

N° 2062.

CHINE ET DANEMARK

Traité préliminaire d'amitié et de commerce, signé à Nankin, le 12 décembre 1928, avec échange de notes et déclarations de la même date.

CHINA AND DENMARK

Preliminary Treaty of Amity and Commerce, signed at Nankin, December 12, 1928, with Exchange of Notes and Declarations of the same date.

TEXTE DANOIS. — DANISH TEXT.

No. 2062. — PRELIMINARY TREATY¹ OF AMITY AND COMMERCE BETWEEN AND THE REPUBLIC OF CHINA THE KINGDOM OF DENMARK. SIGNED AT NANKIN, DECEMBER 12, 1928.

No 2062. — MIDLERTIDIG VENSKABS- OG HANDELSTRAKTAT¹ MELLEM KONGERIGET DANMARK OG REPUBLIKEN KINA. UNDERTEGNET I NANKING, DEN 12. DECEMBER 1928.

Textes officiels anglais, danois et chinois communiqués par le délégué permanent du Danemark auprès de la Société des Nations. L'enregistrement de ce traité a eu lieu le 19 juin 1929.

English, Chinese and Danish official texts communicated by the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Treaty took place June 19, 1929.

THE KINGDOM OF DENMARK and THE REPUBLIC OF CHINA, being equally animated by the desire to strengthen the ties of friendship which happily subsist between the two countries and to promote and consolidate their commercial relations, have resolved to conclude a Preliminary Treaty for Amity and Commerce and have for this purpose named as their Plenipotentiaries, that is to say :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

Monsieur Henrik DE KAUFFMANN, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark and Iceland to China ;

HIS EXCELLENCY THE PRESIDENT OF THE NATIONAL GOVERNMENT OF THE REPUBLIC OF CHINA :

Doctor Chenting T. WANG, Minister for Foreign Affairs of the National Government of the Republic of China ;

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

KONGERIGET DANMARK og REPUBLIKEN KINA, der er i lige Grad besjælede af Ønsket om at styrke de Venskabsbaand, der bestaar mellem de to Lande, og fremme og betrygge den gensidige Handelsforbindelse, har besluttet at afslutte en midlertidig Venskabs- og Handelstraktat og har til dette Formaal udnævnt til deres Befuldmægtigede :

HANS MAJESTÆT KONGEN AF DANMARK OG ISLAND :

Hr. Henrik KAUFFMANN, Hans Majestæt Kongen af Danmark og Islands overordentlige Gesandt og befuldmægtigede Minister i Kina ;

OG HANS EXCELLENCE PRÆSIDENTEN FOR REPUBLIKEN KINAS NATIONALE REGERING :

Hans Excellence, Doktor Chenting T. WANG, Udenrigsminister i Republikken Kinas Nationale Regering ;

Hvilke efter Fremlæggelse af deres respektive Fuldmagter, der befandtes i god og behørig Form, er kommet overens om følgende Artikler :

¹ Ratifié par le Danemark, le 1^{er} juin 1929. Entré en vigueur le 8 juin 1929.

¹ Ratified by Denmark, June 1st, 1929. Came into force June 8, 1929.

Article I.

The two High Contracting Parties agree that the customs tariff and all matters related thereto shall be regulated exclusively by their respective national legislations.

It is further agreed that each of the High Contracting Parties shall enjoy in the territory of the other with regard to customs and all related matters, treatment in no way less favourable than the treatment accorded to any other country.

The nationals of each of the High Contracting Parties shall not be compelled, under any pretext whatever, to pay within the territories of the other Party any duties, internal charges or taxes upon the importation or exportation of goods, other or higher than those paid by the nationals of the country or by the nationals of any other country.

Article II.

The nationals of each of the two High Contracting Parties shall be subject, in the territory of the other Party, to the laws and jurisdiction of the law courts of that Party, to which they shall have free and easy access for the enforcement and defence of their rights.

Article III.

The two High Contracting Parties have decided to enter as soon as possible into negotiations for the purpose of concluding a Treaty of Commerce and Navigation, based on the principles of absolute equality and non-discrimination in their commercial relations, and mutual respect for sovereignty.

Article IV.

The present Treaty has been drawn up in two copies in the Danish, Chinese and English languages. In the event of there being any difference of meaning, the English text shall be held to prevail.

Artikel I.

De to høje kontraherende Parter er enige om, at Toldtariffen og alle i Forbindelse hermed staaende Spørgsmaal udelukkende skal være undergivet de respektive Landes Lovgivninger.

Der er endvidere Enighed om, at den ene af de høje kontraherende Parter indenfor den anden Parts Omraade med Hensyn til Told og alle beslægtede Spørgsmaal skal nyde en Behandling, der i ingen Henseende er mindre gunstig end den Behandling, der bliver noget andet Land til Del.

Den ene af de høje kontraherende Parter Borgere skal ikke under noget Paaskud kunne tvinges til indenfor den anden Parts Omraade at betale andre eller højere Afgifter, indre Paalæg eller Skatter i Forbindelse med Indførslen eller Udførslen af Varer end de, der betales af Landets egne Borgere eller af Borgerne fra noget andet Land.

Artikel II.

Den ene af de høje kontraherende Parter Borgere skal indenfor den anden Parts Omraade være undergivet denne Parts Lovgivning og dens Domstoles Jurisdiktion. De skal have fri og let Adgang til bemeldte Domstole til Gennemførelse og Forsvar af deres Rettigheder.

Artikel III.

De to høje kontraherende Parter har besluttet snarest muligt at ville indlede Forhandlinger med det Formaal at afslutte en Handels- og Skibsfartstraktat hvilende paa Principperne om fuldstændig Lighed og Ikke-Discrimination med Hensyn til Handelsforbindelsen mellem Parterne og gensidig Respekt for Suveræniteten.

Artikel IV.

Nærværende Traktat er udfærdiget i to Eksemplarer i det danske, det kinesiske og det engelske Sprog. I Tilfælde af Uoverensstemmelse mellem Teksterne skal den engelske være gældende.

Article V.

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

In faith whereof, the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

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

(L. S.) (*Signed*) Henrik KAUFFMANN,
*Envoy Extraordinary
and Minister Plenipotentiary
of His Majesty the King
of Denmark and Iceland to China.*

(L. S.) (*Signed*) Chenting T. WANG,
*Plenipotentiary
and Minister for Foreign Affairs
of the National Government
of the Republic of China.*

ANNEX I.

MINISTRY
FOR FOREIGN AFFAIRS.

NANKING, *December 12, 1928.*

MONSIEUR LE MINISTRE,

In the name of the National Government of the Republic of China, I have the honour to state that Article II of the Treaty signed this day between China and Denmark shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Danish Government for the assumption by China of jurisdiction over Danish subjects. Failing such arrangements on the said date, Danish subjects shall be amenable to Chinese laws and jurisdiction from a date to be fixed by China, after having come to an agreement for

Artikel V.

Nærværende Traktat skal ratificeres snarest muligt og skal træde i Kraft den Dag, de to Landes Regeringer har givet hinanden Meddelelse om, at Ratificeringen har fundet Sted.

Til Bekræftelse heraf har de respektive Befuldmægtigede undertegnet nærværende Traktat og paatrykt denne deres Segl.

Sket i Nanking den 12te December 1928, svarende til den 12te Dag i den tolvte Maaned i Republikken Kinas syttende Aar.

(L. S.) (*Sign*) Henrik KAUFFMANN,
*Befuldmægtiget og Hans Maiestæt Kongen
af Danmark og Islands
overordentlige Gesandt
og befuldmægtigede Minister i Kina.*

(L. S.) (*Sign*) Chenting T. WANG,
*Befuldmægtiget og Udenrigsminister
i Republikken Kinas Nationale Regering.*

BILLAG I.

NANKING, *den 12. December 1928.*

HR. MINISTER,

Paa Republikken Kinas Nationale Regerings Vegne har jeg den Ære at erklære, at Artikel II i den i Dag mellem Kina og Danmark undertegnede Traktat skal anses at træde i Kraft den 1. Januar 1930. Inden denne Dato vil den kinesiske Regering træffe detaljerede Aftaler med den danske Regering vedrørende Kinas Overtagelse af Jurisdiktionen over danske Undersaatter. Forsaavidt saadanne Aftaler ikke maatte være truffet den nævnte Dato, skal danske Undersaatter undergives kinesisk Lovgivning og Jurisdiktion fra et Tidspunkt, som skal fastsættes af Kina, efter at dette Land har opnaaet en

the abolition of extraterritoriality with all the Powers signatory of the Washington Treaties, it being understood that such a date shall be applicable to all such Powers.

By " Powers signatory of the Washington Treaties " shall be meant those Powers, other than China, which directly participated in the discussion of Pacific and Far Eastern Questions in the Conference on the Limitation of Armaments held in Washington in 1921-22.

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

(Signed) Chenting T. WANG.

His Excellency
Mr. Henrik Kauffmann,
Danish Minister to China,
Nanking.

NANKING, December 12, 1928.

MONSIEUR LE MINISTRE,

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

" In the name of the National Government of the Republic of China, I have the honour to state that Article II of the Treaty signed this day between China and Denmark shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Danish Government for the assumption by China of jurisdiction over Danish subjects. Failing such arrangements on the said date, Danish subjects shall be amenable to Chinese laws and jurisdiction from a date to be fixed by China, after having come to an agreement for the abolition of extraterritoriality with all the Powers signatory of the Washington Treaties, it being understood that such a date shall be applicable to all such Powers.

"By " Powers signatory of the Washington Treaties " shall be meant those Powers,

Overenskomst med alle Washington-Traktaternes Signatarmagter om Exterritorialrettens Bortfald, hvorved det er underforstaaet, at det paagældende Tidspunkt skal kunne finde Anvendelse overfor alle disse Magter.

Ved « Washington-Traktaternes Signatarmagter » skal forstaaes de Magter, andre end Kina, der direkte tog Del i Underhandlingerne om Stillehavsanliggender og det fjerne Østens Spørgsmaal paa den i Washington i 1921-22 afholdte Konference om Rustningernes Begrænsning.

Modtag, Hr. Minister, Forsikringen om min mest udmærkede Højagtelse.

(Sign) Chenting T. WANG.

Hans Excellence
Hr. Henrik Kauffmann,
Dansk Minister for Kina,
Nanking.

NANKING, den 12. December 1928.

HR. MINISTER,

Jeg har den Ære at anerkende Modtagelsen af Deres Excellences Note af Dags Dato saalydende :

« Paa Republikken Kinas Nationale Regerings Vegne har jeg den Ære at erklære, at Artikel II i den i Dag mellem Kina og Danmark undertegnede Traktat skal anses for at træde i Kraft den 1. Januar 1930. Inden denne Dato vil den kinesiske Regering træffe detaljerede Aftaler med den danske Regering vedrørende Kinas Overtagelse af Jurisdiktionen over danske Undersaatter. Forsaavidt saadanne Aftaler ikke maatte være truffet den nævnte Dato, skal danske Undersaatter undergives kinesisk Lovgivning og Jurisdiktion fra et Tidspunkt, som skal fastsættes af Kina, efter at dette Land har opnaaet en Overenskomst med alle Washington-Traktaternes Signatarmagter om Exterritorialrettens Bortfald, hvorved det er underforstaaet, at det paagældende Tidspunkt skal kunne finde Anvendelse overfor alle disse Magter.

Ved « Washington-Traktaternes Signatarmagter » skal forstaaes de Magter, andre

other than China, which directly participated in the discussion of Pacific and Far Eastern Questions in the Conference on the Limitation of Armaments held in Washington in 1921-22.”

I have the honour to state that the Danish Government is in full agreement with the above statements.

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

(Signed) Henrik KAUFFMANN.

His Excellency
Dr. Chenting T. Wang,
Minister for Foreign Affairs,
Nanking.

ANNEX II.

DECLARATION.

I have the honour to declare that on or before January 1st, 1930, the Civil Code and the Commercial Code, in addition to other codes and laws now in force, will be duly promulgated by the National Government of the Republic of China.

(Signed) Chenting T. WANG.

ANNEX III.

DECLARATION.

In the name of the National Government of the Republic of China, I have the honour to declare that, when Danish subjects cease to enjoy the privileges of consular jurisdiction and other special privileges, and when the relations between the two countries are on a footing of perfect equality, the Chinese Government, in view of the fact that Chinese citizens, subject to the limitations prescribed in Danish laws and regulations, enjoy the right to live and trade and to acquire property in any part of the

end Kina, der direkte tog Del i Underhandlingerne om Stillehavsanliggender og det fjerne Østens Spørgsmaal paa den i Washington i 1921-22 afholdte Konference om Rustningernes Begrænsning.»

Jeg har den Ære at meddele Dem, at den danske Regering er fuldt indforstaaet med den ovenfor gængivne Erklæring.

Modtag, Hr. Minister, Forsikringen om min mest udmærkede Højagtelse.

(Sign) Henrik KAUFFMANN.

Hans Excellence
Doktor Chenting T. Wang,
Udenrigsminister,
Nanking.

BILAG II.

DEKLARATION.

Jeg har den Ære at afgive følgende Erklæring :
Den 1. Januar 1930 eller forinden vil udover nu bestaaende Kodifikationer og Love en Kodifikation af Civilretten og en Kodifikation af Handelsretten blive behørigt promulgeret af Republikken Kinas Nationale Regering.

(Sign) Chenting T. WANG.

BILAG III.

DEKLARATION.

Paa Republikken Kinas Nationale Regerings Vegne har jeg den Ære at afgive følgende Erklæring :

Naar danske Undersaatter ophører at nyde Forrettigheder i Form af Konsularjurisdiktion og andre særlige Forrettigheder, og naar Forholdet mellem de to Lande er baseret paa fuldstændig Ligestillelse, vil den kinesiske Regering, under Hensyn til at kinesiske Statsborgere med de ved danske Love og Bestemmelser foreskrevne Begrænsninger nyder Retten til at tage Ophold,

Danish territory, will grant the same rights to Danish subjects in China, subject to the limitations to be prescribed in its laws and regulations.

(Signed) Chenting T. WANG.

ANNEX IV.

JOINT DECLARATION.

It is understood that Chinese citizens in Danish territories and Danish subjects in Chinese territories shall hereafter pay such taxes or imposts as may be prescribed in the laws and regulations duly promulgated by the Danish and the Chinese Government, respectively, provided that such taxes or imposts are not other or higher than those paid by the nationals of any other country.

(Signed) Henrik KAUFFMANN.

(Signed) Chenting T. WANG.

drive Handel og erhverve Ejendom overalt indenfor dansk Omraade, give danske Under-saatter i Kina de samme Rettigheder med de ved kinesiske Love og Bestemmelser foreskrevne Begrænsninger.

(Sign) Chenting T. WANG.

BILAG IV.

FÆLLES DEKLARATION.

Der er Enighed om, at kinesiske Borgere indenfor danske Omraader og danske Under-saatter indenfor kinesiske Omraader herefter skal erlægge saadanne Skatter eller Afgifter, som er foreskrevet ved Love og Bestemmelser behørigt promulgeret af henholdsvis den danske og den kinesiske Regering, forudsat at saadanne Skatter eller Afgifter ikke er andre eller højere end de, der betales af noget andet Lands Borgere.

(Sign) Henrik KAUFFMANN.

(Sign) Chenting T. WANG.

Pour copie conforme :

E. Reventlow,

*Secrétaire général du Ministère
des Affaires étrangères.*