

Sírvase llevar estas consideraciones, al conocimiento y examen del Gobierno amigo ante el cual se encuentra Ud. acreditado, y de las organizaciones que se interesan por el reinado de la páz y la justicia en el mundo.

Tomas Manuel Elio,
Ministro de Relaciones Exteriores.

möglich machen. Er muß sich, um unerschütterlich zu sein, auf die Gerechtigkeit gründen, und die Gerechtigkeit würde nicht von dieser Art sein, solange nicht alle Staaten als Personen eigenen Rechtes und im Vollbesitz ihrer Eigenschaften nebeneinander bestehen können.

Ich ersuche, diese Ausführungen zur Kenntnis und Prüfung der befreundeten Regierung zu bringen, bei der Ew. Hochwohlgeboren beglaubigt ist, und derjenigen Organisationen, die an der Herrschaft von Friede und Gerechtigkeit in der Welt Interesse nehmen.

Tomas Manuel Elio,
Minister
der auswärtigen Angelegenheiten.

6. Intervention der Ver. Staaten von Amerika im russisch-chinesischen Streitfall¹⁾ auf Grund des Kelloggpaktes.

Erklärung des Staatssekretärs Stimson mit Note an China und Rußland vom 2. Dezember 1929²⁾.

“We have been engaged in discussions with the governments of several of the other powers signatory to the Pact of Paris in regard to the situation in Manchuria. During the past few days organized Russian forces have been in conflict with organized Chinese forces near Dailinor in northern Manchuria. It is credibly reported that many casualties occurred and that thousands of the inhabitants of the neighboring towns have been driven from their homes. Although the causes of the conflict are in dispute and the accounts are somewhat contradictory, it is clear that serious encounters between military forces of China and

¹⁾ Zu dem Streitfall selbst vgl. L'Europe Nouvelle Nr. 625 vom 1. Febr. 1930. S. 219; Quigley, China Weekly Rev. Jan. 25, 1930, S. 277 ff.; Europ. Gespr. 1929, S. 443 ff., 1930 S. 38 ff., 110 ff. Eur. Ec. & Polit. Surv. 1929, S. 641 ff.; Mitteilung der chines. Reg. an Staatssekr. Stimson in Press Notice, Department of State U. S. A. vom 21. Aug. 1929; For. Aff. (Am.) Oct. 1929, S. 52 ff.; Ostasiat. Rundschau vom 1. Okt. 1929, S. 536; Hornbeck, Direktor der Abteilung für den fernen Osten im State Department U. S. A., Rede, gehalten im Williamstown Institute of Politics am 27. Aug. 1929, Press Notice, Dept. of State vom 29. Aug. 1929; U. S. D. vom 6. Dez. 1929, S. 3; Ching-Chun Wang, Nineteenth Century, Feb. 1930 S. 167 ff; Hoetzsch, Ost-Europa, 1929 S. 727; Bull. of. Int. News vom 19. Dez. 1929 S. 3.

²⁾ U. S. D. 3. 12. 1929.

Russia have occurred. It also is clear that during the months since this controversy began no effective steps have been taken by the Chinese and Russian governments looking toward an arbitration of the dispute or its settlement through neutral conciliation or other pacific means. The efficacy of the Pact of Paris depends upon the sincerity of the governments which are party to it. Its sole sanction lies in the power of public opinion of the countries, constituting substantially the entire civilized world, whose governments have joined in the covenant. If the recent events in Manchuria are allowed to pass without notice or protest by any of these governments the intelligent strength of the public opinion of the world in support of peace can not but be impaired.

We have found in our discussions referred to above community of views with regard to the fundamental principles. There has been in these discussions no suggestion of intervention of any kind. Discussions have been directed to discovering the best means of expressing the opinion of each of the nations by way of remonstrating against the use of force by either side in this controversy.

The Government of the United States has sent to China and Russia the following statement 3):

"The Government and people of the United States have observed with apprehensive concern the course of events in relations between China and Russia in the phase which has developed in reference to the situation in northern Manchuria since July 10.

On July 18 this Government took steps, through conversations between the Secretary of State and the diplomatic representatives at Washington of five powers, to see that the attention of the Chinese and the Russian governments be called to the provisions of the Treaty for the Renunciation of War, to which both China and Russia were signatories. Both the Russian and the Chinese governments then made formal and public assurances that neither would resort to war unless attacked. Since that time that treaty has been ratified by no less than 55 powers, including China and Russia.

The American Government desires again to call attention to the provisions of the Treaty for the Renunciation of War, particularly to article II, which reads, 'The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise, among them,

3) Eine ähnliche Note der französischen Regierung ist abgedruckt in *L'Europe Nouvelle* Nr. 625 vom 1. Februar 1930, S. 221. Dort auch eine französische Übersetzung der hier folgenden amerikanischen Noten. Eine der amerikanischen entsprechende englische Note an die russische und die chinesische Regierung ist abgedruckt in der *Times* vom 3. Dez. 1929. U. S. D. vom 12. Dez. 1929 bringt (S. 8) eine Liste der Mächte, die auf die Aufforderung des Staatssekretärs Stimson geantwortet haben mit Bezeichnung ihrer Stellungnahme. Japan lehnte die Mitwirkung ab, Deutschland drückte seine Sympathie mit dem Schritt der amerikanischen Regierung aus, sandte aber keine Note an die streitenden Parteien, weil Friedensverhandlungen bereits eingeleitet seien (Übersetzung der deutschen Note U. S. D. vom 16. Dez. 1929 S. 11, der österreichischen U. S. D. vom 19. Dez. 1929 S. 3, der türkischen Erklärung U. S. D. vom 14. Dez. 1929 S. 2).

Z. ausl. öff. Recht u. Völkerk. Bd. 2, T. 2: Urk.

shall never be sought except by pacific means'; and the American Government takes occasion to express its earnest hope that China and Russia will refrain or desist from measures of hostility and will find it possible in the near future to come to an agreement between themselves upon a method for resolving by peaceful means the issues over which they are at present in controversy. The American Government feels that the respect with which China and Russia will hereafter be held in the good opinion of the world will necessarily in great measure depend upon the way in which they carry out these most sacred promises.' "

Erklärung der Sowjetregierung vom 3. Dezember 1929⁴⁾.

"The Union of Socialist Soviet Republics from the first day of its existence has pursued a policy of peace, and unlike other powers has never resorted to military action except as a necessary step for defense due to direct attack on the Union or armed intervention in its internal affairs. The Soviet Union has consistently pursued this policy and intends to pursue it independently of the Paris pact for abolition of war.

During recent years the Nanking Government, evading by its usual methods settlement of the conflict by diplomatic ways, has carried on toward the Soviet Union a provocative policy of violation of the customary rules and treaties, notwithstanding the fact that these treaties were not imposed on China by force but were concluded on the basis of full equality and free will and that the Soviet Union voluntarily surrendered in these treaties extraterritorial consular jurisdiction and other privileges which the Chinese Government until now has been vainly trying to abolish in regard to other powers.

The climax of this policy was the seizure of the Chinese Eastern Railway without any warning or preliminary presentation of any claims, in violation of existing agreements regarding the joint administration of the railway.

The Soviet Government believes that if action such as that of the Nanking Government were taken toward the United States, Great Britain or France it would be considered by their governments sufficient cause for putting into force reservations they made when signing the pact.

The Soviet Government declared when signing that it did not recognize the reservations and did not intend to use them.

The Nanking Government not only resorted to illegal seizure of the Chinese Eastern Railway but mobilized along the Manchuria Railway an army, various sections of which, together with counter-revolutionary Russian bands included therein, made systematic attacks on the U. S. S. R., crossing the frontier and firing on units of the Red Army and frontier villages, robbing and violating a peaceful population, causing thereby losses of lives and property.

⁴⁾ China Weekly Rev. Jan. 25, 1930, p. 277. Deutsche Übersetzung in Europ. Gespr. Nov./Dez. 1929, S. 630 ff.

Despite frequent warnings through the German Government, these attacks did not cease but rather increased, and compelled the Soviet Far Eastern army, in the interests of defense, protection of the frontier and the peaceful population to take counter measures. Thus the actions of the Red Army had due considerations of self-defense and were in no wise violations of any obligations of the Paris pact.

That cannot be said of armed forces in Chinese territory and Chinese ports of those powers who have applied today to the Soviet Union with identical declarations.

The Soviet Government states that the government of the United States has addressed its declaration at a moment when the Soviet and Mukden Governments already had agreed to several conditions and were proceeding with direct negotiations which would make possible prompt settlement of the conflict between the Soviet Union and China.

In view of this fact, the above declaration cannot but be considered unjustifiable pressure on the negotiations and cannot therefore be taken as a friendly act.

The Soviet Government states further that the Paris pact does not give any single State or group of States the function of protector of this pact. The Soviet, at any rate, never expressed consent that any States themselves or by mutual consent should take upon themselves such a right.

The Soviet Government declares that the Soviet-Manchurian conflict can be settled only by direct negotiations between the Soviet Union and China on the basis of conditions known to China and already accepted by the Mukden Government, and that it cannot admit interference of any other party in these negotiations or the conflict.

In conclusion, the Soviet Government cannot forbear expressing amazement that the government of the United States, which by its own will has no official relations with the Soviet, deems it possible to apply to it with advice and counsel."

Erklärung des Staatssekretärs Stimson vom 4. Dezember 1929⁵⁾.

"I have seen the text of the Russian memorandum as reported in the press. Between cosignatories of the pact of Paris it can never be rightly thought unfriendly that one nation calls to the attention of another its obligations or the dangers to peace which from time to time arise.

As far back as The Hague Convention of 1899 the nations of the world agreed that strangers to a dispute, on their own initiative, could make suggestions looking for peace between the states which were at variance and that the exercise of that right is not to be regarded by the parties in conflict as an unfriendly act. This was reaffirmed again in 1907 and has been the recognized rule ever since.

5) U. S. D. 5. Dez. 1929.

The message of the American Government was sent not from unfriendly motives but because this Government regards the pact of Paris as a covenant which has profoundly modified the attitude of the world towards peace and because this Government intends to shape its own policy accordingly. In the language of the joint statement issued by the President of the United States and the prime minister of Great Britain on Oct. 10 last 'both our governments resolve to accept the peace pact not only as a declaration of good intentions but as a positive obligation to direct national policy in accordance with its pledge.'

The present declaration of the authorities of Russia that they are now proceeding with direct negotiations which will make possible the settlement of the conflict is not the least significant evidence to show that the public opinion of the world is a live factor which can be promptly mobilized and which has become a factor of prime importance in the solution of the problems and controversies which may arise between nations."

7. Notenwechsel zwischen der britischen und der niederländischen Regierung über die Regelung der Kriegsschäden des holländischen Fischereigewerbes¹⁾.

I. Sir Austen Chamberlain to M. van Swinderen.

Foreign Office, March 22, 1929.

Sir,

With reference to the prolonged discussions which have taken place regarding the claims in relation to damage or losses alleged to have been suffered by Netherlands nationals during the late war, I have the honour to state that His Majesty's Government in the United Kingdom, after careful review of the facts of the individual cases, see no reason whatever to modify their conclusion that no liability towards any of the claimants rests upon them under recognised principles of international law.

His Majesty's Government in the United Kingdom have, however, as you are aware, recognised that the claims presented on behalf of the Dutch fishing industry as a consequence of the action which the British authorities were reluctantly compelled to take during the war, stand on a special footing and they are now prepared as an act of grace towards the claimants to pay to the Netherlands Government in respect of the fishing vessels' claims the sum of 1 million guilders, it being left entirely to the Netherlands Government at their discretion to dispose of this amount in favour of those claimants in such way as they may consider proper. With a view to protecting His Majesty's Government in the United Kingdom against a possible double liability, it is understood

¹⁾ Cmd. 3311. T. S. No. 9 (1929).