

No. 216

**CHINA
and
FRANCE**

Agreement respecting Sino-Indochinese relations (with Exchange of Notes). Signed at Chungking, on 28 February 1946

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

**CHINE
et
FRANCE**

Accord sur les relations sino-indochinoises (avec échange de notes). Signé à Tchoungking, le 28 février 1946

Textes officiels chinois et français communiqués par le Directeur du bureau de la délégation permanente chinoise auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 5 avril 1948.

TRANSLATION — TRADUCTION

No. 216. AGREEMENT¹ BETWEEN CHINA AND FRANCE
RESPECTING SINO-INDOCHINESE RELATIONS. SIGNED
AT CHUNGKING, ON 28 FEBRUARY 1946

The Chinese Government and the French Government, equally desirous of strengthening their traditional bonds of friendship, and in accordance with the terms of the exchange of notes between China and France of 13 March 1945, of restoring and developing the economic relations between China and Indochina, have resolved to conclude an agreement for this purpose and have appointed as their plenipotentiaries:

The National Government of the Republic of China:

His Excellency Dr. WANG SHIH-CHIEH, Minister of Foreign Affairs of the Republic of China, and

The Provisional Government of the French Republic

His Excellency Mr. Jacques MEYRIER, Ambassador Extraordinary and Plenipotentiary of the French Republic to China,

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

Title I

CONDITIONS OF ESTABLISHMENT

Article I — Chinese nationals shall continue to enjoy the rights, privileges and exemptions which they have traditionally held in Indochina, particularly in relation to entry and exit, taxation, the acquisition and possession of rural and urban real property, commercial bookkeeping, establishment of primary and secondary schools, and occupation in agriculture, fishing, inland and coastal navigation, and any other free occupations.

Article II — With regard to the right to travel, reside, engage in commercial, industrial and mining undertakings, and acquire and hold real property, the

¹ Came into force provisionally on 28 February 1946, as from the date of signature, in accordance with article III, title IV. The instruments of ratification have been exchanged on 8 June 1946.

treatment to be enjoyed by Chinese nationals in Indochina shall be no less favourable than that enjoyed by the nationals of any third most-favoured nation.

Article III — Taxes levied in accordance with article I on Chinese nationals residing in Indochina, and in particular to capitation tax, may not be heavier than those imposed on Indochinese nationals.

Article IV — Chinese nationals in Indochina shall enjoy in regard to legal proceedings and the administration of justice the same treatment as that enjoyed by French nationals.

Title II

INTERNATIONAL TRANSIT

Article I — The French Government shall reserve in the port of Haiphong a special zone, including the warehouses, berths and, if possible, the wharves necessary for the free transit of merchandise on the way from or to China. The Chinese customs authorities shall be responsible for customs supervision in that zone and the French authorities shall be responsible for all other matters, in particular public safety and health.

Article II — Merchandise on the way from or to China's territory, and transported over the railways of Tonkin, shall pass free of duty between the Sino-Indochinese frontier and the zone reserved for Chinese international transit in the port of Haiphong. Such merchandise shall be transported in wagons which shall be sealed at the time of their departure by the Chinese customs authorities.

Article III — Merchandise on the way from or to China, and transported by railway in Indochina, shall be exempt from all transit dues or taxes.

Title III

SINO-INDOCHINESE COMMERCE

Commerce between China and Indochina shall be regulated by a commercial agreement on the basis of the treatment of the most-favoured nation.

Title IV

THE INDOCHINA-YUNNAN RAILWAY

Article I — The agreement between China and France concerning the Indochina-Yunnan Railway, concluded on 29 October 1903, shall be terminated on the date of the signing of the present agreement.

Article II — The property, material and equipment of the section of the Indochina-Yunnan Railway situated in Chinese territory between Kunming and Hokow shall be transferred in their present condition to the Chinese Government by advanced repurchase.

Article III — The French Government shall advance to the Chinese Government the amount of the compensation due for the advanced repurchase, which shall be determined by a joint Chinese-French Commission. No portion of this amount shall be refunded to the French Government except in so far as it may be chargeable to the reparations imposed on the Japanese Government in respect of the claims made by the Chinese Government for compensation for material loss sustained by the Chinese Government and Chinese merchants as a result of the stoppage of the operation of the Indochina-Yunnan Railway and the closing of the port of Haiphong in June 1940 due to Japanese intervention.

The present agreement, drawn up in duplicate in Chinese and French, both texts being equally authentic, shall enter into force provisionally on the date of its signature, pending its ratification which shall be made as soon as possible. The instruments of ratification shall be exchanged at Chungking or at Nanking.

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

DONE at Chungking this twenty-eighth day of the second month of the thirty-fifth year of the Chinese Republic, corresponding to 28 February 1946.

(Signed) WANG SHIH-CHIEH

(Signed) MEYRIER

EXCHANGE OF NOTES

I

Chungking, 28 February 1946

Sir:

With reference to title IV of the agreement between China and France respecting Sino-Indochinese relations signed today, I have the honour, on behalf of the French Government, to make to Your Excellency the following declaration:

The French Government intends to submit at an early date to the Chinese Government a plan for the improvement of the railway communications between China and Indochina. The French Government desires to state in particular that should the Chinese Government, which is the owner of the section of the Indochina-Yunnan Railway situated in Chinese territory between Kunming and Hokow, decide to grant to the French interests a participation in the Chinese company responsible for operating that section, the French Government would, on its part, reserve for the Chinese interests a proportionate participation in the French company responsible for operating the section situated in Indochinese territory between Laokay and Haiphong.

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

(Signed) Jacques MEYRIER

His Excellency Dr. Wang Shih-chieh
Minister of Foreign Affairs
of the Republic of China
Chungking

II

Chungking, 28 February 1948

Sir:

I have the honour to acknowledge the receipt of your note of today's date reading as follows:

[See note I]

I have the honour, on behalf of the Chinese Government, to take note of this declaration.

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

(Signed) WANG SHIH-CHIEH

His Excellency Mr. Jacques Meyrier
Ambassador of the French Republic
Chungking