

N° 2109.

CHINE ET ITALIE

Traité préliminaire d'amitié et de commerce, signé à Nankin, le 27 novembre 1928, avec échange de notes de la même date et déclarations y relatives.

CHINA AND ITALY

Preliminary Treaty of Amity and Commerce, signed at Nanking, November 27, 1928, with Exchange of Notes of the same date and Declarations relating thereto.

No. 2109. — PRELIMINARY TREATY¹ OF AMITY AND COMMERCE
BETWEEN THE REPUBLIC OF CHINA AND THE KINGDOM OF
ITALY. SIGNED AT NANKING, NOVEMBER 27, 1928.

*Chinese, Italian and English official texts communicated by the Italian Minister for Foreign Affairs.
The registration of this Treaty took place August 1st, 1929.*

THE KINGDOM OF ITALY 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 ITALY :

M. Daniele VARÈ, Commander of the Order of the Crown of Italy, Officer of the Order of SS. Maurice and Lazarus, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy to China ;

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

Dr Chengting 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 :

Article 1.

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 2.

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.

¹ The notification of ratification took place at Nanking, May 21, 1929.

Article 3.

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 4.

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

Article 5.

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 twenty-seventh day of November, nineteen hundred and twenty-eight (the seventh year of the Fascist Era), corresponding to the twenty-seventh day of the eleventh month of the seventeenth year of the Republic of China.

(Seal) DANIELE VARÈ.

*Plenipotentiary and Envoy Extraordinary
and Minister Plenipotentiary of His
Majesty the King of Italy to China.*

(Seal) CHENGTING T. WANG.

*Plenipotentiary and Minister for Foreign
Affairs of the National Government
of the Republic of China.*

ANNEX I.

MINISTRY
OF FOREIGN AFFAIRS.

NANKING, November 27, 1928.

MONSIEUR LE MINISTRE,

In the name of the National Government of the Republic of China, I have the honour to state that Article 2 of the Treaty signed this day between China and Italy shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Italian Government for the assumption by China of jurisdiction over Italian subjects. Failing such arrangements on the said date, Italian 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, 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.

Chengting T. WANG.

His Excellency
M. Daniele Varè,
Italian Minister to China,
Nanking.

NANKING, *November 27, 1928* (VII).

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of Your Excellency's Note of today'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 2 of the Treaty signed this day between China and Italy shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Italian Government for the assumption by China of jurisdiction over Italian subjects. Failing such arrangements on the said date, Italian 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 extra-territoriality 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 Washinton in 1921-22 "

■ I have the honour to state that the Italian Governments 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.

Daniele VARÈ.

His Excellency
Dr Chengting 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.

Chengting 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 Italian 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 Italian laws and regulations, enjoy the right to live and trade and to acquire property in any part of the Italian territory, will grant the same rights to Italian subjects in China, subject to the limitations to be prescribed in its laws and regulations.

Chengting T. WANG.

ANNEX IV.

JOINT DECLARATION.

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

Daniele VARÈ.

Chengting T. WANG.

Copie certifiée conforme :

Le Ministère des Affaires étrangères d'Italie.

Rome, le 15 juillet 1929. VII^o.

Mussolini.