

CUBA

TREATY OF AMITY BETWEEN
THE REPUBLIC OF CHINA AND
THE REPUBLIC OF CUBA

Signed on November 12, 1942;
Ratifications exchanged on December 18, 1943;
Entered into force on December 18, 1943.

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 Agustin Martinez 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 the Government of which they are accredited, all the

古巴

中華民國古巴共和國
友好條約

三十一年十一月十二日簽訂
三十二年十二月十八日互換批准書
三十二年十二月十八日生效

中華民國古巴共和國為加強兩國固有親睦邦交，增進兩國人民相互利益起見，決定以平等及互尊主權之原則為基礎，訂立友好條約，為此簡派全權代表如左：

中華民國國民政府主席特派：

駐古巴國特命全權公使李迪俊；

古巴共和國總統特派：

外交部長馬定內；

兩全權代表將所奉全權證書互相校閱，均屬妥善，議定條款如左：

第一條

中華民國與古巴共和國及兩國人民間，應永敦和好，歷久不渝。

第二條

兩締約國聲明彼此具有堅強決心，親密協作，以樹立並維持基於正義之世界和平，及促進兩國人民之經濟繁榮。

第三條

✓ 兩締約國有相互派遣正式外交代表之權，此項代表在所駐國應享受國際公法通常承認之一切權利、

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.

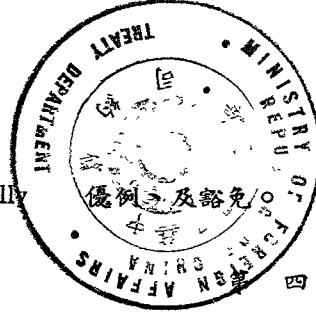
They shall have the right to travel, reside, work and engage in industries and trade in all the localities where the nationals of any other country might do the same, subject, however, to the laws and regulations of the country.

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



四 條

兩締約國在彼此領土內共同商定之地方，有派駐總領事、領事、副領事、代理領事之權。此項領事官應行使國際通例通常承認之職務，並享受國際通例通常承認之待遇。兩締約國領事官員於就職之前，應向所駐國取得執行職務證書，但此項證書，得由所駐國政府撤回。

兩締約國政府，不得任命經營工商業人民為領事官員，但名譽領事不在此限。

第 五 條

兩締約國人民，得在與其他國人民同樣條件之下，自由出入彼此領土。

第 六 條

兩締約國人民，居住於彼此領土以內，關於其身體財產，應享受所在國法律章程完全之保護。

兩締約國人民，得於任何他國人民享受相同權利之地方，享有遊歷、居住、作工、及經營工商業之權利，但須依照所在國之法律章程。

兩締約國人民，得依所在國之法律章程，享有設立學校教育其子女之自由，暨集會、結社、出版、祀典、信仰、埋葬、及營墓之自由。

關於本條，此締約國之法律章程不得有歧視彼締約國人民之規定。

第 七 條

兩締約國間之其他關係，應以

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. Martinez

Minister of State of
the Republic of Cuba.

EXCHANGE OF NOTES

Note from Dr. Li, Chinese Minister to Cuba, to Dr. J. A. Martinez, Minister of State of Cuba

Havana, November 12, 1942

Mr. Minister:

國際公法原則為基礎。

第八條

兩締約國同意於最短期間內，另訂通商航海條約。

第九條

本條約分繕中文，西班牙文與英文本，遇有解釋不同，應以英文本為準。

第十條

本條約應由兩締約國各依本國法定手續，於最短期內批准，自互換批准之日起，發生效力。批准文件，應在夏灣拿互換。

為此兩全權代表將本條約簽字蓋章，以昭信守。

中華民國三十一年十一月十二日訂
西曆一九四二年十一月十二日訂
於夏灣拿

李迪俊 (簽印)

馬定內 (簽印)

換文

中華民國駐古巴國特命全權公使李致古巴國外交部部長馬照會

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 Viadmonte,
Minister of State of the Republic of Cuba,
Havana.

Note from Dr. J. A. Martínez, Cuban Minister of State to Dr. Li, Chinese Minister to Cuba

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:

“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:

敬啟者：關於吾人本日代表貴我兩國政府簽訂之友好條約，茲將中國政府之見解聲明如下：

(一) 古巴政府將於最短期內制定必要法律，實施第五條之規定，在未制定此項法律前，關於此事之現行法規，暫時繼續有效，但此種法規中之規定，如有足以解釋為歧視中華民國人民者，對中國人民不得施行。

(二) 本照會及貴部長同一意義之覆照，有效期限為三年，期滿前六個月任何一方得通知修改或廢止；如屆時雙方均未作此項通知，本照會及貴部長覆照應繼續有效，直至任何一方隨時通知廢止之六個月後失效。

上述見解，請貴部長予以證實。

茲乘此機會，向貴部長表示最高敬意。此致

古巴共和國外交部長馬定內閣下

李迪俊

中華民國三十一年十一月十二日

古巴共和國外交部長馬覆中華民國駐古巴國特命全權公使李照會

敬復者：接准貴公使本日照會內閣：

「敬啟者，關於吾人本日代表貴我兩國政府簽訂之友好條約，茲將中國政府之見解聲明如下：

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 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. Martinez

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

〔(一)古巴政府將于最短期內制定必要法律，實施第五條之規定，在未制定此項法律前，關於此事之現行法律，暫時繼續有效，但此種法規中之規定，如有足以解釋為歧視中華民國人民者，對中國人民不得施行。〕

〔(二)本照會及貴部長同一意義之覆照，有效期限為三年，期滿前六個月任何一方得通知修改或廢止，如屆時雙方均未作此項通知，本照會及貴部長覆照應繼續有效，直至任何一方隨時通知廢止之六個月後失效。〕

〔上述見解，請貴部長予以證實。〕

本部長茲代表古巴政府，認為此項見解並無錯誤。

茲乘此機會，向貴公使重申最高敬意。此覆

中華民國駐古巴國特命全權公使李閣下

馬定內

一九四二年十一月十二日