military contingents stationed on the subcontinent, forced the local peasants to abandon the cultivation of food crops to produce the drug. Thus, England created hunger, misery and desperation both in India and China. Opium became the principal commodity of world trade and the balance of trade became dramatically unfavourable to China, leading to an enormous transfer of precious to England.

On the other hand, English foreign policy was formulated taking into account exclusively the economic interests of the privileged classes: the aristocracy, the merchants, the industrialists, the bankers, the military and the clergy. For its conquests, any restrictions of a legal, ethical or moral order were abandoned.

In 1833, the incredible monopoly of the East India Company ended and the English Government appointed William John Napier, a friend of King William IV, to the position of Chief Superintendent of Trade with China. His first statement after the appointment was to the effect that “The Chinese Empire is now mine”. The second was “all the acts of violence that we practiced against the Chinese were productive”.

In 1828, Emperor Dao Guang appointed the Governor of the provinces of Hunan and Hubei, Lin Zexu, as imperial commissioner with the mandate to ban the drug, in light of the firm evidence that the smuggling of opium threatened the very existence of the Chinese nation. Amongst the first

measures adopted by Lin Zexu, in accordance with Chinese law and also based on comparative law, were the seizure and destruction of the opium and the imprisonment of the smugglers and civil servants involved in the corruption to facilitate the smuggling.

The following year, in 1839, commissioner Lin Zexu wrote a famous letter to Queen Victoria, in which he advised that the English were manufacturing, smuggling and selling opium to the simple people of China, in the search for profits and at the cost of damage to Chinese citizens. "Such conduct is repugnant to human feeling", he concluded. The imperialist English brutality, insuperable barbarity, supreme arrogance, unqualified bestiality, their satanic purposes and refined treachery, clashed with the advanced Chinese civilization.

For their part, the English unashamedly blamed the Chinese for consuming opium, the Dutch and the Portuguese for introducing it to China, the Americans for the trafficking of the drug, the Chinese governmental corruption for its dimension, the alleged absence of law, and the local legal regime for its inefficiency in repressing the smuggling. In turn, the Chinese trade deficits were attributed to the bad public administration of the Country.

Such allegations and arguments are egregious and disgraceful falsehoods and historical falsifications, unfortunately still repeated to this day, even in academic circles. In any event, the English reaction to the actions of Commissioner Lin was typical and immediate. The then

English superintendent, Charles Elliot, did all he could to prevent the seizure of the opium by the Chinese authorities and other administrative measures.

In light of a lack of results, Charles Elliot prepared the English land and sea forces under his jurisdiction for war, in defence of the institutionalized and official traffic of drugs, which was the full responsibility of his Government and direct and indirect agents. Additionally, together with the other merchants, pressure was exercised on the English Government for a declaration of war on the Celestial Empire.

Whilst this was not forthcoming, the English navy was tasked with escorting the opium smuggling ships. The resistance offered by the inferior Chinese navy resulted in conflict in 1840, after which China stopped trading with England. As a response, the English Parliament authorized the commencement of hostilities against the Celestial Empire, a fleet being sent from England and another embarking from India.

At that moment, the leader of the opposition in England, William Gladstone, declared in Parliament: "A war more unjust in its origins, a war more calculated in its progress to cover this country with permanent disgrace, I do not know and have not read of.....in the same way I have not read of our flag ever being hoisted to protect a disgraceful traffic of contraband, as is about to happen on the coasts of China".

5.- THE FIRST OPIUM WAR (1839 – 1842) AND ITS TREATIES.

The English military campaign covered the entire East coast of China, from Guangzhou (Canton), in the South, which was heavily bombarded, to the port of Tianjin, in the North of the country. The English actions further submitted the defeated population to pillage, the desecration of sacred places, the destruction and of national symbols, rape, homicides on a wide scale, arson and generalized abuse.

With the arrival of the invading forces at Tianjin, near Beijing, the Chinese Emperor sought a ceasefire and peace negotiations. As a result, an Agreement known as the Convention of Chuenpi was signed on 20 January 1841, by which China undertook to pay an indemnity of 6 million dollars in silver to the invaders as well as the cession of the Island of Hong Kong to England.

Notwithstanding the concessions made, the English traffickers did not accept the terms of the Convention of Chuenpi, in which they were supported by the British Government. Both were, in truth, the same party. At that time, the Chinese people reacted spontaneously against the invasion, which led the Central Government into military attempts to recapture some of the cities taken. Such reaction was unsuccessful.

The English forces prevailed, now reinforced by the navies of the United States of America (USA) and France, as well as mercenary troops originating from India. On 29 August 1842, on board an English warship, the Treaty of Nanjing was signed. A treaty imposed on China by England, that was as draconian and unequal as it was humiliating.

Under the Treaty of Nanjing, China agreed to open to English trade the important ports in the cities of Guangzhou, Xiamen, Fuzhou, Ningbo and Shanghai. Additionally, the Chinese agreed to the cession of the Island of Hong Kong to the British Empire, as well as to pay compensation of approximately US\$ 800 million. There was no formal mention, in the treaty, of the traffic, smuggling and trade of opium, the principal cause of the war. There was no need. The referred activities continued unimpeded.

Under pressure that military action would start again, in October 1843 the Treaty of the Bogue was signed, to include greater privileges to the English consisting of i) concessions of extraterritorial areas in the 5 ports; ii) the docking of war ships at Chinese commercial ports; iii) tariff reduction to a ceiling of 5%; iv) the right to extraterritorial jurisdiction; v) the application of the most favoured nation clause; and vi) the abolition of the intermediation of Chinese merchants.

During the negotiations, the English sought without success the legalization of the traffic of opium, which was refused by the Chinese. The English did not care since they

knew that, from Hong Kong, they could exercise the activity without the interference of the Chinese State. As a convincing demonstration of their *mission civilizatrice*, the first acts of the English in Hong Kong, where previously there was supposedly barbarity, included the construction of various opium warehouses and 24 brothels.

The Treaty of Nanjing was followed by agreements with other Western powers. The first of these, known as the Treaty of Wang-Hea (or Wanglia) was signed in Macau on 3 July 1844 with the USA, then an active junior partner of the English in the traffic and smuggling of opium to China. In the same way, France extracted from China many privileges similar to the English and the Americans through the Treaty of Whampoa of 24 October 1844. That year, which was a true watershed in international relations, marked the start of the devastating history of the extraterritorial application of its own laws by the USA, a practice which has disseminated its power throughout the world.

With the Unequal Treaties, China started to gravely lose, as much its sovereignty as its real Independence in the formulation of internal policies in all its sectors, principally in the fiscal area, which saw a dramatic loss of tax revenue. That moment marked the end of the centuries long history of self-sufficiency of the Chinese economy. The imperialists took advantage of the cheap labour and practised *dumping* of their products and

plundered the national resources of the country, similar to what they had been doing for some time in India

In England, the signature of the Treaty of Nanjing was celebrated in the press as “equally beneficial for the nationals and interests of both England and China”, as published by the Times on 23 November 1842. In his turn the arrogant and cynical Lord Palmerston, couldn't wait to finish, with the perfect ending, the delirious euphoria of the diabolical chauvinistic English paroxysm with the following commentary: “there is no doubt that this eventwill mark a time in the progress of civilization of the human race...” (*sic*).

In those years, the growth of the Chinese population accelerated, which worsened the economic situation of the people, in a general manner. Taxes on the peasants had been increased to pay the war indemnities. We saw the phenomenon of the concentration of income and the loss of small rural properties by the peasants, in favour of the big landowners. There was hunger and social chaos.

In the decade that followed the Treaty of Nanjing there were more than 100 rebellions started by diverse ethnic and social classes, throughout China, against the central power and/or the occupying foreigners. Many of the uprisings against the central power were instigated by American and English evangelical missionaries, the object of which was the destabilization of the central Chinese power.

One of these revolutionary movements was called The Taiping Heavenly Kingdom, led by a populist professor called Hong Xiauquam, educated in the Baptist Church of the USA. The Taiping Heavenly Kingdom waged a military campaign of great importance against the central power. Its motto was “take from the rich to give to the poor”. Such revolutionary action was in the interests of the imperialist powers, given that they weakened the Chinese Government.

There then arose, in the middle of 1856, a wide civil war which, whilst uncoordinated, caused the complete destabilization of the Qing dynasty. Urged on by the imperialist forces, large segments of the Chinese population rose up in open rebellion against the authorities, carried along by misery and growing desperation.

This was followed by generalized disorder, both in the countryside and the towns. Internal tax collection fell further, at the moment the country was resisting the internal incursions of the European invaders. The conflicts resulted in millions of deaths, as well as the vast destruction, which satisfied the imperialists, who sought an even greater destabilization of China. The misery of China and the Chinese people led to the greater prosperity of England and its allies.

6.- THE SECOND OPIUM WAR (1856-1860), SUBSEQUENT CONFLICTS AND THEIR TREATIES.

Taking advantage of the chaos generated, the English recommenced the military campaign against the Qing Government in October 1856, utilizing the fragile pretext of an alleged outrage against the flag of their country. In that incident, the Chinese authorities had imprisoned the crew of an English ship involved in the smuggling of opium. This time, the French and American forces joined up with the English in the renewed aggression. Shortly after, the Russian Empire joined up with them, with the same motivations.

Guangzhou was attacked, taken, looted, burnt and destroyed by the aggressor forces. In a spontaneous manner, the Cantonese people reacted, which led to the withdrawal of the aggressors. However, in September 1857, the aggressors restarted the campaign and confronted the renewed resistance of the Chinese people, which was quickly overcome. The invaders then headed to the Port of Tianjin, in the North of China. Once again, the Central Chinese Government asked for a cease fire for peace negotiations.

This time, the request was not accepted and a force of 16.000 soldiers of the foreign coalition captured the Chinese Imperial Capital, Beijing, in 1860. This military action, transformed into common delinquency, caused a great number of deaths of the civil population, as well as

the thefts, the generalized looting, the criminal arson, including that of the splendid Summer Palace, a non-military objective, and a symbol of the Chinese nation.

The infamous Lord Elgin urged the men under his command to scrape the gold covering from the walls of the Summer Palace, re-starting a practice used in the First Crusade, in the 11th Century, in the Mosque of the Dome of the Rock. The looting, burning and subsequent destruction of the monument, which burned for 3 days, at the hands of the English troops, were conscious and deliberate acts. Many of the artefacts resulting from the pillage were presented to Queen Victoria; thousands of others were auctioned and today can be found in museums all over the world. The profits obtained by the looters were enormous.

In reaction to the incident, the great French writer, Victor Hugo, observed with sarcasm: “this is what civilization did against barbarity”. In relation to the criminal actions of the English occupying forces in the Second Opium War, Friederich Engels observed in an article published by the New York Daily Tribune, the return in an emphatic manner of the “old looting spirit of the pirates, a characteristic which sets the English apart”.

The English to this day seek to justify their heinous crimes, firstly blaming them on the French troops. They further use the argument that the so-called spoils were, at the time, the remuneration of the victorious troops, due to

the inexistence of rules of international law in relation to the matter. Such arguments are totally false.

Already in 1853, the Portuguese legal scholar, António da Rosa Gama Lobo, in his book on international law, stated that “the right of peoples requires that equal respect be given to monuments of art and all those of public use, which have no immediate relation with the war, such as buildings and objects sacred to the culture”. The scholar added: “the General who forgets these maxims will be a reputed enemy of civilization and of humankind”.

As a result of the fall of Beijing, the Treaties of Tianjin were signed, between 13 and 27 June 1858, with England, France, the USA and also with the Russian Empire. These Treaties permitted the opening of new ports to the invaders, including Hanlou, Jiujiang, Nanjing and Zhenjiang, as well as navigation of the internal waterways.

The aggressor powers were authorized to open diplomatic missions in Beijing and indemnified with 6 million *taels* of silver. The trade of opium became fully legalized. The invaders acquired the right to fix the Chinese tariffs (*sic*). The missionaries, auxiliary forces of the invaders, were given the freedom to circulate throughout the country. The Chinese people were prohibited from referring to the invaders as barbarians, despite the fact that the barbarity practiced became planted in the conscience of Humanity.

The Treaty of Aigun, between the Russian Empire and the Celestial Empire, of 28 May 1858, provided for great

territorial concessions from the latter to the former, equivalent to the combined areas of Germany and France and also a river bigger than the Danube. The Treaty of Aigun was signed by the Chinese in haste, due to the recommencement of hostilities on the part of the English.

As a result of the renewed military actions, the English imperialists extorted from the Celestial Empire the draconian Beijing Convention, of 24 October 1860, under which China ceded the peninsula of Kowloon, located in front Hong Kong, to England. The Chinese also agreed to open Tianjing to the English as a commercial port, which facilitated the logistics of the opium trade. Furthermore, the Chinese were forced to increase the war compensation to 8 million *taels* of silver.

From the perspective of International Relations, the misery of the countryside, the unviability of manufacturing and the loss of the capacity to formulate policies of State, transformed the Qing dynasty into a puppet of the Western powers, as well as increasing the vulnerability of China to the new demands of the same and of other external agents, even in the Orient, such as Japan.

In 1884 and 1885, France again attacked China, this time from Vietnam, with an army of approximately 15,000 soldiers, as well as its navy. Peace was reestablished with the Treaty of Tianjin, of 9 June 1885, also unequal, through which China made concessions in the South of the continent, including over Annam and Tonkin.

At the same time as the French attack in the South, the Empire of Japan attacked China in the North, in July 1884. The respective campaign was very brief and resulted in an expressive defeat of the Chinese forces, which hastened to seek peace terms. There was then signed, on 17 April 1895, the Treaty of Shimonoseki, through which China renounced its interests in Korea and ceded to Japan the Island of Taiwan, its territory since time immemorial, and the peninsulas of Liaodong and Penghu.

Under the Treaty of Tianjin of 1887, China ceded Macau to the Kingdom of Portugal in perpetuity. The previous centenarian occupation was maintained only under a precarious title. Furthermore, Portugal benefited from the application of the most favoured nation clause and, together with England, its traders were active in the traffic of Chinese slaves, called *coolies*, for which purpose it maintained some trading posts.

In 1899, a rebellion arose in China against the foreign invaders and occupiers. In the West, the insurgency became known as the Boxer Rebellion. The ideology of the popular revolt had a strong nationalist element but was also in the same form against the Qing dynasty. The action of the evangelical missionaries in China helped to inflate the sentiments against the foreigners. Temples were burnt and the families of missionaries persecuted.

Taking advantage of the popular revolt, China declared war on the foreign powers on 21 June 1900. An international force of 19,000 soldiers was necessary to

confront the insurgents, even though the theatre of operations was limited to the North of the Country. Amongst the foreign ranks was an expeditionary force from the Kingdom of Italy and various units of the Royal Italian Navy. Beijing was once again sacked. Tianjin was devastated. Around 100,000 civilians died as a result of the conflict.

A new Unequal Treaty ending the rebellion was signed on 7 September 1901, known as the Boxer Protocol. The signatories were, on the one side, the Chinese Empire and, on the other, the British Empire, the USA, the Russian Empire, Germany, France, the Kingdom of Italy, Spain, Austria, Holland, Italy and Belgium. In the referred treaty, bankrupt China undertook to pay an indemnification of 450 million *taels* of silver to the victors. The Kingdom of Italy was granted a concession inside the Port City of Tianjin, abolished only in 1943, when it was captured by Japanese troops.

The Russian Empire and the Japanese Empire entered into disagreement over the spoils of the Celestial Empire, leading to the Russo-Japanese war, won by Japan. The Treaty of Portsmouth, signed in 1905, designated Manchuria as an area of Japanese influence in China. It should be noted that at that time China was left to be divided up amongst the foreign powers through the influence of the USA, which wished to exercise its influence throughout the Country.

In any event, at the start of the 20th Century the sad trafficking of opium to China continued, to the misfortune of the Chinese people and the perpetual infamy of those responsible. On 23 January 1912, the International Opium Convention was signed in the Hague, but only registered in the League of Nations in 1922. The Convention was largely exhortatory and ineffective but represented a starting point for perfecting the suppression of the international trade of opium. Successive improvements occurred in 1925, with the Agreement in Respect to the Fabrication Commerce and Use of Opium and subsequent treaties of 1931, 1936, 1946, 1948, 1953, 1961, as well as others more recent.

In 1948, the troops of the Chinese Communist Party (CCP), led by comrade Mao Zedong, defeated the rival troops of *Kuomintang* and entered Beijing. On 1 October 1949 the People's Republic of China was founded on which occasion comrade Mao Zedong declared: "we now enter into the community of peace-loving nations. We will work with courage and industry to create our own civilization and well-being and, at the same time, to promote world peace and freedom".

The creation of the People's Republic of China recovered the dignity of the Chinese people and represented a severe blow to the global colonial regime and the imperialist forces, in the same way as it brought a new dimension to international cooperation. From the legal point of view, a new democratic constitution was

adopted by the People's Republic of China in 1954. It adopted the principle of democratic centralism, inspired *inter alia* on the *LI* of Confucius. This maxim signifies that "the individual is subordinated to the organization, the minority to the majority, the low level to the high level, the local Government to the central Government".

7.- CONCLUSIONS: THE POISONOUS FRUITS OF IMPERIALISM.

In a period of little more than 100 years, at the end of the 18th century and in the 19th century, a genocide without precedent in world history was carried out by the United Kingdom against the populations of India, the country that produced the opium, and China, the country to which the drug was smuggled. As a result of these cruel imperialist policies, some 35 million people died of hunger alone in India, which was the world's biggest economy at the time when British colonial dominion began. Numbers approximate to those in India occurred in China, which exceed the number of victims of the Second World War.

Furthermore, it should be noted that the destabilization caused by the English and their clients in China permitted the Japanese occupation of the country and the consequent continued abuse of the Chinese people, until the end of the Second World War in 1945. The effects of the destabilization then generated persist until

the present day in Taiwan, legitimate and traditional Chinese territory ceded to Japan through the unequal Treaty of Shimonoseki of 1895 and today occupied illegally by Chinese dissidents, with the support of the imperialist powers.

The British Empire adopted the official State policy of the production of opium in India, in its dominions, destined for smuggling to China. Opium became the principal commodity of world trade, which shows the dimensions of the barbarity. The capitalists, the *rentiers*, the aristocracy and the British State all profited. For the Indians and the Chinese all that was left were lethargy, stupor and abulia.

In the spirit of a demonstration of British fair play and their perception of free trade, the English ordered the cutting off of the thumbs of Indian weavers to impede competition with their manufactured textiles. The most favoured nation clause (MFN) that the Western powers demanded from the Chinese, didn't apply to them. The United Kingdom had its preferential imperial tariff, which covered a significant part of the globe. Furthermore, the MFN was the opposite of the Confucian principle of reciprocity.

The precedent established by the United Kingdom of the demonization of the Chinese people; the vilification of its culture, negation of Chinese civilization; and the appropriation of its historical conquests served as a pretext for the abuse of that people, also by other powers. This precedent still continues today to fuel the propaganda

still existing against China and its people, with the objective of the maintenance of the world hegemony of the USA.

Asked what he thought about Western civilization, Mahatma Gandhi, justly considered as the father of the Indian nation, responded that “that would be a good idea” and named English imperialism as the greatest crime against Humanity. He never knew USA imperialism. All in the name of free trade, civilization and even God! In fact, the English justify their actions, even to the present day, by a genuine Christian interest in the wellbeing of their victims and the benefits of free trade.

The denial of the genocide carried out continues to the present day, even in the history books and academia, which settled in the feeling of the English people, interested in reliving the glories of their Empire. This feeling had an important role during the campaign for the plebiscite called Brexit. The responsibility for the bad things, as I have referred previously, was totally attributed to third parties.

Yesterday as today, the promoters of evil argued, based on Adam Smith, that the wealth of nations resulted from the actions of private agents motivated by self-interest. Wide and absolute freedom, including in the traffic of drugs, would be the greatest stimulus to trade. This ideology was implemented through obtuse laws that attended interests, as greedy as they were bizarre.

It was thus that, in the so-called Opium Wars, in China, when and where were created, implemented, or even perfected, diverse practices of foreign policy, legal concepts and commercial rules afterwards applied by the hegemonic powers in a general manner, and by the USA in particular, for the exploitation of the peoples of the world. Amongst these tactics may be identified initially the imperialist cooperation to plunder a developing nation and for aggression against third States.

This rapacious cooperation continues to the present day in alliances such as the North Atlantic Treaty Organization (NATO), in the sector of military cooperation; the Organization for Economic Cooperation and Development (OECD), in the area of investments and various rules; and the World Trade Organization (WTO) itself, in the segment of international exchanges.

In the same manner, the principle of the extraterritorial application of law by the English acquired a truly unique dimension in the case of China. These days, the USA seeks in a consistent form the extraterritorial application of its law, with which it promotes the arbitrary exercise of its own reasons in international relations and thus leads to the result of the deconstruction of international law.

In its turn, the so-called most favoured nation clause, which incorporates the principle of non-discrimination, and came to form one of the cardinal principles of the multilateral regime of commerce, was applied for the first

time in the unequal treaties of the opium wars in China. The English did not apply this clause to themselves, but applied it in one direction, such that the specious trade policy of *open door* signified then as also today, the door that only opens for one side.

Another legal concept introduced by the Opium Wars, market access, became part of the prescription list of the multilateral trade regime. This happened since the General Agreement on Tariffs and Trade (*GATT*), of 1947, and subsequently incorporated into the Uruguay Round Agreements, of 1994, which *inter alia* created the WTO. In the same manner, the pretension to determine for third parties their tariff levels originated in the First and Second Opium Wars, in China.

These days, the OECD spends its time in creating rules to facilitate the exploitation of the poorest countries by the richest countries, formalized as from 1989, in that which became known as the Washington Consensus. The technique of utilizing treaties to dominate the weakest or peripheral countries continues to be used in the present day.

It was also with the Opium Wars, in China, that the processes of the radical internal destabilization of a country through the initiative of one or more foreign powers was first put in practice decisively and with brutality. This combination of actions, amplified by the use of sanctions and economic, commercial and financial

blockades, gave rise to the phenomenon known as “asymmetric warfare” or “hybrid warfare.

The defence of a sovereign nation against attack by a hegemonic power is already difficult and extremely onerous. When the aggressors form an offensive alliance, the situation becomes extremely grave. Such situation led comrade Mao Zedong to observe that “a semi-colonial country dominated by various States is different from a colony dominated by just one power”.

Such practices continue to be used today throughout the world by the USA and its allies, being part of an ever-increasing arsenal of tactics, with the use of religious sects, the unscrupulous rogue press, prostituted non-governmental organizations, institutionalized disinformation, and the unscrupulous deviation from purpose of international organisms.

Furthermore, it was in the lucrative traffic of opium, as junior partner of the British Empire, that awoke in the USA its imperialist vocation. This developed gradually and powerfully through the decades, until displacing the United Kingdom from its position of protagonist in the colonial dominion and greatest economic, military and political power in the world.

Thus, the study of the history of the so-called Opium Wars in China is both opportune and indispensable for the due comprehension of the *ethos* of capitalism and of imperialism as its instrument. In the same way, from the referred examination, we can well understand the

evolution of relations and of the diverse international organisms from the 17th century to the present day

In understanding well the origin and the mellifluous manifestations of capitalism and imperialism, the search will become clear for better ways for the national affirmation of peoples and their effective international collaboration in the search for the common good, peace, collective economic prosperity and the social development of Humanity.