

No. 65

CHINA
and
CUBA

**Treaty of Amity (with Exchange of Notes). Signed at Havana,
on 12 November 1942**

Chinese, Spanish and English official texts communicated by the Director of the Office of the Permanent Chinese Delegation to the United Nations. The filing and recording took place on 21 November 1947.

CHINE
et
CUBA

**Traité d'amitié (avec échange de notes). Signé à La Havane,
le 12 novembre 1942**

Textes officiels chinois, espagnol et anglais communiqués par le Directeur du Bureau de la délégation permanente chinoise auprès de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 21 novembre 1947.

No. 65. TREATY¹ OF AMITY BETWEEN THE REPUBLIC OF CHINA AND THE REPUBLIC OF CUBA. SIGNED AT HAVANA, ON 12 NOVEMBER 1942

The Republic of China and the Republic of Cuba, being equally desirous of further strengthening the friendly relations that so happily exist between the two countries and promoting the mutual interests of their peoples, have decided to conclude a Treaty of Amity, based on the principles of equality and mutual respect of sovereignty, and have, for this purpose, appointed as their Plenipotentiaries:

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

Ti-Tsun Li, Envoy Extraordinary and Minister Plenipotentiary of the Republic of China to Cuba; and

His Excellency the President of the Republic of Cuba:

José Agustín Martínez Viademonte, Minister of State of the Republic of Cuba;

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

Article I

There shall be perpetual peace and everlasting amity between the Republic of China and the Republic of Cuba as well as between their peoples.

Article II

The High Contracting Parties declare their firm determination to work in close and friendly collaboration for the establishment and maintenance of a world peace based on principles of justice and for the promotion of economic prosperity of both peoples.

Article III

The High Contracting Parties shall have the right reciprocally to send their duly accredited diplomatic representatives, who shall enjoy, in the country to

¹ Came into force on 18 December 1943, upon the exchange of the instruments of ratification at Havana, in accordance with Article X.

the Government of which they are accredited, all the rights, privileges, immunities and exemptions generally recognized by public international law.

Article IV

Each of the High Contracting Parties shall have the right to send Consuls-General, Consuls, Vice-Consuls and Consular Agents to the localities within their respective territories which shall be determined by common accord. Such consular officers shall exercise the functions and enjoy the treatment generally recognized by international practice. Prior to their assumption of office, they shall obtain from the Government of the country to which they are sent, exequaturs which are subject to withdrawal by the said Government.

The High Contracting Parties shall not appoint persons engaged in industry or commerce as their consular officers, honorary consuls being excepted.

Article V

The nationals of each of the High Contracting Parties shall be at liberty to enter or leave the territory of the other under the same conditions as the nationals of the other countries.

Article VI

The nationals of each of the High Contracting Parties residing in the territory of the other shall enjoy the full protection of the laws and regulations of the country, as regards their persons and property.

They shall have the right to travel, reside, work and engage in industries and trade in all the localities where the nationals of any other country might do the same, subject, however, to the laws and regulations of the country.

They shall also have the liberty to establish schools for the education of their children, and shall enjoy the liberty of assembly and association, of publication, of worship and religion, of burial and of building cemeteries, in accordance with the laws and regulations of the country.

With regard to this Article, the laws and regulations of each of the High Contracting Parties shall not establish discriminatory provisions against the nationals of the other.

Article VII

Other relations between the two High Contracting Parties shall be based on the principles of international law.

Article VIII

The High Contracting Parties agree to conclude as soon as possible a treaty of Commerce and Navigation.

Article IX

The present Treaty is drawn up in duplicate in the Chinese, Spanish and English languages. In case of any divergence of interpretation, the English text shall be authoritative.

Article X

The present Treaty shall be ratified as soon as possible by the High Contracting Parties in accordance with their respective constitutional requirements, and shall enter into force on the day on which the exchange of ratifications takes place. The instruments of ratification shall be exchanged at Havana.

IN FAITH WHEREOF, the above mentioned Plenipotentiaries have signed the present Treaty and have affixed thereto their seals, at Havana, on this twelfth day of the eleventh month of the thirty-first year of the Republic of China, corresponding to the twelfth day of November, nineteen hundred and forty-two.

For the Government of the Republic of China:

[SEAL] (Signed) TI-TSUN LI
Envoy Extraordinary and Minister Plenipotentiary
of the Republic of China to Cuba

For the Government of the Republic of Cuba:

[SEAL] (Signed) J. A. MARTÍNEZ
Minister of State of the Republic of Cuba

EXCHANGE OF NOTES

I

CHINESE LEGATION

Havana, November 12, 1942

Mr. Minister:

With reference to the Treaty of Amity which we signed today on behalf of our respective Governments, I have the honor to state that it is the understanding of the Chinese Government:

First: That the Cuban Government will enact, as soon as possible, the necessary legislation to carry into effect the stipulations of Article V, and that,

pending the enactment of such legislation, the laws and regulations now governing the matter shall remain in force provisionally, provided that the provisions of such laws and regulations which may be construed as discriminatory against the nationals of the Republic of China shall not be applied to such nationals; and

Second: That this Note and your Excellency's reply thereto in the same sense shall remain effective for a period of three years; that six months before the expiration of the said period, either Party may notify the other of its intention to modify or terminate them; and that in the absence of such notification by either Party, the said Notes shall remain in force until the expiration of six months after notice of termination at any moment by either of the Parties.

I shall be much obliged if your Excellency will be good enough to confirm the foregoing understanding.

I avail myself of the opportunity to renew to your Excellency the assurances of my highest consideration.

(Signed) TI-TSUN LI

His Excellency Doctor José Agustín Martínez Viademonte
Minister of State of the Republic of Cuba
Havana

II

MINISTERIO DE ESTADO

Havana, November 12, 1942

Mr. Minister:

I have the honor to acknowledge the receipt of your Excellency's Note of today's date which reads as follows:

[See Note No. I]

I have the honor to confirm, on behalf of the Cuban Government, that the foregoing understanding is correct.

I avail myself of the opportunity to renew to your Excellency the assurances of my highest consideration.

(Signed) J. A. MARTÍNEZ

His Excellency Doctor Ti-Tsun Li
Envoy Extraordinary and Minister Plenipotentiary of the
Republic of China
Habana