

VÖLKERRECHT

Entstehung und Anerkennung von Mandschukuo

Amtliche Publikationen: Publications of the Department of Foreign Affairs, Manchoukuo Government, Hsinking, 1932: Series No. 1: Proclamations, Statements and Communications of the Manchoukuo Government. Series No. 2: The Chief Executives Proclamation, the Organic Law of Manchoukuo and other laws governing various Government Offices. Series No. 3: The Central Bank of Manchou and Laws relating thereto with Appendix. Series No. 4: Manchoukuo and the League of Nations. Information Bulletin, Nos. 1—50, September 19, 1932 to April 15, 1933. — A General Outline of Manchoukuo, Department of Foreign Affairs of Manchoukuo, Hsinking 1932, auch französisch: Aperçu général sur le Mandchoukuo. — The Independence of Manchoukuo, Department of Foreign Affairs of Manchoukuo, Hsinking 1932. — Manchoukuo, Handbook of Information, Dep. of For. Affairs, Hsinking August 1933. — Information Bulletin published by The Intelligence and Publicity Department, Ministry of Foreign Affairs, Nanking, No. 7 vom 1. 7. 1933: »How Manchoukuo was created«. — **Völkerbundspublikationen:** Lytton Report, Kap. VI (C. 663, M. 320, 1932, VII, 12, Genf, 1. Okt. 1932). — Journ. Off. Mars 1932 p. 364—365 (Erklärung Satos in der Sitzung des Rates vom 19. Febr. 1932); p. 925 (C. 268, M. 156, 1932, VII, Chinesische Erklärung betr. die neugebildete Regierung der Mandschurei). — Journ. Off., Suppl. spéc. No. 101 (bes. p. 31, 79) u. No. 102 (bes. p. 13): Erklärungen Yen's in den Sitzungen vom 3. März, 8. März und 1. Juli 1932; Suppl. spéc. No. 101, p. 253 ss., bes. p. 258: Communications concernant le mouvement d'indépendance en Mandchourie; Suppl. spéc. No. 102, p. 37: Rede des chinesischen Außenministers vom 29. August 1932; Suppl. spéc. No. 111, p. 79: Reconnaissance du Mandchoukuo par le Gouvernement Japonais; Suppl. Spéc. No. 113, p. 10: Mesures proposées par le Comité consultatif concernant la Non-reconnaissance du »Mandchoukuo«. — Journ. Off., Novembre 1932, p. 1731 (Erklärung des Präsidenten des Rates in der Sitzung vom 24. Sept. 1932); Décembre 1932, p. 1875 (Erklärung Matsuoka's in der Sitzung des Rates vom 21. Nov. 1932). — **Bücher:** J. C. Balet, Die Mandschurie, Wien 1932, bes. S. 37 ff. — K. Ishii, Mandchoukuo and the Manchurian Question, Tokio 1932. — K. K. Kawakami, Mandchoukuo: Child of Conflict, New York 1933. — K. N. Lei, Information and Opinion concerning the Japanese Invasion of Manchuria and Shanghai from sources other than Chinese, Shanghai 1932, bes. S. 109 ff., 332 ff., 409 ff., 430 ff. — Roger Levy, A qui la Mandchourie? Paris 1932, bes. p. 181. — I. Matsui, La question de la Mandchourie et de son Indépendance, Genève 1932. — Chih Meng, China spricht, der Streitfall zwischen China und Japan, 1932. — P. Ohara, Mandchoukuo, The Worlds Newest Nation, Mukden 1932. — George B. Rea, Mandchoukuo back to first Principles, Genf 1932. — Y. Tsurumi, Le Conflict Sino-Japonais, 1932, p. 17. — N. Uzawa, Die Anerkennung Mandschukuos, Berlin 1932. — E. de Vèvre, La Reconnaissance de jure de la Régence de Mandchourie et le Traité des Neuf Puissances, Paris 1932. — **Zeitschriften:** Brissaud-Desmailliet, Rev. Pol. et parl. 1933, t. 155, p. 557 ss. — William R.

Castle, The Annals of the American Academy of Political and Social Science, July 1933 S. 46 ff. — B. Favre, Revue de Paris, Januar 1933, p. 92. — Gross, Z. f. Politik, Bd. XXIII S. 430. — Karl Haushofer, Zeitschr. f. Geopolitik 1932, S. 620. — Karl Hoffmann, Wissen und Wehr 1932, S. 449 ff., bes. S. 462. — Roger Levy, Europe Nouvelle 1932, p. 1056 et p. 1188. — Pierre Lyauthey, Revue des deux Mondes, Mai 1933, p. 121. — Earl of Lytton, Journal of the Institute of International Affairs 1932, Vol. 11, S. 737. — Ders., Round Table 1932, S. 808. — F. W. Mohr, Preuß. Jahrbücher Bd. 231, S. 97 ff. — Moncharville, Rev. Gén. de Droit Int. Publ. 1933, p. 216. — Revue des Nations 1933, p. 222 ss. — Jean Ray, Affaires étrangères 1932, p. 394. — F. White, The Nineteenth Century, vol. 113, p. 416. — H. G. W. Woodhead, Contemporary Japan, June 1933, p. 41. — Rev. de Droit International VII, 1933, p. 322.

Entstehung. Der japanische Einmarsch in die Mandschurei am 18. September 1931 beseitigte die Militärdiktatur Chang-Hsueh-Liangs. Die gesamte Verwaltung, einschließlich der Provinzialregierungen, löste sich auf. Zur Erfüllung der wichtigsten Verwaltungsaufgaben wurden »Komitees zur Aufrechterhaltung von Frieden und öffentlicher Ordnung« gebildet. Am 28. September 1931 erklärte die Provinz Kirin ihre Unabhängigkeit von der chinesischen Zentralregierung; am 29. September folgte Jehol, am 28. Dezember 1931 Mukden (Fengtien) und am 1. Januar 1932 Heilungkiang. Im Anschluß an einen neuen Sieg der Japaner über Chang-Hsueh-Liang erfolgte die Gründung eines »Verwaltungsrates für die nordöstlichen Provinzen«, der unter dem Vorsitz von Chang-Ching-Hui aus den Vertretern der neuen Provinzialregierungen und der mongolischen Bezirke bestand. Dieser Verwaltungsrat erließ am 18. Februar 1932 eine Erklärung über die Unabhängigkeit der Mandschurei. Er wendet sich darin an die Bevölkerung, der die Errichtung des Verwaltungsrates bekanntgegeben wird, der Wille zur Begründung eines unabhängigen Staates, die Pläne des Verwaltungsrates über die Einrichtung der Verwaltung sowie die Absicht der Aufrechterhaltung friedlicher Beziehungen zu anderen Staaten mitgeteilt wird, und die zur Mitarbeit aufgefordert wird¹⁾.

Am 25. Februar 1932 veröffentlichte er eine Resolution über Staatsform, Namen, Staatsoberhaupt, Nationalflagge und Hauptstadt des künftigen neuen Staates²⁾.

Auf dem »Allgemeinen Kongreß für die Gesamt-Mandschurei« wurde am 29. Februar in Mukden von über 700 Delegierten aller Provinzen Pu-Yi, der durch die Revolution von 1911 abgesetzte Kaiser von China, zum Oberhaupt des neuen Staates gewählt, der nach traditioneller zweimaliger Ablehnung am 7. März 1932 die Wahl annahm. Am 9. März 1932 fand in der neuen Hauptstadt Chang-Chun³⁾ die

¹⁾ A General Outline of Mandschoukuo, p. 48; The Independence of M., p. 22; Publications of the Department of Foreign Affairs of the M.-Government, Series No. 1, S. 1.

²⁾ Information Bulletin, Ministry of Foreign Affairs, Nanking, No. 7, p. 28; The Independence of M. p. 24.

³⁾ Am 16. März in Hsinking umgetauft.

Amtsübernahme, verbunden mit einer offiziellen Feier der Unabhängigkeit und der Ernennung der Minister, statt. Am gleichen Tage wurde — nachdem bereits am 1. März 1932 durch den Präsidenten des Verwaltungsrats für die nordöstlichen Provinzen der neue Staat Mandschukuo im Namen der Regierung von Mandschukuo proklamiert worden war⁴⁾ — die provisorische Verfassung von Pu-Yi unterzeichnet und veröffentlicht⁵⁾ und ein besonderes Gesetz über die Garantie der bürgerlichen Rechte erlassen⁶⁾. Neben diesen beiden Verfassungs-Gesetzen erging eine Reihe von Verwaltungs-Gesetzen⁷⁾. Durch eine Ordonnanz vom 9. März wurde ferner die vorübergehende Übernahme sämtlicher chinesischer Gesetze, insoweit sie nicht mit der grundlegenden Politik der Errichtung des Staates, den nationalen Umständen und Gesetzen im Widerspruch stehen, bestimmt⁸⁾. Von den in der Folge ergangenen Wirtschaftsgesetzen seien das Bankgesetz vom 11. Juni 1932⁹⁾, das Währungsgesetz vom gleichen Tage¹⁰⁾ und das Eisenbahngesetz vom 9. Februar 1933¹¹⁾ hervorgehoben.

Anerkennung. Am 12. März 1932 richtete die Regierung von Mandschukuo eine Note an 52 Mächte, in der sie diese von der Errichtung von Mandschukuo in Kenntnis setzt und die Grundsätze des Völkerrechts darlegt, auf Grund derer sie die Beziehungen zu anderen Mächten aufnehmen will¹²⁾.

Die Haltung der japanischen Regierung war zunächst abwartend¹³⁾ und wurde erst seit der Bildung des neuen Kabinetts mit Graf Uchida als Außenminister entschiedener¹⁴⁾. Am 8. August 1932 wurde General Muto zum japanischen Bevollmächtigten bei der Mandschukuo-Regierung ernannt und am 19. August mit der Einleitung von Verhandlungen

⁴⁾ Abdruck der Proklamation unten S. 76.

⁵⁾ Abgedruckt unten S. 77.

⁶⁾ Abgedruckt unten S. 80.

⁷⁾ Z. B. Organization Law of the State Council (Publications Series 2, S. 9); of the Privy Council (a. a. O. S. 13); of the Departments of the State Council (S. 19); of the Bureau of Legislation (S. 34); of the Provincial Governments (S. 40).

⁸⁾ Publications, Ser. 2, S. 45; A General Outline, S. 72.

⁹⁾ Publications, Series No. 3, S. 11.

¹⁰⁾ a. a. O. S. 19.

¹¹⁾ Publications of the Department of Foreign Affairs, M.-Government (Inf. Bulletin No. 1—50), S. 49.

¹²⁾ Abgedruckt unten S. 81.

¹³⁾ Rede des Außenministers Viscount Saito auf der 62. Tagung des japanischen Reichstags, s. Notes et Informations présentées par l'Assesseur Japonais à la commission d'Etude de la S. d. N., t. II, Anl. VI, p. 61.

¹⁴⁾ Rede Uchidas im jap. Reichstag vom 25. August 1932, s. Europe Nouvelle 1932, p. 1062; ferner Bericht des Rechtsberaters im japanischen auswärtigen Amt, Baty, über die Zulässigkeit der Anerkennung Mandschukos im Hinblick auf den Neunmächtevertrag vom 6. Februar 1922, Japan Advertiser vom 17. August 1932, No. 13, 183.

beauftragt. Durch Kabinettsbeschuß vom 9. September wurde die Anerkennung endgültig beschlossen und die Frage einem Ausschuß des Privy-Council zur Prüfung überwiesen. Dessen Resolution, nach der die Anerkennung »eine höchst dringende und zur Begründung des Friedens im Fernen Osten geeignete Maßnahme« sei, wurde in einer Plenarsitzung des Staatsrats einstimmig angenommen¹⁵⁾. Am 15. September erfolgte in der Hauptstadt Mandschukuos, Hsinking, die Unterzeichnung des Anerkennungsprotokolls durch Muto und den Ministerpräsidenten von Mandschukuo, Hsiao-Hsu. Bemerkenswert ist dabei, daß das Protokoll selbst von der bereits erfolgten Anerkennung spricht. Dies scheint sich daraus zu erklären, daß der japanische Bevollmächtigte, Muto, vor der Unterzeichnung im Namen der japanischen Regierung folgende Erklärung abgab:

»With a view to promoting the friendly relations between Japan and Manchukuo and thereby maintaining peace in the Far East the Imperial Japanese Government definitely recognizes the solemn independence of Manchukuo in compliance with the ardent wishes of the thirty million people in Manchukuo¹⁶⁾.«

Der Außenminister von Manschukuo, Hsieh-Chieh-Shih, erwiderte ihm in längerer Rede¹⁷⁾ und gab der Hoffnung Ausdruck, daß andere Regierungen folgen würden. Die eigentliche Anerkennung wurde also wohl in diesen mündlichen Erklärungen gesehen.

Der Außenminister Uchida gab in einer Rede vom gleichen Tage über die Unterzeichnung des Protokolls eine Erläuterung und Rechtfertigung der Haltung der japanischen Regierung. Er sagte insbesondere, daß durch diese Unterzeichnung früher von Japan abgeschlossene Verträge nicht berührt werden und daß Japan keinerlei territoriale Absichten in der Mandschurei habe¹⁸⁾.

Von einer anderen Macht ist der neue Staat bisher nicht anerkannt worden. Lediglich die Regierung der U. d. S. S. R. hat sich am 19. September 1932 mit der Errichtung eines Konsulats in Blagowestschensk einverstanden erklärt, der am 4. Februar 1933 die Errichtung eines Konsulats in Chita folgte¹⁹⁾. In ihrer Note vom 11. Oktober 1932 hat die russische Regierung jedoch ausdrücklich hervorgehoben, daß sie

¹⁵⁾ Über die Entwicklung im einzelnen vgl. Information Bulletin No. 7 vom 1. Juli 1933, Nanking, S. 45 ff.

¹⁶⁾ Inf. Bulletin No. 7, a. a. O. p. 47.

¹⁷⁾ Publications Ser. No. 1, p. 18.

¹⁸⁾ Information Bulletin No. 7, Nanking, 1. Juli 1933, p. 47.

¹⁹⁾ Publications of the Department of Foreign Affairs, Mandchoukuo Government, Information Bulletin Nos. 1—50, p. 57 u. p. 80.

sich nicht in der Lage sehe, den neuen Staat de facto oder de jure anzuerkennen²⁰⁾ ²¹⁾.

Anhang

1) Proklamation betreffend die Errichtung des Staates Mandschukuo vom 1. März 1932²²⁾

Nach einer kurzen historischen Einleitung, im wesentlichen einer Darstellung der Zustände und Wirren, die die Bevölkerung der Mandschurei in der vorangegangenen Zeit durchzumachen hatte, gibt die Proklamation die Grundsätze der neuen Staatsgründung wie folgt wieder:

... After thorough deliberations for several months past at numerous meetings, the leaders of Fengtien, Kirin, Heilungkiang and Jehol Provinces, Harbin Special District, and those under various banners of Mongolia, have come to a unanimous conclusion to adopt a practical application of good rule rather than a display of words in the administration of State affairs. Under whatever form of government, the primary duty of the State is to assure the inhabitants peace and security.

Manchuria and Mongolia constituted in the past a separate State detached from China Proper. The present situation places us in a position to strive for our own national independence. Accordingly, by the will of the thirty million people, we hereby declare on this day that we sever our relations with the Republic of China and establish the State of Manchuria, and we hereby make a public proclamation of the fundamental principles on which this new State is founded.

2. We believe that statecraft should be founded upon the principle of Tao or the Way, and Tao founded upon Tien or Heaven. The principle on which this new State is based is to follow Tien or Heaven that the people may have peace and security. The government must be approved by the people and no man's personal views shall be permitted to influence the affairs of the State.

2. There shall be no discrimination with respect to race and caste among those people who now reside within the territory of the new State. Besides the races of the Hans, Manchus, Mongols, Japanese and Koreans, the peoples of other foreign countries may upon application have their rights guaranteed.

²⁰⁾ Vgl. Deutsche Allg. Ztg. No. 479 vom 12. Oktober 1932. Diese Auffassung entspricht der in der Literatur überwiegenden völkerrechtlichen Anschauung, die in der bloßen Entsendung von Konsuln keine de facto-Anerkennung erblickt, sondern hierin einen »act falling short of recognition« sieht. (Vgl. Kunz, Anerkennung von Staaten in Stier-Somlo, Handbuch des Völkerrechts, II³, p. 49, Moore, International Law, t. I, p. 206.

²¹⁾ Die ablehnende Haltung der U. S. A. ergibt sich aus der Rede Stimson's vom 8. August 1932 und aus der Note der U. S. A. vom 7. Januar 1932. S. diese Zeitschrift, Bd. III, T. 2, S. 593 u. 599. Die Stellungnahme der chinesischen Regierung ist besonders in der Erklärung vom 22. Februar 1932 enthalten, S. d. N. Journ. Off. März 1932, S. 925; im übrigen s. die Bibliographie oben.

²²⁾ Übersetzung aus Publications of the Department of Foreign Affairs, M.-Government, Series No 1 p. 3.

3. In internal affairs the new State will reject the policies adopted in the dark days of the past. It will revise laws and enforce local autonomy, draft able men into the service of the government and elevate the officials deserving promotion, encourage industry, unify the currency system, open up the natural resources of the country, endeavour to maintain a good standard of living for the people, adjust and regulate the administration of the police, eliminate banditry, and promote and popularize education, respect Li-chiao, the teachings of Confucianism, and apply the principle of Wang-tao, the Way of Benevolent Ruler, and practice its teachings. These, we believe will enlighten the people to maintain the honour of perpetuating the peace of the Far East and thus set an example of model government to the world.

4. The foreign policy of the new State shall be to seek and further promote cordial relations with foreign powers by winning their confidence and respect, and to observe strictly international conventions. Financial obligations incurred within the territory of Manchuria by treaty stipulations with various countries prior to the establishment of the new State shall be met according to the usual international conventions. Foreign investments by any nation shall be welcomed for the furtherance of trade and the exploitation of natural resources, thus bringing the principles of the Open Door and Equal Opportunity and the like to a fuller realization.

The foregoing articles constitute the fundamental principles underlying the establishment of the new State. The newly-formed Government will bear all responsibilities thereof from the day of the creation of the new State and the Government hereby pledges upon oath to the thirty million inhabitants that these shall be faithfully carried out.

Manchoukuo Government

1st March, 1932

First Year of Tatung

2) Vorläufige Verfassung vom 9. März 1932²³⁾

CHAPTER I. THE CHIEF EXECUTIVE

- I. The Chief Executive shall rule Manchoukuo, the State of Manchuria.
- II. The Chief Executive shall represent Manchoukuo.
- III. The Chief Executive shall be responsible to the entire people.
- IV. The Chief Executive shall be nominated by the entire people.
- V. The Chief Executive shall exercise the legislative powers with the approval of the Legislative Council.
- VI. The Chief Executive shall supervise and control the State Council and exercise the administrative powers.
- VII. The Chief Executive shall cause the courts of justice to exercise the judicial powers in accordance with law.
- VIII. The Chief Executive shall issue orders for the maintenance and promotion of peace, security and happiness of the people and for the execution of laws. He shall, however, have no power to revise laws with such orders.

²³⁾ Übersetzung, Series No. 2, p. 4; vgl. dazu Gross, Z. f. Politik, XXIII S. 433.

- IX. In case it shall be impossible to convene the Legislative Council either to maintain public peace and order or to avert emergency calamities, the Chief Executive shall be empowered to issue, with the approval of the Privy Council, emergency ordinances which shall have the force of law. Such emergency ordinances must, however, be reported at the following session of the Legislative Council.
- X. The Chief Executive shall determine the organization of the administration, appoint and dismiss government officials and fix their salaries, except in case of those which are otherwise especially provided for in the present Organic Law or in other laws.
- XI. The Chief Executive shall have the power to declare war and peace and to conclude treaties.
- XII. The Chief Executive shall have the supreme command of the military, naval and air forces.
- XIII. The Chief Executive shall have the power to grant amnesty, pardon, commutation of punishments and rehabilitation of rights.

CHAPTER II. THE PRIVY COUNCIL

- XIV. The Privy Council shall be composed of Privy Councillors.
- XV. The Privy Council shall, when consulted by the Chief Executive, submit its opinions relative to the following matters:
 - (1) Laws.
 - (2) Ordinances.
 - (3) Budgets.
 - (4) Treaties and agreements negotiated with foreign nations and declarations to foreign countries issued in the name of the Chief Executive.
 - (5) Major appointments and dismissals of governmental officials.
 - (6) Other important matters relating to the affairs of the State.
- XVI. The Privy Council may present its views to the Chief Executive on important matters relating to the affairs of the State.

CHAPTER III. THE LEGISLATIVE COUNCIL

- XVII. The organization of the Legislative Council shall be decided separately by law.
- XVIII. All legislative and budgetary bills shall require the approval of the Legislative Council.
- XIX. The Legislative Council may present proposals concerning important matters of the State to the State Council.
- XX. The Legislative Council may receive petitions presented by the people.
- XXI. The Legislative Council shall be convoked annually by the Chief Executive. The duration of the ordinary session shall be one month; it may, however, be extended by the Chief Executive if he shall deem it necessary.
- XXII. One third or more of the total members of the Legislative Council shall constitute a quorum.

- XXIII. Proceedings at a session of the Legislative Council shall be decided by a majority of the members present. In case of a tie-vote, the Chairman shall have the casting vote.
- XXIV. The sessions of the Legislative Council shall be open to the public. Closed sessions may, however, be called on demand by the State Council or by a resolution of the Legislative Council.
- XXV. Legislative and budgetary bills passed by the Legislative Council shall be approved, promulgated and executed by the Chief Executive. In the event of the legislative and budgetary bills being rejected by the Legislative Council, the Chief Executive shall request the Council for their reconsideration by presenting his reasons thereof. When further rejected, the Privy Council shall be consulted for a decision thereon.
- XXVI. The members of the Legislative Council shall not be held responsible outside the Council for their discussions and decisions within the Council.

CHAPTER IV. THE STATE COUNCIL.

- XXVII. The State Council shall take charge of all administrative affairs by order of the Chief Executive.
- XXVIII. The State Council shall consist of the Departments of Civil Affairs, Foreign Affairs, Defence, Finance, Industry, Communications, Justice and Education.
- XXIX. The State Council shall have a Prime Minister and each of the Departments a Minister.
- XXX. The Prime Minister and the Ministers of the Departments may attend the sessions of the Legislative Council at any time and may have a voice at its deliberations but shall have no vote.
- XXXI. The Prime Minister shall counter-sign all laws, ordinances, and messages relating to the affairs of the State.

(Revised October 5, First Year of Tatung, 1932: —

All laws, ordinances, military orders and messages relating to State affairs shall be counter-signed by the Prime Minister and the Ministers concerned in charge of their respective affairs.)

CHAPTER V. THE COURTS

- XXXII. The Courts shall, in accordance with law, conduct trials of civil and criminal cases. In case of administrative litigation and other special trials, however, special provision shall be made by law.
- XXXIII. The organization of the courts and the qualifications of the judges shall be determined by law.
- XXXIV. The judicial officials shall command independence in the discharge of their duties.
- XXXV. The judicial officials shall not be dismissed except by trials on criminal offence or disciplinary punishment, and shall not be subjected to suspension, transfer of position or office, and reduction of salary, against their will.
- XXXVI. The trials and judgments of courts shall be open to the public. Cases which threaten public order and peace, or which are

detrimental to public morals, however, may be closed to the public by law or decision of the Courts concerned.

CHAPTER VI. THE SUPERVISORY COUNCIL

- XXXVII. The Supervisory Council shall supervise and audit the accounts. The organization of the Supervisory Council and its functions shall be determined separately by law.
- XXXVIII. The Supervisory Council shall consist of Supervisors and Auditors.
- XXXIX. There shall be no dismissal of Supervisors and Auditors, except for criminal offences or disciplinary punishment, and they shall not be subjected to suspension and transfer of office, or reduction of salary, against their will.
- Supplementary Provision**
- XL. This law shall come into force on the Ninth day of March, the First Year of Tatung.

3) Gesetz über die Rechte der Bürger, vom 9. März 1932 ²⁴⁾

The Chief Executive who, through the confidence placed in him by the entire people, exercises the administrative power over Manchoukuo, the State of Manchuria, hereby pledges to give the people, except in times of war and of emergency circumstances, guarantee of liberty and rights and to determine the duties of the people in accordance with the provisions hereinafter set forth:

- I. The personal liberty of the subjects of Manchoukuo, the State of Manchuria, shall not be infringed upon, and its restrictions by the public authorities shall be provided for by law.
- II. The property rights of the subjects of Manchoukuo shall not be infringed upon and their restrictions under necessity of public welfare shall be provided for by law.
- III. The subjects of Manchoukuo shall be given equal protection by the State irrespective of race and religion.
- IV. The subjects of Manchoukuo shall, in accordance with the provisions of law, possess the right to participate in the affairs of the State or of the local organizations.
- V. The subjects of Manchoukuo shall, in accordance with the provisions of law, possess the right to be appointed to governmental offices and it shall also be their duty to assume other honorary positions.
- VI. The subjects of Manchoukuo may present petitions in accordance with the proscribed procedure provided for by law.
- VII. The subjects of Manchoukuo shall enjoy the right to be tried by the judges of the courts provided for by law.
- VIII. In case the rights of the subjects of Manchoukuo are violated by illegal dispositions of the administrative offices, a remedy may be sought for in accordance with the provisions of law.
- IX. The subjects of Manchoukuo shall not be subjected to any taxation, or imposition or penalty under whatever name unless provided for by law.

²⁴⁾ Übersetzung, a. a. O. Series Nr. 2, p. 2.

- X. The subjects of Manchoukuo may protect and promote their economic interests by means of joint organizations in so far as they are not prejudicial to public welfare.
- XI. The subjects of Manchoukuo shall be protected against usurious interests, profiteering and all other forms of unjust economic oppression.
- XII. The subjects of Manchoukuo shall possess the right to enjoy the privileges of various establishments and institutions founded by public funds of the State or of the local organizations.
- XIII. This law shall come into force on the Ninth day of March, the First Year of Tatung.

Ninth day of March,

First Year of Tatung (1932).

Manchoukuo Government

4) Note des Ministers des Auswärtigen von Mandschukuo, Hsieh-Chieh-Shih, an die auswärtigen Minister von 52 Staaten, vom 12. März 1932²⁵⁾

Sir,

I have the honour of informing you that the Provinces of Fengtien, Kirin, Heilungkiang and Jehol, the Tungsheng Special District and Mongolian Mengs (Leagues) under Several Banners have united themselves to establish an independent Government severing their relations with the Republic of China and created "Manchoukuo", the State of Manchuria, on March 1st., 1932.

You are no doubt aware that the old military authorities, headed by Chang Hsueh-liang, that administered the Northeastern Provinces, sought only their self-interest and failed to give adequate consideration to the welfare of the people; that the entire populace was subjected to extreme sufferings through outrageous exactions resulting from the corrupt discipline in the official circles; and that the relations with foreign nations were greatly impaired through the enforcement of antiforeign policies. Furthermore, in China proper there is to be found no unified and stable government due to constant factional strifes of murderous nature among various military leaders of their own race and not a day of peace is to be seen by the people at large.

Hereupon, the people of Manchuria at the opportune time when the old military power was overthrown established a new State with unity of endeavours and a single purpose.

The Government of Manchuria proposes to perfect the institution of laws and to establish security for the life of the people and to exert all possible power for the promotion of their happiness and peace.

As regards the relations with foreign nations it has been definitely decided that the diplomatic intercourse shall conform to the several principles herein-after stated:

1. That the Government shall conduct the affairs of the State according to the primary principle of faith and confidence and the spirit of harmony and friendship, and pledge to maintain and promote international peace.
2. That the Government shall respect international justice in accordance with the international laws and conventions.

²⁵⁾ Übersetzung, a. a. O. Series Nr. 1, p. 7.

Z. ausl. öff. Recht u. Völker. Bd. IV.

3. That the Government shall succeed to those liable obligations, due to the Republic of China by virtue of treaty stipulations with foreign countries, in the light of the international laws and conventions and that these obligations shall be faithfully discharged.
4. That the Government shall not infringe upon the acquired rights of the peoples of foreign countries within the limits of the State of Manchuria, and further that their persons and properties shall be given full protection.
5. That the Government welcome the entry of the peoples of foreign nations and their residence in Manchuria and that all races shall be accorded an equal and equitable treatment.
6. That trade and commerce with foreign countries shall be facilitated so as to contribute to the development of world economy.
7. That with regard to the economic activities of the peoples of foreign nations within the State of Manchuria the principle of the Open Door shall be observed.

It is the earnest desire of this Government that your Government will fully understand the purport of the establishment of the State of Manchuria hereinbefore stated and that formal diplomatic relations be established between your Government and the State of Manchuria.

With the assurances of my highest esteem and distinguished consideration,

Respectfully,

Hsieh Chieh-shih
Minister for Foreign Affairs
Manchoukuo

12th March, 1932.

First Year of Tatung

To Foreign Ministers of 17 Countries which have Consular Officials in Manchuria, namely, Austria, Belgium, Czechoslovakia, Denmark, Estonia, France, Germany, Great Britain, Japan, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, the United States, and the Union of Soviet Socialist Republics; and 35 other Countries.

5) Protokoll, unterzeichnet von Bevollmächtigten der Regierung Japans und Mandschukuos am 15. September 1932²⁶⁾

"Whereas Japan has recognized²⁷⁾ the fact that Manchukuo, in accordance with the free will of its inhabitants, has organized and established itself as an independent state; and

"Whereas Manchukuo has declared its intention of abiding by all international engagements entered into by China in so far as they are applicable to Manchukuo;

"Now the Government of Japan and Manchukuo have, for the purpose of establishing a perpetual relationship of good neighbourhood between Japan and Manchukuo, each respecting the territorial rights of the other, and also in order to secure the peace of the Far East, agreed as follows:—

"I. Manchukuo shall confirm and respect, in so far as no agreement to the contrary shall be made between Japan and Manchukuo in the future,

²⁶⁾ Übersetzung, a. a. O. Series No. 1. p. 16 foll.

²⁷⁾ Vgl. dazu oben S. 75, zu Fußnote 16f.

all rights and interests possessed by Japan or her subjects within the territory of Manchukuo by virtue of Sino-Japanese treaties, agreements or other arrangements or of Sino-Japanese contracts, private as well as public;

"2. Japan and Manchukuo, recognizing that any threat to the territory or to the peace and order of either of the High Contracting Parties constitutes at the same time a threat to the safety and existence of the other, agree to co-operate in the maintenance of their national security; it being understood that such Japanese forces as may be necessary for this purpose shall be stationed in Manchukuo.

"The present protocol shall come into effect from the date of its signature.

"The present protocol has been drawn up in Japanese and Chinese, two identical copies being made in each language. Should any difference arise in the interpretation between the Japanese and Chinese texts, the Japanese text shall prevail.

"In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present protocol and have affixed their seals thereto.

"Done at Hsinking, this fifteenth day of the Ninth month of the Seventh year of Showa, corresponding to the fifteenth day of Ninth month of the First of Tatung.

"(L.S.) NOBUYOSHI MUTO,

Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of Japan.

"(L.S.) CHENG HSIAO-HSU,

Prime Minister of Manchukuo.

Anerkennung der Sowjetregierung durch die Vereinigten Staaten von Amerika

(Zu dem Aufsatz von Makarov, oben S. I ff.)

Briefwechsel zwischen dem Präsidenten der Vereinigten Staaten, Roosevelt, und dem Volkskommissar für Auswärtige Angelegenheiten der UdSSR, Litvinov.¹⁾

i. Aufnahme diplomatischer Beziehungen.

The White House.

Washington, Nov. 16, 1933.

My dear Mr. Litvinov:

I am very happy to inform you that as a result of our conversations the Government of the United States has decided to establish normal diplomatic relations with the Government of the Union of Soviet Socialist Republics and to exchange Ambassadors.

I trust that the relations now established between our peoples may forever remain normal and friendly, and that our nations henceforth may cooperate for their mutual benefit and for the preservation of the peace of the world.

¹⁾ New York Times, November 18th, 1933.