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EXPLANATORY NOTE

Committees whose Reports are included in this volume

On September 6th, 1935, the Council of the League appointed a Committee of representatives of the United Kingdom, France, Poland, Spain and Turkey to "make a general examination of Italo-Ethiopian relations and to seek for a pacific settlement." The Report of this Committee, known as the Committee of Five, will be found on pages 54-56.

On September 26th the Council set up a Committee composed of representatives of all its Members except the parties to the dispute to draw up a report under paragraph 4 of Article 15 of the Covenant, i.e., a Report setting forth "the facts of the dispute and the recommendations which are deemed just and proper in regard thereto." The Report of this Committee, referred to as the Committee of Thirteen, will be found on pages 7-31.

On October 5th the Council set up a Committee, referred to as the Committee of Six, consisting of representatives of the United Kingdom, Chile, Denmark, France, Portugal and Roumania, to study the situation and report to the Council not later than October 7th in order to enable it to take decisions with a full knowledge of the facts. The Report of this Committee will be found on pages 66-68.

On October 7th the Council adopted the Reports, first of the Committee of Thirteen (pages 68-79) and then of the Committee of Six (pages 79-81).

On October 9th the Report of the Committee of Six, together with the Minutes of the Meeting of the Council of October 7th, was communicated to the Assembly. (Page 81.)

On October 10th this Report was concurred in by the Members of the Assembly—Italy, Austria, and Hungary dissenting. (Pages 95-96.)

On the same day the Assembly passed a recommendation for the setting up of a Committee for the Co-ordination of Measures to be taken under Article 16 of the Covenant. (Page 112.)

On October 11th the Committee of Eighteen was set up by the Committee of Co-ordination. (Page 129.) On October 19th its terms of reference were extended. (Page 132.)

The Committee of Experts, whose Report is set forth on pages 148 to 155 was set up by the Chairman of the Committee of Eighteen in accordance with a decision of that Committee on November 6th, 1935.

The Committee of Experts whose report is set forth on pages 156-160 was appointed by the Committee of Eighteen on January 22nd, 1936.

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I. BACKGROUND OF THE DISPUTE

No. 1

Review of Italo-Ethiopian Relations

REPORT OF THE COMMITTEE OF THIRTEEN, SET UP BY THE COUNCIL OF THE LEAGUE OF NATIONS ON SEPTEMBER 26th, TO PREPARE A REPORT UNDER PARAGRAPH 4 OF ARTICLE 15 OF THE COVENANT — *i.e.* A REPORT SETTING FORTH THE FACTS OF THE DISPUTE AND THE RECOMMENDATIONS DEEMED JUST AND PROPER IN REGARD THERETO — SUBMITTED TO THE COUNCIL, OCTOBER 5, 1935.

League of Nations Document No. C 411 (1) M. 207 (1) 1935, VII

PART I

THE ITALO-ETHIOPIAN DISPUTE BEFORE THE COUNCIL

SECTION I

The Walwal Incident

1. It was at its meeting in January, 1935, that the Council, at the request of Ethiopia, first considered the tension in the relations between that country and Italy.

Ethiopian Request of December 14th, 1934

2. This tension was announced by a telegram from the Ethiopian Government to the Secretary-General, dated December 14th, 1934. Replying to the allegations contained in that telegram, the Italian Government, on December 16th, supplied the information in its possession, reserving the right to make further communications. Until the eve of the Council meeting, the two Governments continued to exchange explanations, both through diplomatic channels and through the intermediary of the Secretary-General. From the various documents communicated to them, the Members of the Council were able to make certain deductions as to the origins of the conflict.

3. It appeared that, from November 23rd, 1934, onwards, incidents had occurred in the Walwal area after the arrival in that area, which contained wells, of the Anglo-Ethiopian Joint Commission for the delimitation of the frontier between Ethiopia and British Somaliland. This Commission, which had instructions to make a survey of the grazing-grounds in the Ethiopian province of Ogaden, and which, from Ado onwards, was accompanied by a strong Ethiopian escort, had found Walwal occupied by an Italian native force. Following various incidents, the Commission had withdrawn on November 25th, without its escort. After its departure, an engagement took place on December 5th between the Italian and Ethiopian troops. Other incidents followed. Each of the two Governments protested to the other, holding it responsible.

4. Ethiopia and Italy were bound, not only by the undertakings in the Covenant of the League of Nations, but also by the provisions of the Treaty of Amity, Conciliation and Arbitration of August 2nd, 1928. Whereas Ethiopia requested the application of the arbitration procedure provided for in Article 5 of that treaty, Italy demanded reparations in the form of apologies from the Governor of Harrar, a salute to the Italian flag, the punishment of the offenders, and compensation for the dead and wounded. The Italian Government considered that the incident of December 5th had occurred in such clear and manifest circumstances that there could be no doubts as to its nature. It was, in the Italian Government's opinion, a sudden and unprovoked attack by the Ethiopians upon an Italian post, and the Government could not see what question there was to submit to arbitration.

5. The Ethiopian Government replied that arbitration was possible on the two following main questions: " (1) there was an Italian aggression first at Walwal and three days later in the interior of Ogaden, notably at Ado and Gerlogubi; (2) Walwal is Ethiopian territory illegally occupied by Italian troops."

6. In support of this latter assertion, the Ethiopian Government appealed to the Italo-Ethiopian Treaty of May 16th, 1908, which had defined the frontier between Ethiopia and Italian Somaliland. Making reference to that treaty, the Ethiopian Government pointed out that Walwal was situated in the Ethiopian province of Ogaden, at about one hundred kilometres from the frontier. The Italian Government maintained, on the other hand, that Walwal belonged to the Italian colony of Somaliland and had been occupied by Italian troops for several years past. It added that, in that region, the frontier had not been demarcated on the ground and that the delimitation work had been broken off in 1911, owing to difficulties raised by the Ethiopian Government. The Italian Government was prepared to resume it "once the Ethiopian Government has given it due satisfaction in compensation for the rights which have been infringed by the flagrant aggression at Walwal, whereby the Ethiopian Government has violated the treaties existing between the two countries and the Covenant of the League of Nations."

7. The controversy was inflamed by mutual accusations regarding the policy of the two countries prior to the Walwal incident. The telegram from the Italian Government, dated December 24th, represented that incident as the most serious of "a lengthy series of attacks carried out . . . in the frontier zone between Italian Somaliland and Ethiopia . . . with a view to disputing by means of threatening acts, the legality of the presence of Italian detachments in certain frontier localities." The Italian Government added that it possessed ample documentary evidence on this subject. The Ethiopian Government replied that the Walwal incident, "like previous incidents is due to the Italian policy of gradual encroachment" in an area which could not be described as one "whose sovereignty

is indeterminate." According to the Ethiopian Government, that area was "an integral part of Ethiopian territory, even according to the official Italian maps." While taking note of the Italian Government's declaration that it was prepared to resume work on the demarcation of the frontier, the Ethiopian Government could not agree to the preliminary condition attached by Italy to such a resumption: it would not give satisfaction to Italy for the Walwal incident until there had been an inquiry into the responsibility for the incident.

8. By the end of December, the situation had grown worse. The Ethiopian Government alleged that there had been various Italian military operations in the Walwal area, while the Italian Government denied these assertions. On January 3rd, 1935, the Ethiopian Government reported "an Italian aggression against the Ethiopian garrison at Gerlogubi," and requested, in application of Article II of the Covenant, that every measure should be taken to safeguard peace.

Council Meeting of January 11th, 1935

9. At the opening of its session on January 11th, the Council was informed that the Ethiopian Government reserved the right to request that the question be placed on the agenda during that same session. Making reference to Article II, paragraph 2, of the Covenant, the Ethiopian delegation submitted, on January 15th, the request it had foreshadowed. The question was placed on the agenda on the 17th.

Council Resolution of January 19th

10. The efforts at pacification during this session of the Council led to an agreement between the two Governments, recorded in two letters addressed to the Secretary-General and in a Council resolution taking note of those letters.

The letter from the Italian delegation confirmed the Italian Government's opposition to any intervention by the Council, since direct negotiations had not been broken off.

Proposing, in conclusion, that the discussion of the Ethiopian request should be postponed, the Italian delegation stated that:

"The Royal Government, conscious of its good right and prepared as it is and always has been to seek, in conjunction with the Ethiopian Government, for a satisfactory solution of the question—which for its part it does not regard as likely to affect the peaceful relations between the two countries—considers that the discussion of the Abyssinian request would not facilitate in any way the continuance of the direct negotiations with a view to an understanding.

"The settlement of the incident might be advantageously pursued in accordance with Article 5 of the Treaty of 1928 between Italy and Ethiopia, it being understood that, in the interval, all expedient measures will be taken and all useful instructions will be confirmed or given for the avoidance of fresh incidents."

In the letter addressed to the Secretary-General by the Ethiopian delegation, the Ethiopian Government, finding that the Italian Government, like itself, was desirous of conciliation, agreed to the postponement of the discussion to the next session of the Council.

The Council decided to postpone the discussion after having taken note of these letters, in which the representatives of Italy and Ethiopia (1) declared their readiness to pursue the settlement of the incident in conformity with the spirit of the Treaty of Amity of 1928 between Italy and Ethiopia, and with Article 5 of that treaty; (2) pledged themselves to take all expedient measures and to give all instructions which could be of use for the avoidance of fresh incidents.

11. In March 1935, following this undertaking, the two Governments established a provisional neutral zone in the Walwal area. In the event of any infringement of the provisions agreed upon with regard to that zone, the Ethiopian and Italian officers commanding locally were to consult together with a view to a friendly settlement of any incidents that might occur, though they could always refer to their respective Governments.

12. The establishment of this neutral zone, intended to prevent the recurrence of such incidents as had taken place since the beginning of December 1934, seemed, at the time, calculated to diminish the tension between the two countries and to facilitate a pacific settlement by the procedure provided for in the Italo-Ethiopian Treaty of 1928.

13. According to the terms of that treaty and of the notes exchanged at the time between the two Governments, the latter, undertaking not to resort to armed force, should, if they could not settle their dispute by direct negotiations, each appoint two arbitrators to seek a solution by conciliation. If conciliation proved impossible, the two Governments should have recourse to arbitration, in which case the four arbitrators should agree upon the choice of a fifth arbitrator. The procedure provided for by the treaty might thus comprise three stages—direct negotiations, conciliation, arbitration.

Ethiopian Requests of March 16th and 17th

14. Between January 19th and March 16th, 1935, no communication was made by the parties to the League of Nations. During that period, negotiations had been pursued between the two Governments both on the question of the neutral zone in the Walwal area and with a view to the settlement of their dispute. The communications from the Ethiopian Government dated March 16th and 17th showed, however, that the Ethiopian Government regarded direct negotiations as being at an end. It complained that, in these negotiations, the Italian Government had "proceeded by way of injunctions, demanding reparation before the matter is examined at all," that it had declined the good offices of a third Power, and that it had not replied to "our repeated requests for arbitration on the dispute." This situation, which, it said, was aggravated by the "mobili-

sation of a class in Italy" and "the continual despatch of troops and war material" to the Italian colonies in East Africa, obliged the Ethiopian Government to demand "full investigation and consideration as provided in Article 15 (of the Covenant), pending the arbitration contemplated by the Treaty of 1928 and the Geneva Agreement of January 19th, 1935."

15. The Italian Government denied that a class had been mobilised, and explained that the despatch of troops was dictated by the necessity of providing for the safety of its colonies. It had been obliged, it said, to take certain preparatory defensive action on account both of the military measures taken on a very much larger scale by Ethiopia, and of the abnormal situation still existing on the frontiers, as demonstrated by repeated incidents, even on other frontiers than those of the Italian colonies. It objected to the application of Article 15 of the Covenant, on the ground that the exchange of notes of January 19th, 1935, had provided for the application of the procedure under the Treaty of 1928. Although, for its part, it did not consider direct negotiations to be at an end, and was still awaiting a reply from Ethiopia to its suggestion that the Italian and Ethiopian documentation regarding the aggression at Walwal should be compared, the Italian Government stated that it was prepared, if the phase of direct negotiations closed without an agreement being reached, and if the Ethiopian Government did the same, to take steps forthwith with a view to the constitution of the Commission provided for in the Treaty of 1928.

Extraordinary Session of the Council, April 15th, 1935

16. When the Council met in extraordinary session on April 15th, it had to decide whether, as an exceptional measure, the question of the Italo-Ethiopian dispute should be added to the limited agenda of that session, or whether it should remain on the agenda of the ordinary session the following month. The Ethiopian Government, in its recent communications, had called attention to a situation which was, it urged, increasing in gravity. In support of its request for immediate consideration, it referred to a Press report to the effect that several thousand Egyptian labourers were to be sent to Eritrea. These labourers were required for work which, according to the Ethiopian Government, formed part of Italy's military preparations.

17. During the discussion that took place in the Council on April 15th, the representative of Italy said that his Government, while it considered the continuance of direct negotiations desirable, had informed the Ethiopian Government that it was prepared to embark on the procedure of conciliation and arbitration and to make the necessary arrangements with that Government as to the methods by which the procedure should be carried out. The Ethiopian request, being designed to bring before the Council a dispute which was submitted to a procedure of arbitration agreed upon between the parties, was contrary to the terms of Article 15 of the Covenant.

The Ethiopian representative referred to Articles 2 and 5 of the Treaty of 1928. The Ethiopian Government, taking note of the declaration that the Italian Government was prepared to follow the procedure under Article 5, expressed its desire that that proposal should be immediately put into effect. It proposed that an early date should be fixed by which the two Governments should communicate to each other the names of their arbitrators.

The representative of Italy rejected this suggestion, for which no provision was made in the Conventions in force between the two parties. Adding that this was not the time to refrain from applying the undertakings that had been signed, he signified his Government's intention to put into operation as speedily as possible the procedure provided for in Article 5 of the treaty.

To the United Kingdom representative's suggestion that the arbitrators should be appointed and the terms of reference fixed before the Council's ordinary session in May, the Italian representative replied by repeating his statement.

After this exchange of views, the Council decided that the question should remain on the agenda of its ordinary session in May.

18. Difficulties arose with regard to the application of the procedure of conciliation and arbitration. The Ethiopian Government desired to choose the two arbitrators which it was called upon to appoint from among the nationals of third Powers. The Italian Government invited the Ethiopian Government to appoint arbitrators of Ethiopian nationality. Moreover, Ethiopia drew attention to "the mobilisation of several classes" in Italy and the despatch of "numerous troops and a large quantity of war material" to Eritrea and Somaliland on the pretext that the Emperor of Ethiopia had "ordered a general mobilisation."

Ordinary Session of the Council, May 20th

19. When the Council met in ordinary session on May 20th, it received a telegram from the Emperor of Ethiopia denouncing the Italian preparations on the frontiers of the Empire, which he reported to have begun before September 1934. He also stated that a fresh difficulty had arisen as regards arbitration, Italy objecting to the arbitrators' dealing with the interpretation of the Italo-Ethiopian Treaty of 1908. The Emperor asked the Council to stop the military measures taken by Italy, and to apply Article 15 of the Covenant if the latter should not agree that, in giving a decision on the incidents which had occurred since November 23rd, 1934, the arbitrators could interpret the Treaty of 1908. An *aide-mémoire* by the Ethiopian delegation, dated May 22nd, accompanied by numerous annexes, further outlined the development of the situation since November 1934 from the Ethiopian point of view.

Council Resolutions of May 25th

20. At its meeting on May 25th, the Council adopted a resolution with the object of ensuring a settlement of the dispute by the procedure of conciliation and arbitration within a time-limit of three months. It

was noted that, direct negotiations through diplomatic channels having been exhausted, the two parties had nominated their arbitrators. The two Governments were in agreement in entrusting to these arbitrators, not only the settlement of the dispute which had arisen between them in consequence of the incident of December 5th, 1934, but also the settlement of the incidents which had occurred since that date on the Italo-Ethiopian frontier. The Italian Government waived its objection concerning the nationality of the arbitrators appointed by the Ethiopian Government; the procedure of conciliation and arbitration was to be concluded by August 25th.

Furthermore, by a second resolution, the Council, while leaving to the two parties full liberty to settle the dispute in accordance with Article 5 of the Italo-Ethiopian Treaty of August 2nd, 1928, decided to meet if, in default of agreement between the four arbitrators for the settlement of the dispute, an understanding should not have been reached by July 25th between these arbitrators as to the selection of the fifth arbitrator (unless the four arbitrators agreed to the extension of this period). It also decided to meet to examine the situation if, on August 25th, the settlement by means of conciliation and arbitration should not have taken place.

The Ethiopian representative recalled that, under Article 2 of the Italo-Ethiopian Treaty of 1928, the two Governments had undertaken "not to engage under any pretext in action calculated to injure or prejudice the independence of the other". He accordingly asked that the Italian Government (1) should abstain "from sending to East Africa additional troops and munitions or additional specialists"; (2) should not use "for the preparation of an attack on Ethiopia the troops, munitions and specialists" already sent to East Africa.

In this connection, the representative of Italy stated that the Italian Government, "like any other Government in similar circumstances, can not allow the measures taken for the legitimate defence of its territory to form the subject of remarks by anyone whomsoever, or that they should be exploited in order to arouse and disturb international public opinion. A few days ago, the head of the Italian Government uttered, on this subject, certain words which are categorical and final" . . . "No authority would wish to interfere in the least degree with our Government's exercise of its sovereignty. By accepting the arbitration procedure, we have demonstrated our determination to respect the undertakings entered into by our two Governments . . . If my Government accepts the conciliation and arbitration procedure, it does so because it intends to conform thereto."

Ethiopian Request of June 19th.

21. On June 19th, the Ethiopian Government pointed out that the Italian Government had not ceased "to send to East Africa troops and munitions of war in large quantities, and that it accompanied these despatches with inflammatory harangues and speeches full of threats to Ethiopia's independence and integrity". It added that the Italian Press is "constantly publishing reports of frontier incidents with the manifest

intention of disturbing relations between Italy and Ethiopia", and that the Italian Government refers to "these frontier incidents as confirming its duty to take the most vigorous defensive measures to safeguard its legitimate interests."

Protesting against "these allegations and this attitude," the Ethiopian Government proposed that the Council should appoint immediately neutral observers to proceed to Ethiopia and inspect the frontier districts marching with Italian Somaliland and the other colonies. These observers, who would investigate the situation actually existing in the frontier districts, would make an enquiry into all alleged or real incidents and would report to the Council direct.

22. On July 9th, the Council was informed by the Ethiopian Government's agent that the work of the Conciliation Commission had been interrupted. The Italian Government's agent had objected to the agent of the Ethiopian Government giving explanations regarding the territorial situation at Walwal, on the ground that the terms of arbitration drawn up in agreement between the two Governments related to the *de facto* circumstances of the Walwal incident and of the other incidents which had occurred up to May 25th, to the exclusion of frontier incidents in whole or in part. The two Italian arbitrators had accepted the objection put forward by their Government's agent. The two arbitrators appointed by the Ethiopian Government had considered that it was impossible to forbid the agent of the Ethiopian Government to state the reasons which led him to consider that the Commission, being free to judge of all the circumstances of the incident, might include among those circumstances the "ownership" of Walwal. The Italian arbitrators had proposed a suspension of the proceedings until July 20th, in order to give the two Governments an opportunity of settling the point under dispute meanwhile. On their side, the arbitrators appointed by the Ethiopian Government had declared that the time had come for the four arbitrators to select a fifth arbitrator.

23. As already stated above, the Council had decided to meet if, failing an agreement between the four arbitrators for the settlement of the dispute, an understanding should not have been reached by July 25th, between these arbitrators, as to the selection of the fifth arbitrator (unless the four arbitrators agreed to the extension of this period). This situation having arisen, the Council was convened in special session on July 31st.

Special Session of the Council: First Resolution of August 3rd.

24. At this session, the Council first of all endeavoured to arrange for a resumption of the work of the Commission of Arbitration and Conciliation. Having studied the notes exchanged between the parties and their declarations made before the Council on May 25th, it considered that the two parties had not agreed that the Commission should examine frontier questions or give a legal interpretation of the agreements and treaties concerning the frontier, and that this matter therefore did not come within

the terms of reference of the Commission. It was always open to the Commission to take into consideration, without entering upon any discussion on the matter, the conviction that was held by the local authorities on either side as to the sovereignty over the place of the incident. The Commission would, however, prejudge the solution of questions which did not fall within its province if it founded its decision on the opinion that Walwal was under the sovereignty either of Italy or Ethiopia. The Commission had to concern itself solely with the other elements of the dispute. Moreover, the Council took note of the declaration of the two parties to the effect that the four members of the Commission of Conciliation and Arbitration would proceed without delay to designate the fifth arbitrator whose appointment might be necessary for the carrying through of their work. Confident that the procedure would have brought about the settlement of the dispute before September 1st, the Council invited the two Governments to inform it of the results not later than September 4th.

Unanimous Award of the Arbitrators regarding the Walwal incident and the subsequent incidents up to May 25th, 1935.

25. The Council's interpretation of the mission entrusted to the Commission of Conciliation and Arbitration enabled the four arbitrators to resume their work. Having met once more on August 20th, they appointed M. Nicolas Politis as fifth arbitrator.

26. On August 29th, the intervention of the fifth arbitrator became necessary, the four others having been unable to reach an agreement.

27. The arbitral award was pronounced unanimously on September 3rd.

After a relation of the facts and a summary of the versions of the two parties, the Commission, "taking into account the limits of its powers under the resolution adopted by the Council on August 3rd," found:

"(1) That neither the Italian Government nor its agents on the spot can be held responsible in any way for the actual Walwal incident; the allegations brought against them by the Ethiopian Government are disproved in particular by the many precautions taken by them to prevent any incident on the occasion of the assembling at Walwal of Ethiopian regular and irregular troops, and also by the absence of any interest on their part in provoking the engagement of December 5th; and

"(2) That, although the Ethiopian Government also had no reasonable interest in provoking that engagement, its local authorities, by their attitude and particularly by the concentration and maintenance, after the departure of the Anglo-Ethiopian Commission, of numerous troops in the proximity of the Italian line at Walwal, may have given the impression that they had aggressive intentions—which would seem to render the Italian version plausible—but that nevertheless it had not been shown that they can be held responsible for the actual incident of December 5th."

As regards the incidents which had occurred subsequently up to May 25th, 1935, between the Italian and Ethiopian forces, the Commission was of the opinion "that in respect of these minor incidents no international responsibility need be involved."

SECTION II

General Question of Relations between Italy and Ethiopia

As a result of the arbitral award given on September 3rd, the Walwal incident and the other incidents to which it refers were settled.

But the Council had observed, apart from the immediate effect of these incidents, a growing tension in the relations between Italy and Ethiopia which far exceeded the significance of these purely local occurrences. The question of the Italian and Ethiopian military preparations and that of the insecurity of the frontiers had been raised. It became increasingly clear that profound political differences existed between Italy and Ethiopia.

Council Resolution of August 3rd.

1. Taking this situation into account, the Council, at its meeting on August 3rd, at the same time as it adopted the resolution quoted above with a view to the resumption of arbitral proceedings in the Walwal incident, decided that on September 4th it would undertake a general examination, in their various aspects, of the relations between Italy and Ethiopia. The Italian representative abstained from voting on the second resolution. The Ethiopian representative expressed, on behalf of the Ethiopian Government, the hope that this full and comprehensive examination would enable the Council to establish once and for all, and on a solid basis, permanent, friendly and trustful relations between Ethiopia and Italy.

The Three-Power Negotiations in Paris (August, 1935)

2. The United Kingdom and France, which, like Italy, possess colonies bordering on Ethiopia, had from the outset of the dispute done all in their power to promote a peaceful settlement. Apart from the efforts of their representatives on the Council, certain steps had been taken. At the Council meeting on August 3rd, the representative of the United Kingdom announced that conversations would very shortly take place between France, Italy and the United Kingdom. Stating that a *communiqué* had been published that day to that effect,¹ he announced that he would report at the next meeting of the Council the outcome of the negotiations of the three Powers. The President said that he was sure he was interpreting the wishes of the Council in expressing the hope that these negotiations would be crowned with success.

¹The following is the text of the *communiqué*:

"The representatives of the Governments of the United Kingdom, France and Italy, having met together at Geneva on August 1st, 1935;

"In view of the fact that the three Powers, signatories of the treaty on December 13th, 1906, concerning Ethiopia, have already declared themselves ready to enter into negotiations among themselves with a view to facilitating a solution of the differences existing between Italy and Ethiopia:

"Have agreed to open these conversations at the earliest possible date."

3. According to the statement made by the United Kingdom representative at the Council meeting on September 4th, the negotiations between the three Powers began at Paris on August 16th, after two days of informal exchanges of views.

The Italian delegate brought forward a certain number of complaints against Ethiopia, and then laid emphasis upon the special interests of his country. In particular, he asked that the predominance of the political and economic interests of Italy in Ethiopia should be recognised. The United Kingdom and French delegates, basing themselves upon those parts of the Italian case which seemed to them capable of being used, then drew up a programme which might serve as a basis of discussion. These suggestions were only of an exploratory nature and were not intended in any degree to commit the Governments concerned.

4. A summary of the Franco-British suggestions submitted to the Council by the United Kingdom representative, in agreement with the French representative, is attached (see Number 2). These suggestions essentially consisted in a plan of collective assistance to Ethiopia to help her, under the auspices of the League of Nations, to carry out certain reforms. Ethiopia was to accept this plan of her own free will. Assistance would have been afforded by the three limitrophe Powers, but this would not have prevented particular account being taken of the special interests of Italy, without prejudice to the recognised rights of France and the United Kingdom.

5. The suggestions laid before it by the United Kingdom and French Governments having been rejected by the Italian Government, the Paris conversations were adjourned on August 18th.

Council Session, September, 1935

6. When the Council met on September 4th, it found that, although the unanimous award of the arbitrators had settled the Walwal incident and subsequent incidents, the settlement had not restored calm. The tripartite negotiations at Paris had proved unsuccessful, and the tension between Ethiopia and Italy had grown still more serious.

Meeting of September, 4th—Presentation of the Italian Government's Memorandum.

7. At the meeting of the Council on September 4th, the representative of the Italian Government presented a detailed memorandum on the situation in Ethiopia, and stated formally that "Italy's dignity as a civilised nation would be deeply wounded were she to continue a discussion in the League on a footing of equality with Ethiopia." Italy refused to recognise equality, which was a privilege conferred on Members of the League, to a State which had shown no desire to fulfil its obligations. "There is a close correlation between all the clauses of the League's charter. The justification and counterpart of the guarantees it lays down are to be found in the obligations it imposes; rights involve duties." "The

fundamental principle of the Covenant is that a State cannot be admitted to membership of the League—and consequently cannot continue to be a Member—if it does not fulfil—or ceases to fulfil—certain fundamental conditions; it must have a stable Government, an effective political and administrative organisation, and well-defined frontiers.” Italy could no longer count upon the clauses of the Treaty of Friendship of 1928 itself, nor could she rely upon purely legal guarantees, to fulfil the duty incumbent upon her of removing once and for all the threat of danger to her own colonies. Since the question affected vital interests and was of primary importance to Italian security and civilisation, the Italian Government would be failing in its most elementary duty did it not cease once and for all to place any confidence in Ethiopia, reserving full liberty to adopt any measures that might become necessary to ensure the safety of its colonies and to safeguard its own interests.

8. The representative of Ethiopia said that he had heard “with great surprise the indictment of Ethiopia by the Italian representative.” While stating that the Ethiopian Government desired at once “to protest most strongly against the charges brought against it,” he called the Council’s attention “to one capital point”: “The question is whether, in a few days, a war of extermination will be opened.”

Meeting of September 5th—Fresh Ethiopian Request for the application of Article 15 of the Covenant

9. At the meeting of September 5th, the representative of Ethiopia asked the Council to take the decisions necessary to fulfil “its mission under Article 15, paragraph 3.”

Appointment and Proceedings of the Committee of Five

10. On September 6th, the Council decided to appoint a Committee to make a general examination of Italo-Ethiopian relations and to seek for a pacific settlement. This Committee, consisting of five Members of the Council—Spain (Chairman), the United Kingdom, France, Poland, and Turkey—made suggestions to the two parties on September 18th.

11. These suggestions took into account the facts which constituted a situation for which it was necessary to find a remedy, and also the request for assistance under the auspices of the League which was put forward by the delegate of Ethiopia at the plenary meeting of the Assembly held on September 11th. International assistance to Ethiopia seemed to offer a solution which would be acceptable to both parties; the independence and territorial integrity of Ethiopia would be respected; Italy would have the possibility of resuming, in security, relations with Ethiopia based on good understanding and confident collaboration.

In the plan which it had suggested, the Committee had endeavoured to secure greater tranquillity, not merely throughout Ethiopia, but more particularly in the frontier territories of the Empire, and in the agricul-

tural areas where Europeans might be numerous. Furthermore, the Governments of France and the United Kingdom had intimated that they were prepared to facilitate, by common sacrifices, territorial adjustments between Italy and Ethiopia. They also agreed to recognise a special Italian interest in the economic development of Ethiopia.

12. These suggestions of the Committee of Five were accepted by Ethiopia as a basis for negotiation, but were rejected by Italy.

Meeting of the Council, September 26th. Preparation of the Report in virtue of Article 15, paragraph 4, of the Covenant

13. At its meeting on September 26th, the Council was obliged to recognise that the efforts of the Committee of Five had failed. It entrusted to a Committee consisting of all its members except the representatives of the Parties the drafting of the present report with a view to the application of Article 15, paragraph 4, of the Covenant. Since, however, conciliation is always possible until the Council has adopted the report, the Committee of Five remained in being for the purpose of judging, should any suggestions be made to it, whether they might justify a further attempt at conciliation.

* * *

14. After the failure of the attempt at conciliation by the Committee of Five, the Council received a telegram from the Emperor of Ethiopia, dated September 25th, which said that "several months ago we gave orders to our troops along our frontiers to withdraw 30 kilometres from the frontier and to remain there to avoid any incidents that might serve the Italians as a pretext for aggression. The orders have been carried out in full. We remind you of our previous request for the despatch of impartial observers to establish the facts in regard to any aggression or other incident that might occur in order to fix the responsibility therefor. We further ask that the Council should take any other precautions it may think advisable."

To this telegram, the Committee of Thirteen appointed by the Council on September 26th replied that, considering with the most careful attention the request for the despatch of impartial observers, it was examining whether the actual circumstances would permit them to discharge their mission.

15. At the Council's meeting on September 28th, the President said that he felt that the telegram from the Emperor of Ethiopia should be officially communicated to the Italian representative for any observations he might think fit to make. It was so communicated on the same day, in the form of a letter from the President of the Council to the Italian representative. No reply has yet been received.

16. On September 28th, the Emperor of Ethiopia sent a further telegram to the President of the Council. While asserting that Ethiopia would continue to collaborate with the Council for a pacific settlement in accordance with the Covenant, the Emperor drew the Council's most serious attention to the increasing gravity "of the threat of Italian aggression," owing to the continual "despatch of reinforcements and other preparations, despite our pacific attitude." He added that he earnestly begged the Council "to take as soon as possible all precautions against Italian aggression, since the circumstances had become such that we should fail in our duty if we delayed any longer the general mobilisation necessary to ensure the defence of our country." The contemplated mobilisation would not, he said, affect his previous orders to keep "his troops at a distance from the frontier," and he confirmed his "resolution to co-operate closely with the League of Nations in all circumstances."

17. On October 2nd, the Emperor of Ethiopia informed the Council that Italian troops had violated the Ethiopian frontier in the region south of Mount Mussa Alli, near the frontier of French Somaliland. This region being near the sea and easy of access, the Emperor considered that the Council could obtain confirmation of this violation by sending observers or through the Government of French Somaliland.

On October 3rd, the Italian Government replied that no military movement of Italian detachments had taken place in this region, where as a matter of fact the frontier had not yet been delimited.

18. On October 3rd, the Italian Government informed the Council that the warlike and aggressive spirit in Ethiopia had succeeded in imposing war against Italy and had found its latest and complete expression in the order for general mobilisation announced by the Emperor on September 28th. That order, stated the Italian Government, represented a direct and immediate threat to the Italian troops with the aggravating circumstance of the creation of a neutral zone which, in reality, was only a strategic movement intended to facilitate the assembly and the aggressive preparation of the Ethiopian troops. As a result of the order for general mobilisation, the continual and sanguinary aggression to which Italy had been subjected in the last ten years manifestly involved grave and immediate dangers against which it was essential for elementary reasons of security to take action without delay. Confronted by this situation, the Italian Government found itself obliged to authorise the High Command in Eritrea to take the necessary measures of defence.

19. On October 3rd, the Ethiopian Government informed the Council that Italian military aeroplanes had, that day, bombarded Adowa and Adigrat and that a battle was taking place in the province of Agamè. It added that these facts, occurring in Ethiopian territory, involved a violation of the frontiers of the Empire and a breach of the Covenant by Italian aggression.

PART II

CIRCUMSTANCES OF THE DISPUTE

After this historical survey of the efforts made since January, 1935, to arrive at a pacific settlement, it is the Council's duty to deduce, from this survey and from the material before it, the circumstances of the Italo-Ethiopian dispute. The situation is such that the Council cannot wait for the full reply which the Ethiopian Government has promised to the Italian Government's detailed memorandum. The memorandum and its annexes, presented at Geneva in Italian on September 4th, have only just been received at Addis Ababa, and will naturally require protracted study on the part of the Ethiopian authorities.

The results of that study do not, however, seem absolutely essential for a general assessment of Ethiopia's position from the international standpoint, of the importance of the grievances urged by Italy, and of the development of Italo-Ethiopian relations up to the present time.

1. It has already been stated that, in its telegram of December 24th, 1934, the Italian Government represented the Walwal incident as the gravest of "a lengthy series of attacks carried out . . . in the frontier zone between Italian Somaliland and Ethiopia . . . with a view to disputing, by means of threatening acts, the legality of the presence of Italian detachments in certain frontier localities." Apart from this statement, and the subsequent statements explaining the despatch of troops to East Africa on the ground of the abnormal situation still prevailing on the frontiers and the military measures taken by Ethiopia, the Italian Government gave the Council, during a period of several months, no indication that it had any other or more serious grievances against Ethiopia.

The Council had hoped that the settlement of the question of the responsibility for the Walwal incident would put an end to the dispute. Various statements (some of which have been referred to above) made by the representative of Italy during the sessions prior to August, 1935, seemed to confirm that hope.

But, at its meeting on August 3rd, the Council found that it would be obliged to undertake the general examination, in its various aspects, of the relations between Italy and Ethiopia.

2. The memorandum which the Italian Government submitted to the Council on September 4th brought other charges against Ethiopia, which have now to be considered.

The memorandum recalls the history of the relations between Ethiopia and Italy, with the object of showing that Ethiopia does not fulfil her international obligations; it surveys the situation in Ethiopia itself, in order to prove that that country has not discharged its duties as a Member of the League, nor fulfilled the special undertakings which it contracted at the time of its admission to the League.

3. At the Council meeting on September 4th, 1935, the representative of Italy, when presenting his Government's memorandum, at the same time conveyed to the Council certain declarations by that Government, which opened with the following words: "For nearly fifty years, Italy has patiently and consistently pursued towards Ethiopia a policy of co-operation and friendship aimed at ensuring peaceful conditions in her neighbouring colonies and developing her political and economic relations with that country. Since the advent of the Fascist Government, this policy has been specially active."

4. It is true that a long period of peace between the two countries followed the Treaty of Addis Ababa of October 26th, 1896, whereby Italy recognised "the absolute and unreserved independence of the Ethiopian Empire as a sovereign and independent State."

Treaties defining the Frontiers between Ethiopia and the Italian Colonies

5. Between 1900 and 1908, the two Governments concluded various treaties for the purpose of defining the frontiers between Ethiopia and the Italian colonies. The Treaty of July 10th, 1900, amended by the note appended to the Anglo-Ethiopian Treaty of March 15th, 1902, fixed the frontier between Ethiopia and the northern part of Eritrea. The Convention of May 16th, 1908, prolonged that frontier as far as the frontier of the French Somali coast.

Another Convention, also signed on May 16th, 1908, defined the frontier between Ethiopia and Italian Somaliland.

* * *

The Klobukowski Treaty

6. By the operation of the most-favoured-nation clause, and subsequently in virtue of Article 4 of the Italo-Ethiopian Treaty of August 2nd, 1928, the status of Italian nationals and protected persons in Ethiopia is determined by the treaty signed by France and Ethiopia at Addis Ababa on January 10th, 1908.

This treaty, frequently called the Klobukowski Treaty, provides for freedom to enter and reside in the country, to own property in accordance with the customs of the country, and to engage in trade, industry, and agriculture, for the nationals and protected persons of the two States. It determines the Customs duties which may be imposed in Ethiopia on French goods. It secures most-favoured-nation treatment to French nationals and protected persons. Lastly, it defines the jurisdictional privileges of French nationals in Ethiopia.

* * *

Treaties concerning Ethiopia concluded by Italy with Other Powers

7. In the statement of the facts of the dispute, it is necessary to mention certain treaties concluded by Italy with third Powers—treaties to which Ethiopia is not a party. The Italian memorandum quotes, in this connection, the Italo-British Protocols of March 24th, 1891,

April 15th, 1891, and May 5th, 1894, the Italo-Franco-British Agreement signed in London on December 13th, 1906, and the Italo-British exchange of notes of December 14th-20th, 1925. These agreements, it says, divide the territory of Ethiopia into several spheres of influence and recognise that the largest share belongs to Italy.

8. The most important of these instruments is the Tripartite Agreement of 1906. The representatives of the signatory Powers of that treaty, who have participated in the drafting of the present report analyse the aforesaid treaty as follows:

The three Powers observe that it is their "common interest" to "maintain intact the integrity of Ethiopia" and accordingly "agree to maintain the political and territorial *status quo* in Ethiopia as determined by the state of affairs at present existing" and by the agreements concluded by those Powers; these agreements are enumerated in Article I, which adds that they "do not in any way infringe the sovereign rights of the Emperor of Abyssinia, and in no respect modify the relations between the three Powers and the Ethiopian Empire as stipulated in the present agreement."

In case any events should disturb the *status quo*—and the events contemplated at the time of the conclusion of the treaty were internal events—the three Powers agree to "make every effort to preserve the integrity of Ethiopia," and add that, "in any case, they shall concert together . . . to safeguard" the interests of Great Britain, Egypt, and France in certain specified zones, and "the interests of Italy in Ethiopia as regards Erythræa and Somaliland (including the Benadir), more especially with reference to the hinterland of her possessions and the territorial connection between them to the west of Addis Ababa." (For text of Agreement see Appendix 1.)

9. As for the exchange of notes of December, 1925, between Italy and the United Kingdom¹, which the Italian memorandum represents as confirming the Agreement of 1906², it defines the respective spheres of economic influence in Ethiopia. Similarly, the Franco-Italian agreement concluded in Rome on January 7, 1935, defines and limits French economic interests in Ethiopia.

10. The Italian memorandum, which invokes these agreements does not represent them as acts leading up to a partition of Ethiopia. The other signatories agree on this point and in particular invoke in this connection that the Agreement of 1906, while recognising that Italy has important economic interests in Ethiopia, reserves completely the sovereign rights of the Emperor and prescribes the maintenance of the political and territorial *status quo* in Ethiopia as also of its integrity. If such an interpretation were nevertheless put forward, it would conflict with Article 10 of the Covenant, which is binding upon the signatories of the Agreement of 1906,

¹ Regarding this exchange of notes, see below, paragraph 13.

² It is recorded in the exchange of letters between Italy and the United Kingdom of December, 1925, that the object of the Agreement of 1906 "is to maintain the *status quo* in Ethiopia on the basis of the international instruments indicated in Article 1 thereof and the co-ordination of the action of the signatory States to protect their respective interests so that they should not suffer prejudice."

and to the benefits of which Ethiopia is entitled since she has been a Member of the League; and consequently, in accordance with Article 20 of the Covenant, the Agreement of 1906 would fall to the ground so far as such a contradiction existed.

It is perfectly clear that these agreements involve obligations upon the signatory States only, and not upon Ethiopia³ or any other Member of the League.

* * *

Admission of Ethiopia to the League of Nations, September, 1923

II. The admission of Ethiopia to the League of Nations, with Italy's support, is indeed a factor of obvious importance in the development of the relations between the two countries and their mutual obligations.

Ethiopia was unanimously admitted in 1923, on the report of the Sixth Committee of the Assembly. To this report was annexed that of the Sub-Committee⁴ which had studied the Ethiopian Government's request. This Sub-Committee had considered whether the Empire fulfilled the requisite conditions for being admitted to the League. To the question whether it possessed a stable Government and well-defined frontiers, the Sub-Committee replied in the affirmative. To the question whether it was fully self-governing, it replied that, although it found itself unable to determine exactly the extent of the effective control of the central authority over the provinces remote from the capital, it was of opinion that Abyssinia was fully self-governed. As regards the question, "What have been the acts and declarations of Abyssinia as regards her international engagements?" the Sub-Committee took note of a telegram from the Heir to the Throne of Ethiopia (the present Emperor), dated August 1, 1923, containing the following declaration:

"The Abyssinian Government is prepared to accept the conditions laid down in Article I of the Covenant and to carry out all obligations incumbent on Members of the League of Nations."

The report continued as follows:

"The Sub-Committee notes that Abyssinia has, by this declaration, given proof of her good-will with regard to the fulfilment of her international engagements. In order to assist Abyssinia to overcome the difficulties which may in the past have been the obstacles to such fulfilment, the Sub-Committee recommends to the Committee that, before giving its opinion to the Assembly regarding the admission of Abyssinia, it should request Abyssinia to sign the following declaration:

"The Empire of Abyssinia, following the example of other sovereign States which have given special undertakings on the occasion of their admission to the League of Nations, makes the following declaration:

³In July, 1906, the draft of the Tripartite Agreement was communicated to Menelik II, and his consent was requested. He reserved his right to consider the matter at length. On December 5th, on the advice of the agents of the three Powers, he handed them an acknowledgment of receipt. The treaty was signed in London a week later. (See, in particular, the Diplomatic Documents relating to Ethiopian Affairs published by the Ministry for Foreign Affairs of the French Republic, Paris, 1907).

⁴This Sub-Committee consisted of the representatives of the United Kingdom, Finland, France, Italy, Latvia, Persia and Roumania.

“1. Abyssinia adheres to the obligations formulated in Article II, paragraph I, of the Convention signed at Saint-Germain-en-Laye on September 10, 1919, amending the General Act of Berlin, dated February 26, 1885, and the General Act and Declaration of Brussels, dated July 2, 1890.

“2. Abyssinia, recognising as binding the system at present established with regard to the importation of arms and ammunition, undertakes to conform to the principles set forth in the Convention and Protocol signed at Saint-Germain-en-Laye on September 10, 1919, and in particular to the stipulations contained in Article VI of the said Convention.

“3. Abyssinia declares herself ready now and hereafter to furnish the Council with any information which it may require, and to take into consideration any recommendations which the Council may make with regard to the fulfilment of these obligations, in which she recognises that the League of Nations is concerned.”

12. This declaration, signed by Ethiopia at the time of her admission to the League, constitutes a special obligation for that country. It should be noted that, until September 4 last, no Member of the Council felt it necessary to refer to the special obligations thus assumed by Ethiopia. Since 1923, no proposal has been submitted to the effect that the Council should make recommendations to the Ethiopian Government regarding the execution of these obligations.

Exchange of Notes between the Governments of the United Kingdom and Italy, December, 1925.

13. The Governments of the United Kingdom and Italy exchanged notes in December, 1925, regarding their interests in Ethiopia. These notes constituted an agreement between the two Governments to support each other with a view to obtaining a concession for the British Government to undertake the conservancy of the waters of Lake Tsana and for the Italian Government to construct a railway connecting Eritrea with Italian Somaliland through Ethiopia.

On June 19, 1926, the Ethiopian Government communicated to the Members of the League a protest concerning this exchange of notes and informed them that it could not accept the agreement recorded therein.

On August 3, 1926, the United Kingdom Government informed the Secretary-General that there was nothing in the notes to suggest coercion or the exercise of pressure on the Ethiopian Government. The Ethiopian Government had a perfect right to judge what was in the interest of Ethiopia.

In the letter of August 7, 1926, addressed to the Secretary-General, the Italian Government explained that it had been the more surprised by the note sent by the Ethiopian Government to the Members of the League in that the Italian representative in Addis Ababa had clearly pointed out to the

Ethiopian Government that the notes from the Italian and United Kingdom Governments merely constituted an agreement as to procedure concluded by those two Governments with a view to co-ordinating certain economic interests, but that the application, in actual practice, of that agreement was naturally subject to the decisions of the Ethiopian Government and the latter's recognition that these interests were in keeping with those of Ethiopia and would be beneficial to the country's economic and civil progress.

The letter sent by the Italian Minister at Addis Ababa to the Ethiopian Government on June 9, 1926, and attached by that Government to the communication which it sent on June 19 to the Secretary-General, contained the following statement:

"On behalf of my Government, I have the honour to confirm to Your Highness that the agreement referred to is of a purely economic character, and, so far from being designed to infringe (injure) the sovereign rights of the Abyssinian Government, constitutes a further proof of the friendly intentions of Italy and Great Britain towards the Abyssinian Empire, which remains entirely free to grant or refuse any requests in connection with economic questions which either of the two Governments may make."

On September 4, 1926, the Ethiopian Government informed the Members of the League that, far from having given any undertaking whatever in this matter to the two Powers concerned, it retained, as the British and Italian Governments themselves had stated, full and complete freedom to decide as to any request which might be made to it, and had a perfect right to judge what was in the interests of Ethiopia.

* * *

The whole of the correspondence relating to this question was published in the *Official Journal* of the League, November, 1926. (See Appendix 2.)

Treaty of Amity, Conciliation and Arbitration between Ethiopia and Italy, dated August 2, 1928

14. On August 2, 1928, Italy and Ethiopia signed a Treaty of Amity, Conciliation and Arbitration. In this treaty, the two Powers promise each other "constant peace and perpetual friendship" (Article I) and mutually undertake "not to engage, under any pretext, in action calculated to injure or prejudice the independence" of the other party (Article 2) and to develop and promote trade between the two countries (Article 3). The Governments undertake "to submit to a procedure of conciliation and arbitration disputes which may arise between them and which it may not have been possible to settle by ordinary diplomatic methods, without having recourse to armed force" (Article 5).

This Treaty of August 2nd, 1928, was invoked by Ethiopia after the Walwal incident and made it possible to settle this incident by arbitration after the difficulties related in Part I of the present report.

Road Convention between Ethiopia and Italy dated August 2nd, 1928

15. At the same time as the Treaty of Amity, Conciliation and Arbitration, a Road Convention was signed, the main provisions of which were as follows:—

1. The Ethiopian Government and the Italian Government undertake to construct, each on its own territory, a motor-road between Assab, a port in Eritrea, and Dessieh, a locality situated at the foot of the central Ethiopian massif. (The distance between these two points is about 270 kilometres, of which 70 are on the Italian side and 200 on the Ethiopian side).

2. A monopoly for the transport of goods and passengers on this road was to be granted to an Italo-Ethiopian company in which the Addis Ababa Government reserved the right to direct participation.

3. The Italian Government conceded to the Ethiopian Government, for a period of 130 years at an annual rental of one thaler, a free zone of 6,000 square metres in the port of Assab. It promised to give friendly consideration to such requests for an extension of the area as might be submitted to it subsequently.

4. The Ethiopian Government was to have the right to erect warehouses in the free zone and, generally speaking, all other buildings it might require. It might, if it desired, build and connect up with the warehouses a wharf alongside which the vessels of the Ethiopian Government and the merchant-vessels of other States might moor.

Treaty of August 21st, 1930, between Ethiopia, France, the United Kingdom and Italy concerning the Importation of Arms

16. To terminate this survey of undertakings in regard to Ethiopia, mention should be made of the treaty which Ethiopia, France, the United Kingdom and Italy signed on August 21st, 1930, for the regulation of the importation of arms and ammunition and war material into Ethiopia.

In the preamble to this treaty, the Powers refer to the "obligation entered into by Ethiopia, on admission as a Member of the League of Nations, to comply, as regards the importation of arms and ammunition, with the principles laid down in the Convention" of Saint-Germain-en-Laye of September 10th, 1919, and with the Convention for the Supervision of the International Trade in Arms and Ammunition and in War Material, signed at Geneva on June 17th, 1925.

It is explained that the object of the supervision of the trade in arms in Ethiopia and in the contiguous territories is, on the one hand, to enable the Emperor to obtain the necessary arms "both for the defence of his territory against external aggression and for the maintenance of public order within the country" and, on the other hand, to prevent the danger to peace ensuing both for Ethiopia and for the contiguous territories from any purchase of arms by unauthorised persons.

Finally, in the preamble to this treaty the four Powers express their desire "to conform to the principles contained both in the Covenant of the League of Nations, more particularly as regards respect for and the preservation of the territorial integrity and political independence of the Members of the League of Nations, and in the General Pact for the Renunciation of War, signed at Paris on August 27th, 1928, to which Covenant and Pact the above-mentioned four Powers are signatories."

The treaty provides, *inter alia*, that arms and ammunition and war material may only be imported at the request or with the authorisation of the Emperor; for their part, France, the United Kingdom and Italy undertake to permit the transit of these articles across their neighbouring possessions when the conditions laid down in the treaty have been fulfilled. The treaty prescribes certain measures of supervision and the exchange of information.

* * *

17. This survey of international undertakings calls, in conclusion, for the following observations:—

Ethiopia has been admitted into the League of Nations and thus enjoys the rights and is bound by the obligations of Members of the League. Ethiopia is a party to the General Pact for the Renunciation of War, signed at Paris on August 27th, 1928. As from September 18th, 1934, she renewed for two years her acceptance of the optional clause of the Statute of the Permanent Court of International Justice. The Covenant of the League of Nations, the Pact of Paris, the Italo-Ethiopian Treaty of Friendship, Conciliation and Arbitration of August 2nd, 1928, conceived in the same spirit as these two pacts, and the optional clause of the Statute of the Permanent Court of International Justice are, for Ethiopia and for Italy, solemn undertakings which exclude resort to arms for the settlement of disputes between these two countries.

With regard to the special undertaking subscribed to by Ethiopia on her entry into the League of Nations, it should be noted that, in accordance with the terms of the declaration she signed, "the fulfilment of these obligations is, she recognises, a matter in which the League of Nations is concerned," and that, while other countries retain the right to draw the Council's attention to a violation of Ethiopia's special undertakings, the Council alone is competent to examine the matter and make recommendations to the Ethiopian Government.

18. The memorandum handed in by the Italian Government on September 4th last sets out complaints against Ethiopia which may be grouped under the three following headings: insecurity of the frontiers; non-fulfilment of the obligations contracted by the Empire on its entry into the League of Nations (slavery, traffic in arms); disturbed internal situation which precluded the fulfilment of the terms of the treaties concerning the status of foreigners and makes it impossible to satisfy the economic interests of Italy.

19. According to the preliminary observations submitted on September 14th by the Ethiopian delegation, it would be necessary to subject to a searching and impartial enquiry the facts invoked by the Italian Government and the accompanying explanations and commentaries. The events which have taken place while this report was being drafted by the Committee make it impossible for the Council now to consider the possibility of such an enquiry. The Council is, however, in a position to establish a certain number of points in connection with the complaints of the Italian Government.

20. As regards the insecurity of the frontiers of Ethiopia, the Council can refer to the evidence of the two other European Powers which, like Italy, possess territories contiguous with Ethiopia. On the frontiers of these territories, there have also occurred raids and incidents affecting the interests of these Powers. They have settled these incidents by diplomatic methods. They have taken account of the fact that, in the present condition of Ethiopia and Ethiopian administration, the almost total absence of communications and the great difficulty of ensuring the application by the subordinate provincial authorities of the policy of the Central Government at Addis Ababa had prevented the Emperor, in spite of his sincerest intentions, from carrying out the necessary reforms by his own unaided efforts. These incidents and raids along the frontiers of Ethiopia were not in the nature of an aggression sought for or encouraged by the Central Government.

Of the three Governments of the contiguous Powers, none has at any time laid any of these incidents before the Council.

As regards the non-observance of the obligations assumed by Ethiopia when she entered the League of Nations, the reports of the competent organs of the League on the subject of slavery show that comparatively little real progress has been made in the direction of its abolition, although the Emperor has done all that lay in his power.

With reference to the arms traffic, Ethiopia, as mentioned above, concluded in 1930 a treaty with France, the United Kingdom and Italy. Although the application of that treaty has given rise to complaints on the part of those three Powers, there is no reason to believe that the Ethiopian Government deliberately or systematically violated its essential provisions.

As to the internal state of Ethiopia, the Governments which, in 1923, supported Ethiopia's request for admission to the League were aware of the internal situation of the Empire at that time. The Minutes of the Sixth Committee of the Assembly show that those Governments considered that the entry of Ethiopia into the League would not only afford her a further guarantee for the maintenance of her territorial integrity and independence, but would help her to reach a higher level of civilisation. There does not appear to be more disorder and insecurity in Ethiopia to-day than was the case in 1923. On the contrary, the country is better organised and the central authority is better obeyed.

21. Whatever may have been its grievances against Ethiopia, the Italian Government had not, previously to September 4th last, submitted them to the organs of the League. Had they been laid before it, the Council would certainly have endeavoured to remedy the situation. Moreover, after the entry into force of the Italo-Ethiopian Treaty of August 2nd, 1928, Italy could, if she preferred it, have recourse for all litigious questions to the procedure of conciliation and arbitration provided for in Article 5 of that treaty. At the request of Ethiopia, that procedure was applied for the settlement of the Walwal affair. Italy, declaring at the outset that she was the victim of an aggression, demanded apologies and compensation without any previous enquiry. She agreed later that the procedure of arbitration should follow its course.

22. The appropriate method of helping the Ethiopian Government to make more rapid progress in the matter of internal reforms is to co-operate with it and assist it, so that it may be in a position resolutely to embark upon the constructive action required, not only to improve the lot of the Ethiopian people and to develop the natural resources of the country, but also to enable the Empire to live in harmony with its neighbours. This the Ethiopian Government itself realises. At the plenary meeting of the Assembly on September 11th, 1935, its delegate requested the co-operation of the League with a view to raising the economic, financial and political level of the Empire. As mentioned above, this request was taken into consideration by the Committee of Five in drawing up its scheme of assistance to Ethiopia.

23. The suggestions of the Committee of Five were accepted, in principle, by the Ethiopian Government. If they were rejected by the Italian Government, it was "inasmuch as they did not offer a minimum basis sufficient for conclusive realisation which would finally and effectively take into account the rights and the vital interests of Italy." In his oral observations, the Italian representative complained that the Committee of Five had completely neglected "the Italian reasons based on treaties, historical facts, the defence of the Italian colonies and Italy's mission in Africa." The Committee of Five, he added, should have taken account of "the peculiar situation of Italy in Ethiopia in consequence of the Tripartite Treaty of 1906 and the previous agreements which form an integral part thereof . . . It ought to have considered the territorial rights granted to Italy by Article 4, paragraph (b), of the Tripartite Treaty—*i.e.*, the right to a junction between the Italian colonies of Eritrea and Somaliland to the west of Addis Ababa." Moreover, "the different peoples which are subject to the tyranny of Abyssinia and live on the frontiers of the country under inhuman conditions" should have been rescued therefrom.

The Committee of Five's plan had necessarily to be based upon the principles of the Covenant, of the Pact of Paris and also of the treaties which Italy had concluded with Ethiopia, more particularly the Treaty of Amity of 1928. Any solution of the problem of Italo-Ethiopian relations had to be founded on the respect due to the independence, territorial integrity and security of all the States Members of the League.

24. The Italian memorandum was laid on the Council table on September 4th, 1935, whereas Ethiopia's first appeal to the Council had been made on December 14th, 1934. In the interval between these two dates, the Italian Government opposed the consideration of the question by the Council on the ground that the only appropriate procedure was that provided for in the Italo-Ethiopian Treaty of 1928. Throughout the whole of that period, moreover, the despatch of Italian troops to East Africa was proceeding. These shipments of troops were represented to the Council by the Italian Government as necessary for the defence of its colonies menaced by Ethiopia's military preparations. Ethiopia, on the contrary, drew attention to the official pronouncements made in Italy which, in its opinion, left no doubt "as to the the hostile intentions of the Italian Government".

25. From the outset of the dispute, the Ethiopian Government has sought a settlement by peaceful means. It has appealed to the procedures of the Covenant. The Italian Government desiring to keep strictly to the procedure of the Italo-Ethiopian Treaty of 1928, the Ethiopian Government assented; it invariably stated that it would faithfully carry out the arbitral award, even if the decision went against it. It agreed that the question of the ownership of Walwal should not be dealt with by the arbitrators, because the Italian Government would not agree to such a course. It asked the Council to despatch neutral observers and offered to lend itself to any enquiries upon which the Council might decide.

26. Once the Walwal dispute had been settled by arbitration, however, the Italian Government submitted its detailed memorandum to the Council in support of its claim to liberty of action. It asserted that a case like that of Ethiopia cannot be settled by the means provided by the Covenant.

It stated that, "since this question affects vital interests and is of primary importance to Italian security and civilisation," it "would be failing in its most elementary duty, did it not cease once and for all to place any confidence in Ethiopia, reserving full liberty to adopt any measures that may become necessary to ensure the safety of its colonies and to safeguard its own interests."

* * *

Such are the circumstances in which hostilities have broken out between Ethiopia and Italy.

Having thus stated the facts of the dispute, the Council should now, in accordance with Article 15 of the Covenant, make known "the recommendations which are deemed just and proper in regard thereto."

The facts brought to its knowledge since its last meeting by the two parties make it first and foremost the urgent duty of the Council to draw attention to the obligation of conforming to the provisions of the Covenant. For the time being, the only recommendation which it makes is that any violation of the Covenant should immediately be brought to an end.

The Council reserves the right to make subsequently such other recommendations as it may consider advisable.

APPENDIX 1

AGREEMENT BETWEEN THE UNITED KINGDOM, FRANCE AND
ITALY, RESPECTING ABYSSINIA, SIGNED AT LONDON,
DECEMBER 13, 1906¹

It being the common interest of France, Great Britain, and Italy to maintain intact the integrity of Ethiopia, to provide for every kind of disturbance in the political conditions of the Ethiopian Empire, to come to a mutual understanding in regard to their attitude in the event of any change in the situation arising in Ethiopia, and to prevent the action of the three States in protecting their respective interests, both in the British, French, and Italian possessions bordering on Ethiopia and in Ethiopia itself, resulting in injury to the interests of any of them, the Government of the French Republic, the Government of His Britannic Majesty, and the Government of Italy have assented to the following Agreement:—

ARTICLE 1. France, Great Britain, and Italy shall co-operate in maintaining the political and territorial *status quo* in Ethiopia as determined by the state of affairs at present existing, and by the following Agreements:—

- (a) The Anglo-Italian Protocols of the 24th March and 15th April, 1891, and of 5th May, 1894, and the subsequent Agreements modifying them, including the reserves formulated by the French Government in 1894 and 1895;
- (b) The Anglo-Ethiopian Convention of 14th May, 1897, and its annexes;
- (c) The Italo-Ethiopian Treaty of 10th July, 1900;
- (d) The Anglo-Ethiopian Treaty of 15th May, 1902;
- (e) The note annexed to the above-mentioned Treaty of 15th May, 1902;
- (f) The Convention of 11th March, 1862, between France and the Dannakils;
- (g) The Anglo-French Agreement of 2nd-9th February, 1888;
- (h) The Franco-Italian Protocols of 24th January, 1900, and 10th July, 1901, for the delimitation of the French and Italian possessions on the littoral of the Red Sea and the Gulf of Aden;
- (j) The Franco-Ethiopian Frontier Convention of 20th March, 1897.

It is understood that the various Conventions mentioned in this Article do not in any way infringe the sovereign rights of the Emperor of Abyssinia, and in no respect modify the relations between the three Powers and the Ethiopian Empire as stipulated in the present Agreement.

ARTICLE 2. As regards demands for agricultural, commercial, and industrial concessions in Ethiopia, the three Powers undertake to instruct

¹ British Treaty Series No. 1, 1907.

their Representatives to act in such a way that concessions which may be accorded in the interest of one of the three States may not be injurious to the interests of the two others.

ARTICLE 3. In the event of rivalries or internal changes in Ethiopia, the Representatives of France, Great Britain, and Italy shall observe a neutral attitude, abstaining from all intervention in the internal affairs of the country, and confining themselves to such action as may be, by common consent, considered necessary for the protection of the Legations, of the lives and property of foreigners, and of the common interests of the three Powers. In no case shall one of the three Governments interfere in any manner whatsoever, except in agreement with the other two.

ARTICLE 4. In the event of the *status quo* laid down in Article 1 being disturbed, France, Great Britain, and Italy shall make every effort to preserve the integrity of Ethiopia. In any case, they shall concert together, on the basis of the Agreements enumerated in the above-mentioned Article, in order to safeguard:—

- (a) The interests of Great Britain and Egypt in the Nile Basin, more especially as regards the regulation of the waters of that river and its tributaries (due consideration being paid to local interests), without prejudice to Italian interests mentioned in paragraph (b);
- (b) the interests of Italy in Ethiopia as regards Erythræa and Somaliland (including the Benadir) more especially with reference to the hinterland of her possessions and the territorial connection between them to the west of Adis Abeba;
- (c) The interests of France in Ethiopia as regards the French Protectorate on the Somali Coast, the hinterland of this Protectorate and the zone necessary for the construction and working of the railway from Jibuti to Adis Abeba.

ARTICLE 5. The French Government communicates to the British and Italian Governments:—

(1) The Concession of the Franco-Ethiopian Railway of 9th March, 1894;

(2) A communication from the Emperor Menelek dated 8th August, 1904, the translation of which is annexed to the present Agreement, inviting the Company to whom the above Concession was granted to construct the second section of the line from Diré Dawa to Adis Abeba;

ARTICLE 6. The three Governments agree that the Jibuti Railway shall be prolonged from Diré Dawa to Adis Abeba, with a branch line to Harrar eventually, either by the Ethiopian Railway Company in virtue of the deeds enumerated in the preceding Article, or by any other private French Company which may be substituted therefor, with the consent of the French Government, on condition that the nationals of the three countries shall enjoy in all matters of trade and transit absolute equality

of treatment on the railway and in the port of Jibuti. Goods shall not be subject to any fiscal transit duty levied for the benefit of the French Colony or Treasury.

ARTICLE 7. The French Government will endeavour to arrange that an English, an Italian, and an Abyssinian Representative shall be appointed to the Board of the French Company or Companies which may be intrusted with the construction and working of the railway from Jibuti to Adis Abeba. The British and Italian Governments will reciprocally endeavour to arrange that a French Director shall in like manner and on the same conditions be appointed to the Board of any English or Italian Company which has been or may be formed for the construction or working of railways running from any point in Abyssinia to any point in the adjoining English or Italian territory. It is likewise agreed that the nationals of the three countries shall enjoy in all matters of trade and transit absolute equality of treatment, both on the railways which may be constructed by English or Italian Companies, and in the English or Italian ports from which these railways may start. Goods shall not be subject to any fiscal transit duty levied for the benefit of the British or Italian Colonies or Treasuries.

The three Signatory Powers agree to extend to the nationals of all other countries the benefit of the provisions of Articles 6 and 7 relating to equality of treatment as regards trade and transit.

ARTICLE 8. The French Government will abstain from all interference as regards the Concession previously granted beyond Adis Abeba.

ARTICLE 9. The three Governments are agreed that all railway construction in Abyssinia west of Adis Abeba shall, in so far as foreign assistance is required, be carried out under the auspices of Great Britain. The three Governments are also agreed that all construction of railways in Ethiopia, joining the Benadir to Erythræa to the west of Adis Abeba, shall, in so far as foreign assistance is required, be carried out under the auspices of Italy.

The Government of His Britannic Majesty reserve to themselves the right, in case of need, to make use of the authorization, granted by the Emperor Menelek on the 28th August, 1904, to construct a railway from British Somaliland through Ethiopia to the Soudanese frontier, on condition, however, that they previously come to an agreement with the French and Italian Governments, the three Governments undertaking not to construct without previous agreement any line entering Abyssinian territory or intended to join the Abyssinian lines, which would compete directly with those established under the auspices of any one of them.

ARTICLE 10. The Representatives of the three Powers will keep each other fully informed, and will co-operate for the protection of their respective interests. In the event of the British, French, and Italian Representatives being unable to agree, they will refer to their respective Governments, suspending all action meanwhile.

ARTICLE 11. Beyond the Agreements enumerated in Articles 1 and 5 of the present Convention, no Agreement concluded by any one of the Contracting Powers concerning Ethiopia shall affect the other Signatory Powers of the present Agreement.

Done at London, December 13, 1906.

(Signed) E. GREY

(Signed) PAUL CAMBON

(Signed) A. DE SAN GIULIANO.

APPENDIX 2

EXCHANGE OF NOTES BETWEEN THE UNITED KINGDOM AND ITALY RESPECTING CERTAIN BRITISH AND ITALIAN INTERESTS IN ABYSSINIA¹

Correspondence between the Abyssinian, British and Italian Governments and the Secretary-General of the League of Nations

I. NOTE FROM HIS IMPERIAL AND ROYAL HIGHNESS TAFARI MAKONNEN, HEIR TO THE THRONE AND REGENT OF THE EMPIRE OF ABYSSINIA, TO THE SECRETARY-GENERAL OF THE LEAGUE.

[*Translation*]

Peace be with you.

I have the honour to forward herewith copies of the correspondence communicated to us by the British and Italian Governments (Annexes 2 and 4 and Appendices), constituting an agreement concluded between them without our knowledge in regard to their interests in Abyssinia, and copies of our replies (Annexes 3 and 5). I also enclose the protest (Annex 1) which we are addressing to the States Members of the League of Nations, making known that we cannot accept this agreement.

I beg that you will be good enough to communicate these documents to the States Members in order that the question may be considered.

Given in the City of Addis Ababa on the twelfth day of Senié in the year of grace 1918 (June 19th, 1926).

(*Seal and Signature*) TAFARI MAKONNEN,
Heir to the Throne of Abyssinia.

¹ League of Nations Official Journal, November, 1926.
13423-34

ANNEX 1.

PROTEST SENT BY HIS IMPERIAL AND ROYAL HIGHNESS TAFARI MAKONNEN,
REGENT AND HEIR TO THE THRONE OF ABYSSINIA, TO THE STATES MEMBERS
OF THE LEAGUE OF NATIONS.

[Translation]

Our Government has recently received from the British and Italian Governments identical notes (Annexes 2 and 4) informing us that these Governments have arrived at an agreement to support each other with a view to obtaining a concession for the British Government to undertake the conservancy of the waters of our Lake Tsana, and for the Italian Government to construct a railway through our Empire.

We have been profoundly moved by the conclusion of this agreement concluded without our being consulted or informed, and by the action of the two Governments in sending us a joint notification.

In the first place, on our admission to the League of Nations we were told that all nations were to be on a footing of equality within the League, and that their independence was to be universally respected, since the purpose of the League is to establish and maintain peace among men in accordance with the will of God.

We were not told that certain Members of the League might make a separate agreement to impose their views on another Member, even if the latter considered those views incompatible with its national interests.

Secondly, one of the subjects covered by the agreement had already been discussed between the British Government and our own, and the fact that no conclusion had yet been reached was due to reasons of whose nature and importance we were fully aware; we had, however, never given any definite reply.

We cannot help thinking, therefore, that, in agreeing to support each other in these matters, and in giving us a joint notification of that agreement, the two Governments are endeavouring to exert pressure on us in order to induce us to comply with their demands prematurely, without leaving any time for reflection or consideration for our people's needs.

The people of Abyssinia are anxious to do right, and we have every intention of guiding them along the path of improvement and progress; but throughout their history they have seldom met with foreigners who did not desire to possess themselves of Abyssinian territory and to destroy their independence. With God's help, and thanks to the courage of our soldiers, we have always, come what might, stood proud and free upon our native mountains.

For this reason, prudence is needed when we have to convince our people that foreigners who wish to establish themselves for economic reasons in our country, or on the frontiers between it and their possessions, are genuinely innocent of concealed political aims; and we doubt whether agreements and joint representations such as those now in question are the best means of instilling that conviction.

Nor must it be forgotten that we have only recently been introduced to modern civilisation, and that our history, glorious though it be, has not prepared us for ready adjustment to conditions which are often quite beyond the range of our experience. Nature herself has never gone forward by sudden bounds, and no country has been metamorphosed in a night.

With our well-known eagerness for progress—given time, and the friendly advice of countries whose geographical position has enabled them to out-distance us in the race—we shall be able to secure gradual but continual improvements which will make Abyssinia great in the future as she has been throughout the past. But, if we try to go too fast, accidents may happen.

We should like to hear from the Members of the League whether they think it right that means of pressure should be exerted upon us which they themselves would doubtless never accept.

We have the honour to bring to the notice of all the States Members of the League of Nations the correspondence which we have received, in order that they may decide whether that correspondence is compatible with the independence of our country, inasmuch as it includes the stipulation that part of our Empire is to be allotted to the economic influence of a given Power. We cannot but realise that economic influence and political influence are very closely bound up together; and it is our duty to protest most strongly against an agreement which, in our view, conflicts with the essential principles of the League of Nations.

Addis Ababa, this twelfth day of Senié in the year of grace 1918 (June 19th, 1926).

(Signed) TAFARI MAKONNEN,
Heir to the Throne of Abyssinia.

ANNEX 2

LETTER FROM HIS BRITANNIC MAJESTY'S MINISTER AT ADDIS ABABA TO HIS IMPERIAL HIGHNESS TAFARI MAKONNEN, HEIR-APPARENT TO THE THRONE OF ABYSSINIA.

ADDIS ABABA, June 9th, 1926.

In obedience to the instructions which I have received from His Majesty's Secretary of State for Foreign Affairs, I have the honour to hand to Your Imperial Highness the text of the note which His Majesty's Government addressed last December (Appendix) to the Italian Government asking for their co-operation in the negotiations with the Abyssinian Government regarding Lake Tsana when His Majesty's Government decide to reopen them. A translation of the note in Amharic is attached.

In accordance with Article 18 of the Covenant of the League of Nations, the notes exchanged between His Majesty's Government and the Italian Government will be laid before the Secretariat of the League, but for reasons of friendship and courtesy the two Governments desire that these notes should first be shown to the Abyssinian Government.

In communicating to your Imperial Highness the text of the British note, I am to express the hope that the Abyssinian Government will find the notes acceptable to them, and I am authorised to offer to you full and frank explanations if you should be in doubt as to the meaning of any points in the British note when I return from England. In the meantime I trust that Your Imperial Highness will consider the notes sympathetically.

Sir Austen Chamberlain directs me to add that he hopes that the text of the enclosed note will be sufficient to dispel any misconceptions or malicious rumours which may be current regarding the alleged intentions of His Majesty's Government. Further, Sir Austen Chamberlain directs me to assure Your Imperial Highness of the continued friendship of His Majesty's Government and to express the hope that the Abyssinian Government will find in this exchange of notes only further proof of that friendship, inasmuch as the object which the exchange has in view will, it is hoped, prove to be as beneficial to Abyssinia as to the other countries concerned.

(Signed) C. BENTINCK,
His Majesty's Minister.

APPENDIX

Letter from the British Ambassador at Rome to the Italian Prime Minister

ROME, December 14th, 1925.

Your Excellency is well aware of the vital importance to Egypt and the Sudan of maintaining and, if possible, increasing the volume of water for irrigation purposes available in those countries from the Blue and White Niles and their tributary streams. Various schemes for the purpose have been carried out or are projected, and you are informed of the negotiations undertaken at Addis Ababa by His Majesty's Government, acting in a fiduciary capacity for the Sudan Government and mindful of Egyptian interests in the matter, in order to obtain a concession from the Government of Abyssinia for the construction of a barrage at Lake Tsana with a view to storing its waters for use in the Blue Nile. So far these negotiations have led to no practical result.

In November 1919 the delegates of the Italian Government then in London were good enough to offer Italian co-operation in this question in the following terms:

"1. In view of the predominating interests of Great Britain in respect of the control of the waters of Lake Tsana, Italy offers Great Britain her support in order that she may obtain from Ethiopia the concession to carry out works of barrage in the lake itself, within the Italian sphere of influence, pending the delimitation of the extent of the territorial zone to be recognised as pertaining to Great Britain in respect of the latter's predominant hydraulic interests, and pending a just consideration of the reservation on behalf of Italy by the

Tripartite Agreement likewise in respect of her hydraulic interests. Italy further offers her support to Great Britain in order that the latter may obtain from Ethiopia the right to construct and maintain a motor road between Lake Tsana and the Sudan.

"2. Italy requests the support of Great Britain in order that she may obtain from the Ethiopian Government the concession to construct and to run a railway from the frontier of Eritrea to the frontier of Italian Somaliland, which railway, according to the Tripartite Agreement, must pass to the west of Addis Ababa. It is understood that this railway, together with all the necessary works for its construction and for its running, must have an entirely free passage across the motor road.

"3. Italy requests from Great Britain, as she also reserves to herself the right to request from France, an exclusive economic influence in the west of Ethiopia and in the whole of the territory to be crossed by the above-mentioned railway, and the promise to support with the Ethiopian Government all the requests for economic concessions regarding the Italian zone."

The above offer was not entertained at the time chiefly owing to the strong objection felt to the idea of allowing a foreign Power to establish any sort of control over the headwaters of rivers so vital to the prosperity and even the existence of Egypt and the Sudan. But, in view of the relations of mutual confidence so happily existing between our two Governments, His Majesty's Government desire to extend to this question the principle of friendly co-operation which has proved so valuable in other fields. His Britannic Majesty's Government have accordingly further examined the question and recognise that the Italian proposal is not in contradiction with the stipulations of the London Agreement of December 13th, 1906, since the object of that agreement is to maintain the *status quo* in Ethiopia on the basis of the international instruments indicated in Article 1 thereof and the co-ordination of the action of the signatory States to protect their respective interests so that they should not suffer prejudice. They would therefore welcome the Italian support offered provided that it can be accepted without prejudice to those paramount hydraulic interests of Egypt and the Sudan which the Italian Government have not failed to recognise.

I have therefore the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to request your Excellency's support and assistance at Addis Ababa with the Abyssinian Government in order to obtain from them a concession for His Majesty's Government to construct a barrage at Lake Tsana, together with the right to construct and maintain a motor road for the passage of stores, personnel, etc., from the frontier of the Sudan to the barrage.

His Majesty's Government in return are prepared to support the Italian Government in obtaining from the Abyssinian Government a concession to construct and run a railway from the frontier of Eritrea to the

frontier of Italian Somaliland. It would be understood that this railway, together with all the necessary works for its construction and for its running, would have entirely free passage across the motor road mentioned above.

With this object in view, the necessary identic instructions should be sent to the British and Italian representatives in Ethiopia to concert for common action with the Abyssinian Government in order to obtain that the concessions desired by the Governments of Great Britain and Italy regarding Lake Tsana and the construction of a railway to join up Eritrea with Italian Somaliland should be granted contemporaneously. It remains understood that, in the event of one of the two Governments securing the concession sought for while the other Government failed to do so, the Government which has obtained satisfaction would not relax their whole-hearted efforts to secure a corresponding satisfaction for the other Government concerned.

In the event of His Majesty's Government, with the valued assistance of the Italian Government, obtaining from the Abyssinian Government the desired concession on Lake Tsana, they are also prepared to recognise an exclusive Italian economic influence in the west of Abyssinia and in the whole of the territory to be crossed by the above-mentioned railway. They would further promise to support with the Abyssinian Government all Italian requests for economic concessions in the above zone. But such recognition and undertaking are subject to the proviso that the Italian Government, on their side, recognising the prior hydraulic rights of Egypt and the Sudan, will engage not to construct on the headwaters of the Blue or White Niles or their tributaries or affluents any work which might sensibly modify their flux into the main river. It is understood that the above proviso would not preclude a reasonable use of the waters in question by the inhabitants of the region, even to the extent of constructing dams for hydro-electric power or small reservoirs in minor affluents to store water for domestic purposes, as well as for the cultivation of the food crops necessary to their own subsistence.

His Majesty's Government avail themselves of this opportunity to assure the Italian Government that the construction and operation of the dam will be effected so far as possible with locally recruited labour and will not raise the level of the waters in the lake beyond the maximum hitherto attained during the rainy season. They are therefore confident that the existence of the dam will not only be of value to Egypt and the Sudan but will increase the prosperity and promote the economic progress of the local inhabitants.

(Signed) R. GRAHAM.

ANNEX 3

LETTER FROM HIS IMPERIAL AND ROYAL HIGHNESS TAFARI MAKONNEN, HEIR TO THE THRONE OF ABYSSINIA, IN REPLY TO THE LETTER FROM THE BRITISH MINISTER AT ADDIS ABABA DATED JUNE 9TH, 1926.

Peace be with you.

I have the honour to acknowledge the receipt of your note dated the 2nd day of Senié, 1918 (June 9th, 1926).

This communication, which is identical with the note I have received from his Excellency Count Colli, the Italian Minister (Annex 4), informs me of the agreement concluded between your respective Governments with a view to obtaining from the Abyssinian Government a concession for the conservancy of the waters of our Lake Tsana for England and a concession for the construction of a railway through Abyssinia for Italy.

The fact that you have come to an agreement, and the fact that you have thought it necessary to give us a joint notification of that agreement, make it clear that your intention is to exert pressure, and this, in our view, at once raises a previous question.

The British Government had already entered into negotiations with the Abyssinian Government in regard to its proposal, and we had imagined that, whether that proposal was carried into effect or not, the negotiations would have been concluded with us; we should never have suspected that the British Government would come to an agreement with another Government regarding the lake.

This question, which calls for preliminary examination, must therefore be laid before the League of Nations.

Given on the 8th day of Senié, in the year of Grace 1918 (June 15th, 1926).

(Sealed) TAFARI MAKONNEN,
Heir to the Throne of Abyssinia.

ANNEX 4

LETTER FROM THE ITALIAN MINISTER AT ADDIS ABABA TO HIS HIGHNESS TAFARI MAKONNEN, HEIR TO THE THRONE OF ABYSSINIA.

[*Translation from the Italian*]

ADDIS ABABA, June 9th, 1926.

I have the honour to send you an exact copy of the note (Appendix) addressed by His Excellency B. Mussolini, Prime Minister of Italy, to Sir R. Graham, His Britannic Majesty's Ambassador in Rome, on December 20th, 1925, in reply to a note addressed by the British Ambassador to M. Mussolini on December 14th, 1925.

As your Highness will observe, the two notes in question constitute an agreement between the Italian and British Governments defining the respective aspirations and the mutual obligations of the two Governments in Abyssinia, and establishing friendly co-operation between them with a view to the attainment of their aims.

On behalf of my Government I have the honour to inform Your Highness that the agreement referred to is of a purely economic character, and, so far from being designed to infringe (injure) the sovereign rights of the Abyssinian Government, constitutes a further proof of the friendly intentions of Italy and Great Britain towards the Abyssinian Empire, which remains entirely free to grant or refuse any requests in connection with economic questions which either of the two Governments may make.

I shall have great pleasure in furnishing Your Highness with any particulars for which you may ask in regard to the agreement.

I have no doubt that, after due consideration, Your Highness will receive in a friendly manner, and without suspicion, the communication which I have the honour to make on behalf of my Government.

(Signed) COLLI,
Minister.

APPENDIX

Letter from the Italian Prime Minister to the British Ambassador at Rome.

[*Translation from the Italian*]

ROME, December 20th, 1925.

I have the honour to acknowledge the receipt of the note of December 14th, in which your Excellency, on instructions from your Government, drew my attention to the problem of the irrigation of Egypt and the Sudan and to the negotiations hitherto conducted without result by the British Government to obtain from the Abyssinian Government the concession for the construction of a barrage at Lake Tsana with the object of storing the waters of the lake to feed the Blue Nile.

Your Excellency recalls in this connection the proposals which were presented in London in November 1919 by the delegates of the Italian Government for an amicable Anglo-Italian co-operation in this question, and you inform me that these proposals were not then accepted owing to the objection which was felt to the idea of allowing a foreign Power to establish any kind of control over the sources of rivers so vital to the prosperity and even the existence of Egypt and the Sudan; but that now, in view of the relations of reciprocal confidence so happily existing between our two Governments, His Britannic Majesty's Government desire to extend to this question the principle of friendly co-operation which has proved so valuable in other fields.

Your Excellency adds that His Britannic Majesty's Government has accordingly proceeded to a more careful examination of the question, and recognises that the Italian proposals are not in contradiction with the provisions of the Agreement of London of December 13th, 1906, since the object of that agreement is the maintenance of the *status quo* in Abyssinia on the basis of the international instruments indicated in Article 1 of the Agreement itself, and the co-ordination of the action of the signatory States in the protection of their respective interests so that these should not suffer prejudice.

The British Government, consequently, adhering to the Italian proposals, would welcome the support of Italy, provided that it can be accepted without prejudice to those paramount hydraulic interests of Egypt and the Sudan which the Italian Government themselves have recognised.

Your Excellency, therefore, on instructions from your Government, requests the support and assistance of the Italian Government with the Abyssinian Government in order to obtain from the latter a concession to construct a barrage on Lake Tsana, together with the right to construct and maintain a motor road for the passage of stores, personnel, etc., from the frontier of the Sudan to the barrage.

Your Excellency declares to me that His Britannic Majesty's Government will in return support the Italian Government in obtaining from the Abyssinian Government the concession to construct and operate a railway from the frontier of Eritrea to the frontier of Italian Somaliland, it being understood that such railway, together with all the necessary works for its construction and operation, shall have free transit across the motor road mentioned above.

With this object, your Excellency adds, the necessary and identic instructions should be sent to the British and Italian representatives in Abyssinia to concert for common action with the Abyssinian Government, in order to obtain that the concessions desired by the British and Italian Governments regarding Lake Tsana and the construction of a railway to connect Eritrea with Italian Somaliland should be granted contemporaneously. It remains understood that, in the event of one of the two Governments securing the concession sought for while the other Government failed to do so, the Government which had obtained satisfaction would not relax their best endeavours to secure a corresponding satisfaction for the other Government concerned.

Your Excellency then states that, in the event of His Majesty's Government, with the effective support of the Italian Government, obtaining from the Abyssinian Government the concession asked for at Lake Tsana, the British Government will also recognise the exclusive character of Italian economic influence in the west of Abyssinia and in the whole of the territory crossed by the above-mentioned railway. The British Government will further support with the Ethiopian Government all Italian requests for economic concessions in the above-mentioned zone. Such recognition and undertaking are, however, subject to the proviso that the Italian Government, on their side, recognising the prior hydraulic rights of Egypt and the Sudan, will engage not to construct on the headwaters of the Blue Nile and the White Nile and their tributaries and affluents any work which might sensibly modify their flow into the main river.

Your Excellency finally states that it remains understood that the above proviso would not preclude a reasonable use of the waters in question by the inhabitants of the region, even to the extent of constructing dams for hydro-electric power or small reservoirs in minor affluents for storing water for domestic purposes, as well as for the cultivation of the food products necessary for their own subsistence.

Your Excellency further assures the Italian Government, on instructions from your Government, that the construction and operation of the dam will be effected, so far as possible, with locally recruited labour, and that the level of the waters of the lake will not be raised beyond the maximum limit hitherto attained during the rainy season. The British Government are therefore confident that the existence of the dam will not only be of value to Egypt and the Sudan but will increase the prosperity and promote the economic progress of the local populations.

In reply to the above-mentioned declarations and requests of your Excellency, I have the honour to state on my part that the Royal Government have taken note that the British Government recognise the desirability of extending to the question referred to the principle of friendly collaboration which has proved so valuable in other fields; this has been noted with all the more satisfaction inasmuch as it is my conviction that such co-operation will be the more useful the further it is extended.

The Royal Government have further taken note that His Britannic Majesty's Government are now persuaded that the Italian proposals presented in November 1919 are not in contradiction with the provisions of the Agreement of London of December 13th, 1906, since the object of that agreement (as Italy has always maintained) is the maintenance of the *status quo* in Abyssinia on the basis of the international agreements indicated in Article 1 of the Agreement itself and the co-ordination of the action of the signatory States in the protection of their respective interests so that these should not suffer prejudice.

This being granted, although the above-mentioned proposals presented in London in November 1919 formed part of a wider negotiation of a colonial character arising out of the Treaty of London of 1915, a negotiation which had only partial results, the Royal Government nevertheless agree to take up again the proposals in question, especially sharing the desire of the British Government to realise the principle of friendly co-operation and trusting, moreover, that this principle may be continually further extended for the protection and development of the respective Italian and British interests in Ethiopia, naturally on the basis and within the limits of the provisions of the London Agreement of 1906.

I have, therefore, the honour to state to Your Excellency that the Royal Government will support the British Government with the Abyssinian Government, in order to obtain from the latter the concession to construct a barrage at Lake Tsana, together with the right to construct and maintain a motor road for the passage of stores, personnel, etc., from the frontier of the Sudan to the barrage.

The Royal Government take note, on the other hand, that the British Government will, in return, support the Italian Government in obtaining from the Abyssinian Government the concession to construct and operate a railway from the frontier of Eritrea to the frontier of Italian Somaliland, it remaining understood that this railway, together with all the necessary works for its construction and operation, shall have free transit across the motor road mentioned above.

With this object, the Italian Government will send the necessary instructions to the Italian representative in Addis Ababa, in an identical sense to those which the British Government will send to their own representative, to concert a common line of action with the Abyssinian Government in order to obtain that the concessions asked for by the British and Italian Governments regarding Lake Tsana and the railway connecting Eritrea and Somaliland shall be granted contemporaneously. It remains understood that, in the event of one of the two Governments securing the concession sought by them, while the other failed to do so, the Government which had obtained satisfaction would not relax their most effective efforts to secure a corresponding satisfaction for the other Government concerned, with the object of ensuring that practical execution of the two concessions should, if possible, be contemporaneous.

The Royal Government take note that in the event of His Britannic Majesty's Government, with the effective support of the Italian Government, obtaining from the Abyssinian Government the concession asked for on Lake Tsana, they will recognise the exclusive character of Italian economic influence in the west of Abyssinia and in the whole of the territory to be crossed by the above-mentioned railway, and will also support with the Abyssinian Government all Italian requests for economic concessions in the above zone.

On their side, the Italian Government, recognising the prior hydraulic rights of Egypt and the Sudan, engage not to construct on the headwaters of the Blue Nile and the White Nile and their tributaries and affluents any work which might sensibly modify their flow into the main river.

I note that His Britannic Majesty's Government have every intention of respecting the existing water rights of the populations of the neighbouring territories which enter into the sphere of exclusive Italian economic influence. It is understood that, in so far as is possible and is compatible with the paramount interests of Egypt and the Sudan, the scheme in contemplation should be so framed and executed as to afford appropriate satisfaction to the economic need of these populations.

(Signed) MUSSOLINI.

ANNEX 5

LETTER FROM HIS IMPERIAL AND ROYAL HIGHNESS TAFARI MAKONNEN, HEIR TO THE THRONE OF ABYSSINIA, IN REPLY TO THE LETTER FROM THE ITALIAN GOVERNMENT DATED JUNE 9TH, 1926.

Peace be with you.

I have the honour to acknowledge receipt of your note dated the 2nd day of Senié, 1918 (June 9th, 1926).

This communication, which is identical with the note I have received from His Excellency Mr. Charles Bentinck, British Minister, informs me of the agreement concluded between your respective Governments with a view to obtaining from the Abyssinian Government a concession for the

conservancy of the waters of our Lake Tsana for England and a concession for the construction of a railway through Abyssinia for Italy. The fact that you have come to an agreement, and the fact that you have thought it necessary to give us a joint notification of that agreement, make it clear that your intention is to exert pressure, and this, in our view, at once raises a previous question.

This question, which calls for preliminary examination, must therefore be laid before the League of Nations.

Given on the 8th day of Senié in the year of Grace 1918 (June 15th, 1926).

(Sealed) TAFARI MAKONNEN,
Heir to the Throne of Abyssinia.

II. REPLY FROM THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS TO HIS IMPERIAL AND ROYAL HIGHNESS THE RAS TAFARI MAKONNEN, REGENT AND HEIR TO THE THRONE OF ABYSSINIA.

[*Translation*]

GENEVA, July 22nd, 1926.

In a letter dated the 12th day of Senié, 1918 (June 19th, 1926), Your Imperial and Royal Highness was good enough to send me a note accompanied by copies of the correspondence, together with translations into French, between the Imperial and Royal Government of Abyssinia and the Governments of the British Empire and Italy, with reference to an agreement stated to have been concluded recently between the two latter Powers.

Inasmuch as the object of Your Imperial and Royal Highness's letter was to bring the contents of these various documents to the knowledge of the States Members of the League of Nations, I have made all necessary arrangements to do so.

I have also forwarded your letter in a special despatch to the British and Italian Governments, as those directly concerned. Should they think it desirable to send me any observations on your letter, I shall in the same manner transmit them to Your Imperial and Royal Highness.

You further added in your letter that you hoped that the communication of these documents to the States Members of the League of Nations would enable the question at issue to be considered. As, however, Your Imperial and Royal Highness omitted to indicate in what form and by what procedure you would wish this consideration to be conducted, I have the honour to request that you will be so good as to inform me whether your request is to be interpreted as an application for the inclusion of the question in the agenda of an early session of the Council of the

League of Nations. Should you desire the question to be placed on the agenda of the next session of the Council, which opens at Geneva on September 2nd, 1926, I would call your attention to the desirability of furnishing me by telegram with all further particulars that may be of assistance in this matter.

(Signed) NITOBÉ,

Secretary-General ad interim.

III. LETTER FROM THE BRITISH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

LONDON, August 3rd, 1926.

I am directed by His Britannic Majesty's Principal Secretary of State for Foreign Affairs to acknowledge the receipt of your letter of July 22nd with which you were good enough to transmit copies of the letter addressed to Sir Eric Drummond by His Imperial Highness Ras Tafari, together with a protest in regard to the notes exchanged between the British and Italian Governments in December 1925 undertaking to afford each other mutual support when the consent of the Abyssinian Government is sought for the construction in Abyssinia of certain public works defined in the notes.

2. His Majesty's Government regret that, in spite of the assurances conveyed to the Abyssinian Government by the British and Italian Ministers at Addis Ababa when communicating the text of the Anglo-Italian notes, their purport should have been misconstrued and intentions attributed to the British and Italian Governments which they have never entertained. The Abyssinian protest is so worded as to imply that the British and Italian Governments have entered into an agreement to impose their wishes on a fellow-Member of the League, even if against the latter's interests. Members of the League are asked to state whether it is right that pressure should thus be exerted on Abyssinia which they would doubtless repudiate if applied to them.

3. There is nothing in the Anglo-Italian notes to suggest coercion or the exercise of pressure on the Abyssinian Government. Sir Austen Chamberlain has stated in Parliament that the agreement was certainly not to be used and could not be used for the purpose of coercing the Abyssinian Government. He believed the agreement to be in the interests of all three parties, but added that, of course, the Abyssinian Government had a perfect right to judge of what was in the interests of Abyssinia. His Majesty's Chargé d'Affaires was instructed by telegraph on July 14th to bring these statements to the knowledge of Ras Tafari.

4. As to the suggestion that the British and Italian Governments are trying to force the Abyssinian Government to yield to their requests in a hurry and without being afforded time for reflection and study of the

requirements of the Abyssinian people, I am to point out that in notes exchanged between the British Minister in Addis Ababa and the Abyssinian Government on March 18th, 1902, the Emperor Menelik confirmed an oral undertaking given some days previously "that there is to be no interference with the waters of the Blue Nile and Lake Tsana except in consultation with His Britannic Majesty's Government and the Government of the Sudan; that, in the case of any such interference, all other conditions being equal, preference will be given to the proposals of His Britannic Majesty's Government and the Government of the Sudan; and that His Majesty the Emperor Menelik has no intention of giving any concession with regard to the Blue Nile and Lake Tsana except to His Britannic Majesty's Government and the Government of the Sudan or one of their subjects." Since the date of this undertaking, which shows that twenty-four years ago the Emperor Menelik contemplated the construction by the British Government of a barrage at Lake Tsana, His Majesty's Government have on several occasions made specific proposals in regard to this work, the full effect of which it is now possible to foretell as the result of the detailed observations which have been carried out by scientific missions despatched to the Lake with the consent and assistance of the Abyssinian Government. In these circumstances, His Majesty's Government feel that they cannot fairly be charged with proceeding in regard to Lake Tsana with undue precipitancy.

5. In the concluding paragraph of their protest, the Abyssinian Government enquire whether the Anglo-Italian notes can be regarded as compatible with the independence of Abyssinia, especially when those notes state that a portion of Abyssinia will be "reserved" to the economic influence of a particular Power. Sir Austen Chamberlain desires to emphasise that the Anglo-Italian notes do not "reserve" any part of Abyssinia to Italian economic influence. His Britannic Majesty's Government, so far as they are concerned and under certain conditions, "recognise an exclusive Italian economic influence in the west of Abyssinia and in the whole territory to be crossed by the above-mentioned railway" (joining Eritrea and Italian Somaliland). This recognition cannot affect the rights of third parties or bind the Government of Abyssinia. It imposes no obligation on anyone except the British Government, who, in return for the Italian undertakings in regard to Lake Tsana, engage not to compete or support competition with Italian enterprise in the region specified.

6. Sir Austen Chamberlain will be happy to repeat these explanations and assurances to Abyssinia in the presence of the Council at its next meeting when it takes into consideration the note addressed to you by the Government of Abyssinia.

(Signed) John MURRAY.

IV. LETTER FROM THE ITALIAN GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the Italian*]

ROME, August 7th, 1926.

I am instructed by the Prime Minister and Minister for Foreign Affairs to acknowledge receipt of your letter of July 22nd last transmitting copy of a letter, with enclosures, addressed to you by His Imperial Highness Ras Tafari Makonnen respecting the notes exchanged in December 1925 between the Italian and British Governments with the object of rendering each other mutual support in requesting the Abyssinian Government to permit the construction of certain public works in Abyssinia.

The Royal Government regrets to observe, from the tenor of the note addressed by His Imperial Highness Ras Tafari Makonnen to the Members of the League of Nations, that the Abyssinian Government has not clearly understood the letter and spirit of the agreements reached between the Italian and British Governments. This is the more a matter of surprise to the Royal Government in that already some time ago the Italian representative in Addis Ababa fully explained to the Abyssinian Government the meaning and scope of those notes, clearly pointing out that they simply constitute an agreement as to procedure concluded by the Italian and British Governments with a view to co-ordinating certain economic interests of the two countries, and that its application in actual practice would naturally be subject to the decisions of the Abyssinian Government and the latter's recognition that these interests were in keeping with those of Abyssinia and would be beneficial to the country's economic and civil progress.

It was subsequent to those declarations that, on June 19th last, His Imperial Highness Ras Tafari addressed to the Italian Minister in Addis Ababa a letter thanking the Italian Prime Minister for his assurances and stating that His Imperial Highness had never entertained any doubt as to the friendly intentions of Italy and her desire to respect the independence of Abyssinia.

The Italian Government would observe that neither in the letter nor in the spirit of these notes can anything be found which would justify the apprehension on the part of the Abyssinian Government that the Italian and British Governments intended to exert precipitate and forcible pressure on Abyssinia; the friendly and explicit assurances already given in this connection should have sufficed to prove that any such apprehension is absolutely groundless.

In particular, as regards the recognition by the British Government of an exclusive sphere of Italian economic influence in certain parts of Abyssinia, it is clear that this constitutes an agreement which is binding solely on the Italian and British Governments; it cannot detract from the right of the Abyssinian Government to take such decisions as it may think fit or limit the possible action of third parties.

It is a guarantee of an economic nature obtained for Italian enterprises as against British enterprises in order to avoid competition which might imperil the success of these enterprises and hinder that development of local resources which it may well be in the interests of Abyssinia to assist and promote.

(Signed) GRANDI.

V. LETTER FROM HIS IMPERIAL AND ROYAL HIGHNESS RAS TAFARI MAKONNEN, HEIR TO THE THRONE AND REGENT OF THE EMPIRE OF ABYSSINIA, TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the French*]

Peace be with you.

On June 19th last I had the honour to send you, with the request that you would communicate it to the States Members of the League of Nations, the protest which the Imperial Government felt called upon to make against the agreement concluded between the British and Italian Governments by an exchange of notes dated December 14th and 20th, 1925, concerning their co-operation in the negotiations into which they contemplated entering with the Imperial Government in regard to their interests in Abyssinia.

The Imperial Government was very naturally troubled on learning that these two great Powers had come to an understanding as to their course of action towards a friendly country which is, like them, a Member of the League of Nations, without informing that country in advance.

The Imperial Government interpreted this as an indication of their intention to combine to exert pressure upon it in order to obtain certain economic advantages if the Imperial Government should consider that the general interests of Abyssinia dictated that those advantages should be withheld.

As thus interpreted, the Anglo-Italian Agreement was incompatible with the terms of the Covenant, since it constituted an indirect threat to the secular territorial integrity and political independence of Abyssinia, which, under Article 10, Great Britain and Italy, like the other Members of the League, have undertaken to respect. In our view, under Article 20 of the Covenant, they had no right to contract such an agreement; but as they had, of course, no intention of violating that article, their agreement could have no legal force in our regard and must be deemed to be null and void.

Accordingly, the Imperial Government would have felt no further apprehension had not the two Powers severally and on the same day brought the agreement officially to its notice. This simultaneous and concerted notification could only be interpreted as the first symptom of the intention to exert pressure, which the Imperial Government had from the outset thought it detected in their action.

Since then, in reply to the Imperial Government's protests, the two Powers have endeavoured to allay its apprehensions by emphasising their friendly intentions. The British Government has even communicated to the Imperial Government the statement made by Sir Austen Chamberlain on this subject in the House of Commons. Sir Austen solemnly declared that the two Powers did not intend "to divide the country economically," that their agreement "could have no binding effect upon the Abyssinian Government," and that it was not intended to be, and could not be, used "for the purpose of coercing the Abyssinian Government"; and he added that "the Abyssinian Government had a perfect right to judge what was in the interest of Abyssinia."

The Italian Government has also made similar declarations to us.

Further, the British Government announced that the two Powers intended to deposit the notes exchanged between them with the Secretariat of the League of Nations, and the Imperial Government has been informed that these notes have already been registered.

In view of the fact that registration as required by Article 18 of the Covenant is merely designed to give publicity, the Imperial Government does not feel justified in complaining of the carrying out of this formality. At the same time, remembering that in signing the Covenant it agreed to "the prescription of open, just and honourable relations between nations," the Imperial Government feels entitled and bound to request you to register and publish the present letter, together with the notes in question, in order that the public may be acquainted with the Imperial Government's views on these notes and with the reassuring replies which have been made to its protests.

All the Members of the League of Nations will then know beyond doubt that, far from having given any undertaking whatever in this matter to the two Powers concerned, the Imperial Government retains, as the British and Italian Governments themselves have stated, full and complete freedom to decide as to any requests which may be made to it, and has a perfect right to judge what is in the interest of Abyssinia.

Given in the city of Addis Ababa, this 30th day of Nahasié, 1918 (September 4th, 1926).

(Sealed) TAFARI MAKONNEN.

VI. REPLY FROM THE SECRETARY-GENERAL TO HIS IMPERIAL AND ROYAL HIGHNESS RAS TAFARI MAKONNEN.

[Translation]

GENEVA, October 8th, 1926.

In a letter dated the 30th Nahasié, 1918 (September 4th, 1926), accompanied by a translation into French, Your Imperial and Royal Highness informed me that Your Highness desired that letter to be registered and published together with the notes exchanged between the British and Italian Governments on December 14th and 20th, 1925.

In compliance with Your Highness's wishes, I shall circulate your letter to the Members of the League of Nations and publish it in the *Official Journal*.

As regards the question of registration, however, Your Highness will permit me to observe that your letter, being a unilateral declaration, cannot be regarded as a treaty or international engagement within the meaning of Article 18 of the Covenant, and the practice which has hitherto been followed affords no precedent which justifies me in having your letter registered and published in the *Treaty Series*. A suitable reference will, however, be inserted in the *Treaty Series* at the end of the text of the notes exchanged between the British and Italian Governments.

Further, your letter will be specially forwarded to the British and Italian Governments, which are directly interested.

I feel confident that this course will meet the wishes expressed in your letter of the 30th Nahasié, 1918 (September 4th, 1926).

(Signed) ERIC DRUMMOND,
Secretary-General.

VII. LETTER FROM THE BRITISH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE.

LONDON, October 21st, 1926.

I am directed by Secretary Sir Austen Chamberlain to acknowledge the receipt of your letter of October 8th last forwarding a translation of a note addressed to you by His Royal Highness Ras Tafari, Heir Apparent and Regent of the Empire of Abyssinia, concerning the notes exchanged between His Majesty's Government and the Italian Government on December 14th and 20th, 1925, together with a copy of your reply to Ras Tafari's communication.

2. His Majesty's Government take note of the fact that these documents have been communicated to the Members of the League of Nations and that they will be published in the *Official Journal* of the League.

(Signed) JOHN MURRAY.

VIII. LETTER FROM THE ITALIAN GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE.

[Translation from the Italian]

ROME, October 26th, 1926.

I have the honour to acknowledge the receipt of your letter No. 11/54518/52770, dated October 8th, 1926, in which you were good enough to forward me a copy of a note addressed to you on September 4th by His Imperial Highness Ras Tafari Makonnen, Heir to the Throne and Regent of the Empire of Abyssinia, referring to the notes exchanged between the British and Italian Governments on December 14th and 20th, 1925, together with a copy of your reply to His Imperial Highness.

(Signed) MUSSOLINI.

No. 2

Proposals for Settlement—August-September, 1935

SUMMARY OF THE FRANCO-BRITISH SUGGESTIONS MADE TO
THE ITALIAN GOVERNMENT DURING THE TRIPARTITE
NEGOTIATIONS HELD IN PARIS (AUGUST, 1935)¹

The proposals in question may be summarised as follows:

While not failing to recognise that the situation of Ethiopia might call for extensive reforms, it seemed to us that these reforms should be freely assented to by Ethiopia in the fullness of her sovereignty and without anything being imposed on her contrary to her independence or her integrity. As a Member of the League of Nations, Ethiopia might appeal to the League for the collaboration and assistance necessary to assure the economic development and administrative reorganisation of the country. France, the United Kingdom and Italy, as limitrophe Powers, would be particularly well qualified to lend this collective assistance, whether a mission for this purpose were entrusted to them by the Council with the assent of Ethiopia or whether the Council of the League of Nations were to be invited to give its approval to a treaty concluded between the three Powers and the Ethiopian Government.

The work of reorganisation was to have extended to the most varied fields of national life, such as economic, financial, commercial and constructional development; foreign settlement; modernisation of administrative services; anti-slavery measures and frontier and other police services. The free activity of foreigners in the economic sphere would have been respected.

On the other hand, the collective character of the assistance would not have prevented particular account being taken of the special interests of Italy, without prejudice to the recognised rights of France and the United Kingdom.

Finally, we did not examine, but we did not in any way exclude, the possibility of territorial adjustments to which Italy and Ethiopia might agree.

This comprehensive programme was rejected by the Italian Government. In these circumstances, and since it had proved impossible to reach any measure of agreement in regard to the programme of the conference, it was decided on August 18th to adjourn.

¹ League of Nations Document No. C 411 (1) M 207 (1) 1935 VII

Report of the Committee of Five, appointed by the Council "to make a general examination of Italo-Ethiopian Relations and to seek for a pacific settlement."¹

(Translation)

GENEVA, September 24, 1935.

At its meeting on September 6, the Council appointed a Committee "to make a general examination of Italo-Ethiopian relations and to seek for a pacific settlement." As members of this Committee, it appointed the representatives of the United Kingdom, France, Poland, Spain, and Turkey. The Committee set to work immediately. Under the chairmanship of M. de Madariaga (Spain), it held eleven meetings between September 7 and 24.

At its first meeting, the Committee requested its Chairman to inform the parties that, "conscious of its responsibilities for seeking a pacific settlement of the dispute, it relied upon the Governments concerned to see that nothing was done which might disturb or endanger its work."

The Ethiopian delegation replied that "nobody could appreciate the Committee's recommendation more highly than that delegation."

At the outset of its work, the Committee set up a Sub-Committee under the chairmanship of M. López Oliván to study the documentary material furnished by the Ethiopian and Italian Governments and to submit to it the results of that study.

The Italian Government had communicated a detailed memorandum to the Members of the Council on September 4. On September 14, the Ethiopian delegation submitted preliminary observations on this memorandum and announced that its Government reserved the right to forward a full reply based on the study that would be made when the memorandum reached Addis Ababa. The Committee took note of the accusations brought by the Italian Government against Ethiopia, and of the preliminary observations of the Ethiopian delegation. It expressed no opinion on the documents furnished by the two Parties. As an organ of conciliation, the Committee was not called upon to deliver judgment, but to consider a situation and to seek to devise means of remedying it.

The international assistance which Ethiopia, in virtue of her rights under the Covenant, was requesting from the League of Nations seemed to offer a solution which would be acceptable to both Parties: the independence and territorial integrity of Ethiopia would be respected; Italy would have the possibility of resuming, in security, relations with Ethiopia based on good understanding and confident collaboration.

Without pronouncing any opinion on the distinction drawn by the Italian Government between the different parts of the Empire, the Com-

¹ League of Nations Document No. C 379, M 191, 1935 VII

mittee, in the plan which it suggested (Appendix 1), endeavoured to secure greater tranquillity, not merely throughout Ethiopia, where the bearing of arms would be strictly regulated by a more efficient police force, but more particularly in the frontier territories of the Empire, in order to safeguard the neighbouring territories against incursions, especially those whose object is the slave traffic, looting or smuggling. Special measures were also contemplated for the security of agricultural areas where Europeans might be numerous and where the local administration might not be sufficiently developed to provide them with adequate protection. The safety of foreign residents was also to be enhanced by the reorganisation of the mixed courts which try cases between foreigners and Ethiopians.

Ethiopia was at the same time to enjoy effective assistance for the purpose of expediting the modernisation—to which her Emperor attaches great importance—of her administration and institutions.

The Committee's note containing the broad outlines of the proposed scheme of assistance was accompanied by certain information furnished by the representatives of France and the United Kingdom. The Governments of those two countries were prepared to facilitate, by common sacrifices, territorial adjustments between Italy and Ethiopia. They also agreed to recognise a special Italian interest in the economic development of Ethiopia. This declaration on the part of the other two neighbouring Powers was made in order to afford to Italy a further assurance that her desire to contribute to the economic development of Ethiopia would receive the highest possible degree of satisfaction.

On September 18, the Chairman of the Committee communicated to the representatives of Ethiopia and Italy the bases of the scheme of assistance and the information furnished by the representatives of France and the United Kingdom. (Appendix 1).

On September 22, the delegate of Italy informed the Chairman of the Committee that the Italian Government's decision on the suggestions submitted to it was contained in the *communiqué* published on the conclusion of the meeting of the Italian Cabinet on the previous day.

This *communiqué* stated that "the Council of Ministers had taken note of the proposals contained in the report of the Five. It had examined them carefully. The Council of Ministers, while appreciating the attempt made by the Five, had decided to consider these proposals as unacceptable, inasmuch as they did not offer a minimum basis sufficient for conclusive realisations which would finally and effectively take into account the rights and the vital interests of Italy."

The delegate of Italy, in a conversation with the Chairman of the Committee of Five, set forth orally certain observations which explained the attitude taken by the Italian Government in regard to the Committee's suggestions.

A summary—approved by the delegate of Italy—of these observations is attached to the present report (Appendix 2).

On September 23, the Ethiopian delegation informed the Chairman of the Committee "that it is willing to open negotiations immediately on the basis of the suggestions and communications contained in the note submitted to it on behalf of the Committee of Five."

The text of the letter from the Ethiopian delegation is attached to the present report (Appendix 3).

APPENDIX I

TEXT OF THE NOTE HANDED BY THE CHAIRMAN OF THE COMMITTEE OF FIVE TO THE ETHIOPIAN AND ITALIAN REPRESENTATIVES ON SEPTEMBER 18TH, 1935

(Translation)

I

1. The Committee, which was instructed "to make a general examination of Italo-Ethiopian relations and to seek a pacific settlement," has endeavoured to find a basis of negotiation. In doing so, it has been guided:—

- (i) by the obligation of respecting the independence, territorial integrity and security of all States Members of the League;
- (ii) by the necessity of ensuring good neighbourly relations between the States Members of the League.

The Committee expressed no opinion on the documents furnished by the two Parties and confined itself to the facts of a situation which needs to be remedied.

2. On admission to the League, Ethiopia assumed special obligations regarding certain matters—in particular, slavery and the traffic in arms. She declared herself "ready to furnish the Council with any information which it may require, and to take into consideration any recommendations which the Council may make with regard to the fulfilment of these obligations, in which she recognises that the League of Nations is concerned."

3. In his speech at the plenary meeting of the Assembly, on September 11th, 1935, the first delegate of Ethiopia spoke as follows:—

"Any suggestion calculated to raise the economic, financial and political level of the nation to which I have the honour to belong, provided it proceeds from the League of Nations and is to be carried out in the actual spirit of the Covenant, will be regarded by Ethiopia as the action of sister nations which have reached a more advanced stage of civilisation and are sincerely desirous of guiding my country in the path of progress. Any proposal of that kind will be welcomed. I am convinced that my country will examine it with the greatest goodwill and with real gratitude."

4. In these circumstances, it appears to be the duty of the League of Nations to offer to extend to the Ethiopian Government collaboration and assistance on a collective international basis, so as to enable the latter resolutely to undertake the wide measure of constructive action necessary, not only to improve the lot of the Ethiopian people and to develop the natural resources of the country, but also to enable the Empire to live in harmony with its neighbours.

In view of the obligation of every Member of the League to respect the independence of the other Members, any plan of assistance should receive the previous consent of the Ethiopian Government.

A general outline of the form which international assistance to Ethiopia with a view to her administrative reform and economic development might take is given below.

II

1. CHARTER OF ASSISTANCE

Recalling work previously done by the League, the Charter of Assistance will take the form of a protocol recording the acceptance by the Ethiopian Government of a plan of reforms drawn up by the Council of the League.

2. PUBLIC SERVICES REQUIRING REORGANISATION

(1) *Police and Gendarmerie*

Mission of foreign specialists appointed to organise a corps of police and gendarmerie which will be responsible for:—

A. Ensuring the application, throughout the Empire, of existing or future laws for:—

(a) Prohibiting and suppressing slavery;

(b) Strictly regulating the carrying of arms by persons not belonging to the regular army or to the police and gendarmerie forces.

B. Policing centres in which Europeans reside (Addis Ababa, Diredawa, Harrar).

C. Ensuring security in agricultural areas where Europeans may be numerous and where the local administration may not be sufficiently developed to provide them with adequate protection.

D. Maintaining order in the frontier territories of the Empire so as to safeguard neighbouring territories against incursions, particularly those whose objects are the slave traffic, looting and smuggling.

In the areas referred to under C and D above, the police and gendarmerie mission should participate in general administration to an extent varying according to the standard reached by the local authorities and the nature of the problems to be solved.

(2) *Economic Development*

A. Possibility for foreigners to participate in the economic development of the country (land tenure, mining regulations, exercise of commercial and industrial activities).

B. Foreign trade; economic equality on a basis of reciprocity.

C. Public works and communications.

D. Posts, telegraphs and telephones.

(3) *Finance*

A. Drawing-up of the budget and supervision of State expenditure.

B. Assessment and collection of taxes, fees and dues.

C. Establishment and operation of fiscal monopolies.

D. Studies in connection with the loans which would be required for the development of the country or the carrying out of certain reforms; if necessary, control of pledges assigned to the service of the loans.

(4) *Other Public Services*

A. Justice:

Reorganisation of the mixed courts which try cases between foreigners and Ethiopians.

Native Justice.

B. Education.

C. Public Health.

3. INTERNAL STRUCTURE OF THE ORGANISATION FOR ASSISTANCE

If their mission is to bring results, the foreign specialists, even where not invested with special administrative powers, must be able to rely on the effective co-operation of the Ethiopian authorities whom they are assisting. Furthermore, if their work is to be effectual, it must be co-ordinated.

It would be expedient to provide a central organism, both to co-ordinate the work of the assistance services and to secure for them the necessary support of the Ethiopian Government.

A principal adviser would be placed at the head of each of the four public services or groups of public services mentioned in the previous section.

The principal advisers might either:

(a) Be subordinate to a person who would be both their chief and at the same time the delegate of the League of Nations accredited to the Emperor; or

(b) Form a commission presided over by one of them, who would be the delegate of the League of Nations.

4. APPOINTMENT OF STAFF

The delegate of the League and the principal advisers will be appointed by the Council of the League with the agreement of the Emperor.

The agents other than the principal advisers will be appointed by the Emperor on the nomination of the delegate of the League or with his endorsement, according to the nature and importance of their functions.

5. RELATIONS WITH THE LEAGUE

The delegate or the commission will, whenever necessary and at least once a year, make reports which will be communicated to the Emperor at the same time as they are addressed to the Council of the League.

The Ethiopian Government will submit to the Council any observations it may wish to formulate in regard to these reports.

The reports and observations, if any, will be studied by the Council at the earliest possible date.

6. DURATION OF THE PLAN

As the work of assistance must be long, it would seem unpractical to assign to the plan a relatively brief duration, such as five years. It would, however, be desirable to provide that the plan may be reviewed at the end of five years by the Council of the League, so as to take account of the experience gained during that period.

* * *

The representatives of France and the United Kingdom have informed the Committee of Five that, with a view to contributing to the peaceful settlement of the Italo-Ethiopian dispute, their respective Governments are ready to facilitate territorial adjustments between Italy and Ethiopia by offering Ethiopia, if necessary, certain sacrifices in the region of the Somaliland coast.

In negotiating on this subject, the Governments of the French Republic and of the United Kingdom will take care to obtain from the Ethiopian Government guarantees regarding the execution, in the territories to be acquired by it, of the obligations by which Ethiopia is bound in regard to slavery and to traffic in arms.

The representatives of France and of the United Kingdom have further informed the Committee of Five that their respective Governments, without wishing to impair the existing regime in regard to the treatment of foreigners and in regard to external trade, are prepared to recognise a special Italian interest in the economic development of Ethiopia. Consequently, these Governments will look with favour on the conclusion of economic agreements between Italy and Ethiopia, on condition that the existing rights of French and British nationals and protected persons are respected by the two Parties, and that the recognised interests of France and the United Kingdom under all agreements already in force are safeguarded.

APPENDIX 2

SUMMARY OF THE ORAL OBSERVATIONS OF THE DELEGATE OF ITALY

[Translation.]

September 22nd, 1935.

I. The Committee of Five has not taken into consideration the specific charges brought by the Italian Government against Ethiopia to the effect that the latter has not fulfilled the obligations which she assumed at the time of her joining the League. Nor has it considered whether Ethiopia is still worthy to belong to the League, when she has not fulfilled those obligations and has openly violated others.

The Committee of Five has not paid sufficient attention to the fact that Ethiopia was admitted to the League on certain special and specified conditions, and that she may be regarded as no longer possessing the status of a Member of the League, inasmuch as she no longer fulfils the conditions to which her membership was indissolubly linked.

II. The memorandum submitted by the Italian Government, after denying, for the reasons given above, Ethiopia's right to discuss matters on a footing of equality with the other Members of the League, calls the Council's attention to the true state of what is described as the Ethiopian Empire and to its internal conditions, which are very different from those that should be required for a State's membership of the League.

The Italian Government's memorandum demonstrated the existence of an essential distinction between the countries of the ancient Amhara stock (central plateau) and the outlying areas conquered by Abyssinia in the last fifty years. Through the misgovernment of their rulers, who exploit them without scruple and use them as sources of supply for the slave-trade, those areas have been reduced to a condition which demands immediate and far-reaching intervention for their rescue; the writ of the Negus does not run there.

III. The Italian memorandum, taken as a whole, shows that, if it was to be satisfactorily solved, the Ethiopian problem ought to have been put in the following form:

(1) The Abyssinian State, properly so called, should be placed in such a position that it can do no injury to its neighbours, and its administration should be reformed so as to raise the country to a higher level of civilisation;

(2) The different peoples which are subject to the tyranny of Abyssinia and live on the frontiers of the country under inhuman conditions should be rescued therefrom.

Those peoples must be safeguarded once for all from the misgovernment of a country which is not, and never will be, able to discharge in respect of them the mission incumbent upon a State that contains peoples of different races.

IV. The proposals of the Committee of Five are limited to offering the Abyssinian State, as it now is, an assistance which, though more extensive in certain aspects, does not differ in principle from the assistance that has been offered by the League to other States in temporary difficulties.

In the case of a country where conditions of barbarism are accompanied by a powerful modern armament, international supervision cannot be regarded as a solution answering to the aims that must be pursued both by the League, as a last effort to lift Ethiopia to a higher degree of civilisation, and by Italy, who sees in Ethiopia her special and most dangerous enemy.

V. A case like that of Ethiopia cannot be settled by the means provided by the Covenant, because the Covenant does not contemplate the case of countries which, though unworthy and incapable of participation in the League of Nations, continue to claim the rights and to demand the observance of the obligations that such participation involves.

Indeed, the representative of the Italian Government on the Council of the League foresaw on September 4th that the most laudable efforts made within the scope of the Covenant could not bring about a satisfactory solution, and that it was difficult to find a League solution for the Ethiopian problem.

VI. Had some latitude of judgment and elasticity of application been allowed for, even on the lines of such League principles as are embodied in the institution of mandates, the solution of the problem would have been brought nearer. The Committee of Five, however, has not followed this line and bases its solution on the idea of assistance, which is not adequate in Ethiopia's case.

It is true that this assistance also provides for the organisation of the police and gendarmerie services by the despatch of a mission of foreign specialists. But there have already been enough—indeed too many—of these specialists in Ethiopia. All they have done is to raise the armed forces of Ethiopia to a modern degree of efficiency and, consequently, to make Ethiopia more dangerous to her neighbours and particularly to Italy.

This is the more serious since, in the proposals of the Committee of Five, the organisation of the army is left quite free of control.

The fact that the Committee's plan leaves the army entirely in the hands of the Government, although control is imposed on that Government in a number of questions of lesser importance, shows that the plan has not been based on practical criteria, taking realities into account.

VII. The Italian reasons based on treaties, historical facts, the defence of the Italian colonies and Italy's mission in Africa have been completely ignored in the Committee's proposals.

The Committee of Five has not borne in mind the peculiar situation of Italy in Ethiopia in consequence of the Tripartite Treaty of 1906 and the previous agreements which form an integral part thereof.

The statements made by the representatives of France and the United Kingdom allude to territorial adjustments in favour of Italy in exchange for territorial cessions to Ethiopia in the region of the Somaliland coast.

This seems to be a renewal of the proposal which had already been made, to give to Ethiopia an outlet to the sea.

The Italian Government is forced definitely to oppose these proposals, because it has repeatedly denounced the danger of such a solution, which makes Ethiopia into a maritime Power, thus heightening the real threat that she constitutes to Italy.

The Italian Government has always opposed such a possibility. Italy formerly refused an Ethiopian proposal for the exchange of Ogaden for a territorial outlet to the sea through the Italian Colony of Eritrea. The Italian Government is now all the more bound to refuse a proposal for the cession of an outlet to the sea to Ethiopia through the colonies of other Powers. The mere reference to such a possibility shows that no account has been taken of Italian reasons and the causes that have led to the present conflict, which consists mainly in the fact that Ethiopia constitutes a menace to Italy.

Instead of considering such a proposal, which is not commensurate with the gravity of the situation, the Committee of Five ought to have considered the territorial rights granted to Italy by Article 4, paragraph *b*, of the Tripartite Treaty—*i.e.*, the right to a junction between the Italian Colonies of Eritrea and Somaliland to the west of Addis Ababa.

On the contrary, in the proposals of the Committee of Five, the provisions of the Tripartite Agreement are mentioned only for the purpose of asserting the rights and interests of the other two Powers parties to the Agreement.

VIII. The Governments of France and the United Kingdom recognise that Italy has a special interest in the economic development of Ethiopia. While noting this friendly disposition, Italy observes that the putting of these concessions into effect would remain subordinate to special agreements between Italy and Ethiopia.

But all the reasons that have led to the Italo-Ethiopian conflict and the attitude that Italy finds herself obliged to adopt demonstrate the impossibility of any agreement, even economic, with Ethiopia, in view of that country's incapacity to enter into, and still less to respect, international agreements of any kind whatever.

APPENDIX 3

REPLY OF THE ETHIOPIAN GOVERNMENT TO THE SUGGESTIONS AND COMMUNICATIONS OF THE COMMITTEE OF FIVE

(Translation)

GENEVA, September 23rd, 1935.

TO HIS EXCELLENCY MONSIEUR DE MADARIAGA,
Chairman of the Committee of Five.

SIR,

I. The Ethiopian Government has considered with the closest attention the suggestions laid before it by Your Excellency on behalf of the Committee of Five, and the communications which the representatives of France and the United Kingdom requested the Committee to convey to Ethiopia, those suggestions and communications being intended to serve as a basis for negotiations.

The Ethiopian Government declares that it is willing to open negotiations immediately on the basis of those suggestions and communications.

In the present circumstances, in which the very fate of the Ethiopian Empire is at stake, the Ethiopian Government thinks it necessary to explain frankly and fairly the interpretation it has placed on the suggestions and communications conveyed to it by the Committee of Five. It is important that there should be no possibility of doubts being cast, either during the negotiations or thereafter, on the fundamental principles which will dominate the negotiations and whatever solutions may be reached.

II. The Ethiopian Government observes with the keenest satisfaction the principles that have guided the Committee of Five—principles to which the Ethiopian Government has constantly called attention and by which it is entirely prepared to abide—namely:

(1) The respect due to the independence, territorial integrity and security of all States Members of the League;

(2) The necessity for ensuring good neighbourly relations between the States Members of the League.

III. The Ethiopian Government repeats the declarations that have already been made on its behalf during the present session of the Council and the Assembly, that it is firmly resolved to abide by all the undertakings it gave in 1923, when Ethiopia was admitted to the League, more especially in connection with slavery and the arms traffic. In this connection, it would point out that the arms traffic was the subject of the Paris Convention concluded in 1930 between the United Kingdom, Ethiopia, France and Italy, to ensure the execution in Ethiopia of the provisions of the Geneva Convention of 1925.

IV. The Ethiopian Government confirms the declarations made on its behalf both in the Council and in the Assembly in September 1935 regarding its application for the disinterested collaboration and assistance

of the League. It looks upon the suggestions of the Committee of Five as a favourable reply to that application. It thanks the Committee for the scheme it has put forward, which, in the view of the Ethiopian Government, may form a suitable basis for a fruitful discussion upon the nature, objects and machinery of such assistance and collaboration.

It takes note of the fundamental principles laid down by the Committee of Five as underlying the whole system of League collaboration and assistance.

More specifically, the Ethiopian Government agrees with the Committee that:

(1) The collaboration and assistance of the League in the present circumstances represent the performance of a duty which the League considers it is bound to discharge in consequence of the request freely addressed to it by Ethiopia in the exercise of her full sovereignty;

(2) The collaboration and assistance of the League are disinterested, and are intended to enable Ethiopia to attack resolutely the constructive work that is necessary, not only to improve the condition of the Ethiopian people and to develop the natural resources of the country, but also to enable the Empire to live in harmony with all its neighbours;

(3) Consequently, the assistance and collaboration of the League must be collective and international, those characteristics being of the essence of the collaboration and assistance given to Ethiopia by the League.

V. The Ethiopian Government takes note of the vital principle asserted by the Committee of Five, that it is obligatory upon every Member of the League to respect the independence of other Members and that, consequently, any scheme of assistance and collaboration drawn up by the League can only be drawn up at the request of the State to be assisted, and cannot be put into effect until it has been freely discussed by that State and has received the assent of its Government.

The Ethiopian Government declares that it is in perfect agreement with the Committee of Five on this point.

VI. The Ethiopian Government notes with the keenest satisfaction the manner in which these fundamental principles have been applied by the Committee of Five in regard to the nature, objects and machinery of the League's collective international collaboration and assistance. In particular, the Ethiopian Government regards as an essential part of the scheme the formal recognition of the right of the Emperor of Ethiopia to reject at will any adviser who may not possess his full confidence.

VII. The Ethiopian Government agrees with the Committee of Five that the League's collective international work of assistance and collaboration must cover a long period; it is therefore advisable to provide for the possibility of reviewing the scheme at the end of five years. The scheme would be so reviewed under the same conditions and in accordance

with the same procedure as it was drawn up—that is to say, by the Council of the League, at the request of Ethiopia—and should receive the assent of the Ethiopian Government before any executive action is taken.

VIII. In the course of the negotiations, which it agrees to enter into as soon as possible, the Ethiopian Government will announce, as the discussion progresses, any changes, additions or deletions which it may wish the Council to make in the Committee of Five's suggestions, affecting the nature, objects and machinery of the League's collective international collaboration and assistance.

IX. The Ethiopian Government has taken note of the declaration made to it through the Committee of Five by the representatives of France and the United Kingdom of their intention, for the purpose of contributing to the peaceful settlement of the Italo-Ethiopian conflict, of facilitating territorial adjustments between Italy and Ethiopia by themselves making, if necessary, certain sacrifices to Ethiopia in the region of the Somali Coast. The Ethiopian Government observes with satisfaction that this proposal is being made to it, not on behalf of the League, which has no status to propose a territorial change, but solely by France and the United Kingdom, with the single object of contributing to the peaceful settlement of the Italo-Ethiopian conflict. The Ethiopian Government repeats its declaration that it is prepared to negotiate a territorial adjustment on the basis of an exchange, on terms advantageous to all parties concerned.

X. The Ethiopian Government has noted the intention expressed by the Governments of France and the United Kingdom, in their respective relations with Italy, of recognising Italy's special interest in the economic development of Ethiopia, without, however, seeking to interfere with the current regime for the treatment of foreigners and foreign trade. Inasmuch as the expression of this intention solely concerns the relations between France, Italy and the United Kingdom, the Ethiopian Government will merely say that, for its own part, it will execute in the spirit in which they were concluded all existing international treaties concerning the treatment of foreigners and foreign trade in its relations with all the Powers that are entitled to claim the benefit thereof. Should the Ethiopian Government hereafter conclude any economic agreements with Italy, such agreements will scrupulously respect all the rights recognised by treaty as belonging to the nationals or protected persons of all the Powers benefitting by the said treaties.

XI. The Ethiopian Government has frankly and sincerely stated the interpretation it places upon the suggestions and communications that have been made to it. It declares that in this spirit it is prepared to open negotiations immediately, with the firm intention of carrying them to a conclusion which will be fair to all the legitimate interests involved.

(Signed) P. TECLÉ-HAWARIATE

II. POSITION TAKEN BY STATES MEMBERS OF THE LEAGUE AFTER THE OUTBREAK OF HOSTILITIES

No. 3

Position taken by Members of the Council, October 7, 1935.

REPORT OF THE COMMITTEE OF SIX ON RESPONSIBILITY FOR THE
OUTBREAK OF HOSTILITIES¹

"I.

"1. At its meeting on October 5th, the Council, after hearing the statements of the representatives of Italy and Ethiopia and taking cognisance of the grave facts laid before it, set up a Committee of the Council 'to study the situation and report to the Council so as to enable it to take decisions with full knowledge of the matters involved'.

"2. In order to study this situation, brought about by events subsequent to October 2nd, it was the Committee's duty to specify these events and to determine their character in relation to the obligations of the Covenant.

"The Committee accordingly considered whether there had been a resort to war in disregard of Articles 12, 13 or 15 of the Covenant. This involves two questions:

"(1) Does a state of war exist between Italy and Ethiopia?

"(2) If so, has the war been resorted to in disregard of Articles 12, 13 or 15 of the Covenant?

"3. With a view to replying to these questions, the following particulars were collected and classified:

"At the end of the first part of the report, in virtue of Article 15, paragraph 4, of the Covenant, the Committee of the Council referred to the two telegrams despatched on October 3rd by the Italian and Ethiopian Governments respectively announcing the commencement of military operations.

"The telegrams subsequently received, in conjunction with other official communications, make it possible to trace the course of events on October 3rd and 4th:

"*October 3rd.* A proclamation of the Italian High Commissioner in East Africa to the inhabitants of Eritrea states: 'in order that your lands may not suffer from war, and in order to bring aid to the numerous peoples of Tigré and other districts which ask for our intervention, I have given orders for the troops to cross the Mareb'. Under the Italo-Ethiopian Treaty of July 10th, 1900, the Mareb is the frontier between Ethiopia and the Italian colony of Eritrea.

¹ League of Nations Document C 417, 1935, VII.

"On the same day, 'after having overthrown covering enemy troops, which had not been withdrawn, as had been announced at Geneva, the Italian columns advanced along a line some 20 kilometres distant from the frontier' (Italian *communiqué* No. 11 of October 4th).

"Further, the 'first war flight over Adowa and Adigrat' took place in the earliest hours of the same day. The 15th Bombing Squadron reached its objective at Adowa, 'where armed Ethiopian bands and local garrisons opened fire' on the Italian aircraft. 'The squadron replied immediately and, having recognised that the most important centre of the offensive was the imperial *Ghebi*, dropped a number of bombs on the latter. It then proceeded to Adigrat, and dropped the remainder of its explosives on groups of armed men and fortifications which had opened sustained fire.' The 14th Bombing Squadron, which in turn had left 'for an objective situated beyond the frontier, returned the same morning to the Asmara aerodrome after brilliantly accomplishing its task' (official Italian telegrams of October 4th from Asmara).

"October 4th. 'The Italian advance troops reached Adigrat and Entiseio.' 'On the right, having overcome the resistance of the enemy troops with the aid of aircraft,' the Italian troops halted in the evening at a point beyond Daro Taclé. In the eastern plain, the Italian aircraft dispersed a large group of armed men. In the neighbourhood of Aoussa, aeroplanes bombed Amba Bircutan (Italian *communiqué* No. 12 of October 5th).

"'On the Somaliland front,' Italian troops occupied Dolo 'in the western sector'; a squadron bombarded Gorrahei (Italian *communiqué* No. 12 of October 5th).

"These events occurred before the draft report in pursuance of Article 15, paragraph 4, of the Covenant had been submitted to the Council.

" II.

"(a) Under Articles 12, 13 and 15 of the Covenant, it is the duty of all Members of the League of Nations to submit any dispute in which they may be engaged with another Member of the League, and which is likely to lead to a rupture, either to arbitrators or judicial settlement, or to enquiry by the Council. Under Article 12, the Members of the League agree 'in no case to resort to war until three months after the award by the arbitrators or the judicial decision, or the report by the Council'. 'The report of the Council shall be made within six months after the submission of the dispute.' In the present case, the Council decided on September 26th, 1935, that the procedure of Article 15 had become applicable on September 4th.

"(b) The Ethiopian Government requested the Council to examine its dispute with Italy under Article 15 in the first place on March 17th, 1935, with a view to the settlement of the Italo-Ethiopian dispute arising out of the Walwal incident, and subsequently after the submission by the Italian Government on September 4th of the memorandum apprising the Council of Italy's grievances against Ethiopia, which went far beyond the Walwal incident.

"(c) In presenting his Government's memorandum on September 4th, the representative of Italy told the Council that Italy reserved 'full liberty to adopt any measures that may become necessary to ensure the safety of its colonies and to safeguard its own interests'.

"In the observations which the Italian representative made on September 22nd on the subject of the suggestions of the Committee of Five, he said that 'a case like that of Ethiopia cannot be settled by the means provided by the Covenant'.

"(d) Without prejudice to the other limitations to their right to have recourse to war, the Members of the League are not entitled, without having first complied with the provisions of Articles 12, 13 and 15, to seek a remedy by war for grievances they consider they have against other Members of the League. The adoption by a State of measures of security on its own territory and within the limits of its international agreements does not authorise another State to consider itself free from its obligations under the Covenant.

"(e) The Pact of Paris of August 27th, 1928, to which Italy and Ethiopia are parties, also condemns 'recourse to war for the solution of international controversies' and binds the parties to the Pact to seek by pacific means 'the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them'.

"(f) The Ethiopian Government, at the meeting of the Council on October 5th, invoked Article 16 of the Covenant. Under the terms of that article, 'should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League'

"(g) When a Member of the League invokes Article 16 of the Covenant, each of the other Members is bound to consider the circumstances of the particular case. It is not necessary that war should have been formally declared for Article 16 to be applicable.

" III.

"After an examination of the facts stated above, the Committee has come to the conclusion that the Italian Government has resorted to war in disregard of its covenants under Article 12 of the Covenant of the League of Nations."

(MINUTES OF THE SEVENTH MEETING (PUBLIC) OF THE COUNCIL OF THE LEAGUE OF NATIONS, OCTOBER 7, 1935.)

M. Teclé-Hawariate, representative of Ethiopia, came to the Council table.

A. REPORT OF THE COMMITTEE OF THIRTEEN

The PRESIDENT.—At the meeting of the Council held on Saturday last, the discussion was opened on the report which has been drafted with a view to the decision to be taken by the Council under Article 15, para-

graph 4, of the Covenant of the League of Nations. At the same meeting of the Council, I announced that the vote on the report would be taken to-day, Monday.

Before we proceed to the vote, I shall invite first the parties to the dispute and subsequently the other members of the Council to make any observations they desire.

Baron ALOISI.—After the statements which I made at the meeting on Saturday the 5th, I do not propose to take up your time with a detailed verbal study of the Committee's report.

As, however, such an analysis is indispensable in order to form a judgment of all the points dealt with in the document, the Italian delegation has embodied its objections to the report in the note which has been distributed to the Members of the Council. (Document C 418, M 212, 1935, VII.)

The Italian Government is obliged to make the most formal reservations concerning, not only the inaccuracies which appear to have crept into the report, but also concerning the various opinions and judgments set out therein.

Having said this, I wish in the first place to note a few facts.

One of the essential points of the Italian memorandum refers to the state of insecurity along the frontiers as a result of a whole series of acts of aggression against the Italian colonies. In this connection, the report merely observes that raids and incidents have also occurred along the frontiers of the territories contiguous to Ethiopia belonging to other European Powers, and that the Powers concerned have settled these incidents through diplomatic channels. From this the report draws the general conclusion that the incidents and raids along the frontiers of Ethiopia were scarcely in the nature of aggression premeditated or encouraged by the Central Government. I will not express an opinion on the method by which this category of Italian complaints has been examined. I would merely point out that, in this way, acts of aggression against the Italian colonies have been arbitrarily compared to the less important and less frequent incidents that have occurred along the frontiers of the other territories bordering on Ethiopia.

The Italian Government is absolutely unable to agree that the situation of Italy in relation to Ethiopia, from the point of view of security, is in any way comparable with that of the other Powers possessing territories bordering on Ethiopia. Italy has already stated the reasons why the aggressive spirit of Ethiopia is directed mainly, if not exclusively, against her; and she cannot but adhere to her statements in their entirety.

I note that, by proceeding in this way, the scope of the acts of aggression denounced in the Italian memorandum has not been examined directly and certainly not within the framework of the general policy pursued by Ethiopia towards Italy. Thus, no mention has been made of one essential aspect of the conflict—namely, the persistent state of aggression which has forced Italy to take the steps she has taken, and in taking which she has only exercised her right of legitimate defence, which is not limited in any way either by the Covenant or by any other international instrument.

I also note that the Italian complaints concerning the repeated violations by Ethiopia of the treaties concluded with Italy have not been taken into account in the report. The documentary material furnished by the Italian Government on this subject in its memorandum has been passed over in silence.

The report has also omitted to refer to the facts set out by the Italian Government in its memorandum, which prove that Ethiopia has not observed, and is not observing, the undertaking which arises under Article 23 of the Covenant, concerning the treatment of the native populations subject to her dominion.

In drawing attention to these omissions, I desire to make it quite clear that any conclusion reached by the Council and based on the considerations set out in the report as submitted to the Council would be vitiated by incomplete and inadequate comprehension of the circumstances which characterise the conflict.

The Italian Government notes that the Committee has admitted that "the great difficulty of ensuring the application by subordinate provincial authorities of the policy of the Central Government at Addis Ababa had prevented the Emperor, in spite of his sincerest intentions, from carrying out the necessary reforms by his own unaided efforts."

The Italian Government considers that, when such a situation is recognised, the Council cannot refuse to admit the truth of the Italian argument that, in view of the way in which Ethiopia is organised as a State, if the admission of Ethiopia into the League of Nations was a mistake, it would be an even graver mistake to refuse to take into consideration the possibility of rectifying that mistake.

Similarly, the Italian Government notes the other statement of the Committee to the effect that "the reports of the competent organs of the League on the subject of slavery show that comparatively little real progress has been made in the direction of its abolition."

In this connection, the Italian Government must also point out that the Committee has thought fit to represent the gravity of the situation in a deliberately optimistic light by stating that "the Emperor has done all that lay in his power."

The Italian Government must insist most strongly on the facts fully set out in its memorandum and supported by a vast quantity of documentary material. It considers that the anxiety to attenuate at all costs, before world opinion, the state of slavery existing in Ethiopia really amounts to an injustice towards Italy, because the result is to make the Italian complaints appear to be exaggerated and Italy's attitude on this subject unjustified.

In refusing to study the question of slavery in Ethiopia more thoroughly, as it should have done, the Committee is incurring responsibility for the direct consequence following upon its attitude—namely, that a State recognised in the report itself to be a country in which slavery still exists enjoys equality of rights with Italy and the other Members of the League. The Committee is also incurring responsibility before world

public opinion for permitting and justifying the continuation of a state of affairs contrary to every principle of humanity and justice.

With regard to the traffic in arms, Italy has already abundantly denounced Ethiopia's infringements of the Treaty of 1930. It is incomprehensible that it should have been thought that "there is no reason to believe that the Ethiopian Government deliberately or systematically violated its essential provisions."

If the Committee had wanted to obtain information as to the present state of the armaments of Ethiopia and the way in which they have continued to increase, not only since 1930, but also since 1928, the date of the Italo-Ethiopian Treaty of Friendship, it would certainly have ascertained that Ethiopia's offences had consisted, not only in infringements—even serious infringements—of the Treaty, but also in a deliberate policy of arming by smuggling, among other means, while the Italian colonies remained practically defenceless.

It would no doubt be important and, moreover, not difficult to compare the quantities of implements of war officially imported into Ethiopia in conformity with the clauses of the treaty and those at present actually held by the governments of the various Ethiopian chiefs.

If the Ethiopian armaments had not attained dangerous proportions, the Italian Government would have had no reason to take the precautionary measures which it has felt compelled to adopt in order to guard against the immediate dangers arising from the situation. If the other Powers bordering on Ethiopia have felt and still feel little apprehension in regard to these dangers, this is an additional proof that the Ethiopian armaments are directed solely against Italy.

The Italian Government is also obliged to emphasise the following contradiction:

The Committee, while recognising that, from 1923 to the present day, the situation of Ethiopia has not greatly changed, fails nevertheless to give due importance to the fact that, in 1923, Ethiopia was admitted to the League only on condition that she fulfilled certain obligations. The Committee therefore, after implicitly admitting that such obligations had not been fulfilled, since "the situation has not changed," then refuses to draw the necessary conclusions from this fact.

The Committee's report further adds that, whatever the accusations levelled by Italy against Ethiopia, the Italian Government did not submit them before September 4th to the Council of the League, otherwise the Council "would certainly have endeavoured to remedy the situation."

The Italian Government would have much preferred not to have to draw attention to this assertion since both in the present report of the Committee and in the proposals of the Committee of Five it is clear that sufficient account has not been taken of these accusations. But the Italian Government wishes to emphasise that, if it did not formally put forward its accusations against Ethiopia before September 4th, it was because it preferred to wait patiently until that date for the arbitral award on the Walwal incident. If it had done so previously, all those who are determined

to defend at all costs a State which practises slavery would have certainly accused Italy of wishing to exercise an improper influence on the arbitration procedure by extending simultaneously to other spheres its act of accusation against Ethiopia.

The Italian Government lastly wishes to draw attention to two other points in the report.

The first is that in which it is stated that Italy opposed examination of the Italo-Ethiopian dispute by the Council during the period December, 1934, to September 4th, 1935, and that during this time she continued, on the other hand, to send troops to East Africa.

The Italian Government definitely repudiates such an allegation. The dispatch of troops to the Italian colonies was caused by the progressive aggravation of the situation in Ethiopia. The Italian defensive preparations were made quite openly, and the Italian forces at present in East Africa are known to all and are checked as they pass through the Suez Canal. The necessity for such defensive preparations is still more manifest if it is borne in mind that Eritrea and Somaliland are at a very great distance from the home-country, that they are very extensive and thinly populated territories, and that the preparation of all the supply services is therefore an extremely large undertaking.

The second point is that in which it is asserted that the Ethiopian Government has from the outset sought a peaceful settlement. No one could have been, or should be, under any misapprehension as to this Ethiopian attitude. It is easy to understand that Ethiopia once her aggressive intentions and designs had been unmasked, insisently proclaimed her desire to secure a pacific settlement of the dispute by assuming the part of victim before the whole world in order to deprive Italy of the possibility of pursuing her defensive preparations. Such are the circumstances which, having been finally aggravated by the Ethiopian mobilisation, alone created a state of necessity which forced the Italian Government to take appropriate steps for the defence of her colonies.

Any discussion of these arguments will be vain as long as an attempt is made to base them on the abstract principle which places Ethiopia on the same plane as the civilised nations forming part of the League, deliberately disregarding the undeniable reality which proves the contrary. No State Member of the League represented here will be willing to recognise that it can be placed on the same footing as a State practising slavery like Ethiopia. If such an affirmation were made for controversial purposes, public opinion would judge it at its true value.

It is on the basis of such a principle that, in the additional paragraph of its report, the Committee has thought it proper to invoke the respect due to the provisions of the Covenant and to recommend that any violation of the Covenant should immediately be brought to an end.

In regard to these recommendations, the Italian Government, so far as it is concerned, does not consider that it has violated the Covenant in any way by taking the steps necessary for the security of the Italian colonies in the manner imposed on it by the circumstances which have been brought about through the fault of others.

M. TECLÉ-HAWARIATE, representative of Ethiopia.—1. The Ethiopian Government has studied with the greatest care the report submitted to the Council under Article 15, paragraph 4, of the Covenant.

It declares itself in complete agreement with the Committee of Thirteen as regards the statement of facts, the circumstances of the dispute, and the legal considerations put forward by it. It therefore wishes to take note of certain conclusions and statements contained in the report, which it regards as of the greatest importance for the future determination of relations between Ethiopia and Italy.

2. The Ethiopian Government notes with the greatest satisfaction the statement made on page 7 of the report (Part I, Section II, No. 3) that the suggestions put forward by the United Kingdom and French delegates on the occasion of the tripartite negotiations of August, 1935, were "of an exploratory nature" and "were not intended in any degree to committ the Governments concerned." It reads this declaration in conjunction with the legal considerations on page 11 (Part II, Nos. 7 to 10) with regard to the "treaties concerning Ethiopia concluded by Italy with other Powers," and on pages 12 and 13 (No. 13) concerning the Anglo-Italian exchange of notes of December, 1925.

3. The Ethiopian Government observes with the greatest satisfaction that the Committee of Thirteen approves the legal position consistently taken up by Ethiopia, namely:

(i) The treaties in question are not legally binding on Ethiopia because she is not a party thereto;

(ii) These agreements or treaties, whatever may have been the intentions of the signatory Powers at the time they were concluded, can in no manner and from no point of view, whether political or economic, be considered as acts leading up to a partition of Ethiopia. As the report of the Committee of Thirteen says: Such an interpretation "would conflict with Article 10 of the Covenant, which is binding on the signatories of the Agreement of 1906, and to the benefits of which Ethiopia is entitled since she has been a Member of the League; and consequently in accordance with Article 20 of the Covenant, the Agreement of 1906 would fall to the ground so far as such a contradiction existed. It is perfectly clear that these agreements involve obligations upon the signatory States only, and not upon Ethiopia or any other Member of the League";

(iii) The exchange of notes between the Governments of the United Kingdom and Italy of December, 1925, can in no way infringe the sovereign rights of the Ethiopian Government. The latter, in accordance with the declarations made in 1926 by the United Kingdom and Italian Governments retained full and complete freedom to decide as to any request of an economic nature which might be made to it, and had the undisputed right to judge what was in the interests of Ethiopia.

The Ethiopian Government concludes from these declarations that in no case, under no pretext, and in no form, whether politically or economically, does the Covenant permit that Ethiopia should be placed,

except at her own request and of her own free will, under the dominion, protection, mandate or influence of any other country.

As the Committee of Thirteen says on page 15 of its report (No. 23), "Any solution of the problem of Italo-Ethiopian relations had to be founded on the respect due to the independence, territorial integrity and security of all the States Members of the League."

4. The Ethiopian Government notes with the greatest satisfaction the statement on page 12 (No. 12) and page 14 (No. 17) of the report:

"With regard to the special undertakings subscribed to by Ethiopia on her entry into the League of Nations, it should be noted that, in accordance with the terms of the declaration she signed, 'the fulfilment of these obligations is, she recognises, a matter in which the League of Nations is concerned,' and that, while other countries retain the right to draw the Council's attention to a violation of Ethiopia's special undertaking, the Council alone is competent to examine the matter and to make recommendations to the Ethiopian Government."

The Ethiopian Government repeats its statement that it will "take into consideration any recommendations which the Council may make" in this connection.

5. The Ethiopian Government notes with the greatest satisfaction the statement on page 14 of the report (No. 17):

"Ethiopia has been admitted into the League of Nations and thus enjoys the rights and is bound by the obligations of Members of the League. Ethiopia is a party to the General Pact for the Renunciation of War, signed at Paris on August 27th, 1928. As from September 18th, 1934, she renewed for two years her acceptance of the Optional Clause of the Statute of the Permanent Court of International Justice. The Covenant of the League of Nations, the Pact of Paris, the Italo-Ethiopian Treaty of Friendship, Conciliation and Arbitration of August 2nd, 1928, conceived in the same spirit as these two pacts, and the Optional Clause of the Statute of the Permanent Court of International Justice are, for Ethiopia and for Italy, solemn undertakings which exclude resort to arms for the settlement of disputes between these two countries."

6. The Ethiopian Government expresses its deep gratitude to the Committee of Thirteen for the statements it has made with regard to the principal heads of accusation brought against it by the Italian Government:

(i) With regard to incidents and raids on the frontiers of Ethiopia, the report states (page 14, No. 20) that the Emperor had shown "his sincerest intentions" of "carrying out the necessary reforms" to bring them to an end, that "these incidents and raids . . . were not in the nature of an aggression sought for or encouraged by the Central Government," and that, "of the three Governments of the contiguous Powers, none has at any time laid any of these incidents before the Council."

The Ethiopian Government observes that, according to the Italian Government itself, the Walwal incident is the most serious of all these incidents and that the unanimous award of the arbitrators, including the Italian arbitrators, stated, with the authority of *res judicata*, that no international responsibility had been incurred by Ethiopia.

(ii) As regards the question of the abolition of slavery, the report (page 14, No. 20) notes that "the Emperor has done all that lay in his power." The Ethiopian Government would observe that other African Powers, including Italy, have not hitherto obtained any better results.

(iii) With reference to the arms traffic, the report of the Committee of Thirteen says "there is no reason to believe that the Ethiopian Government deliberately or systematically violated its essential provisions" [*i.e.* the provisions of the Treaty of 1930]. The Ethiopian Government would observe, in the matter of arms, that the Italian Government has, in certain of its consulates in Ethiopia, established depots of arms which have been used to foment rebellion against the Emperor.

(iv) As regards internal conditions in Ethiopia, the Committee of Thirteen states in its report (page 14, No. 20) that "the country is better organised and the central authority is better obeyed" than in 1923, the year of Ethiopia's entry into the League of Nations.

The Ethiopian Government would observe that this improvement would be far more considerable had the unfair manoeuvres of Italian agents not hampered the Emperor's efforts.

The Ethiopian Government reserves the right, moreover, to submit a detailed reply to all the points brought forward by the Italian Government in its statement of complaints. It regrets that the war of extermination undertaken against it by the Italian Government does not allow it to do so as soon as it might desire. It would point out that these unfair accusations were submitted at the last moment on the eve of a long-premeditated aggression and that this fact alone is evidence of their worth. However, the Ethiopian Government desires to absolve itself from those unjust accusations in the eyes of independent observers who have not been convinced by the Italian propaganda. As soon as it has time and means at its disposal, it will carry out the necessary enquiries to prove its innocence and the bad faith of its adversary.

7. The Ethiopian Government expresses to the Committee of Thirteen its deep gratitude for the mention made in its report, (Nos. 21, 22, 23, 24, 25 and 26), of the peaceful and conciliatory intentions by which the Ethiopian Government has always been inspired during the whole of the procedures since January 1935, and also of the heavy sacrifices made by that Government in the hope of securing permanent good-neighbourly relations with Italy:

"From the outset of the dispute," says the report, "the Ethiopian Government has sought a settlement by peaceful means. It has appealed to the procedures of the Covenant. The Italian Government desiring to keep strictly to the procedure of the Italo-Ethiopian

Treaty of 1928, the Ethiopian Government assented; it invariably stated that it would faithfully carry out the arbitral award, even if the decision went against it. It agreed that the question of the ownership of Walwal should not be dealt with by the arbitrators, because the Italian Government would not agree to such a course. It asked the Council to despatch neutral observers and offered to lend itself to any enquiries upon which the Council might decide."

The Ethiopian Government would observe that it has given fresh proofs of its peaceful intentions, first by itself asking the Council for disinterested help and collaboration in order to ensure good-neighbourly relations; subsequently, by withdrawing its troops thirty kilometres behind the frontiers, an act which exposed it to the invasion without resistance that occurred on October 3rd, 1935; and, finally, by delaying the publication of the decree for general mobilisation until the day on which aggression appeared to be absolutely inevitable.

8. In view of the facts established by the Committee of Thirteen, the Ethiopian Government thinks it unnecessary to discuss at length the statements made to the Council on October 5th, 1935, on behalf of the Italian Government. The report of the Committee of Thirteen decisively refutes these in advance.

History will surely treat as rash the statements of the Italian Government:

That "Italy has fallen a victim to Ethiopian aggression"; or again—

That the withdrawal of the Ethiopian troops for thirty kilometres "was only a means of setting up a convenient screen behind which Ethiopia could assemble troops at her own time and complete her preparations for aggression"; or again—

That "Italy remained in the positions she had taken up in her territory until the moment when the general mobilisation order issued by the Negus gave final proof of the imminent peril of Ethiopia's intentions."

Did the Italian Press betray the intentions of the Italian Government when it reported that Government's unshakable resolve to subjugate Ethiopia by force of arms with, without, or against the League of Nations?

The Italian Government complains that "an alarmist agitation in international public opinion, encouraged by factors that are entirely alien to the question itself, has been artificially grafted on to the dispute and has led to the unimaginable and absurd result that the constant Ethiopian menace to Italy has been transformed into an Italian menace to Ethiopia."

The Ethiopian Government solemnly declares—without fear of contradiction—that it has no ministry of propaganda, that it has not spent a thaler to gain for its cause those organs which make and direct public opinion. The many comforting proofs of sympathy that it has received from all parts of the world in these tragic circumstances come from a pure and disinterested source. They are inspired by the sole desire to defend right, justice, respect for treaties and the given word against brute force.

The Italian Government wrongly states that "the responsibility for this situation must be attributed to the encouragement which Ethiopia thought she could find in the speeches made at Geneva and in the attempts made to distort them before international public opinion"; or again—that "the attempts and obstacles raised against the acceptance of the good reasons advanced by Italy have so encouraged Ethiopia that she felt sure the time had come to take advantage of the situation and to carry out her hostile projects against Italy."

Everyone knows the "historic fact". No State is seeking the support of Ethiopian power. Ethiopia has neither an organised army nor implements of war; she has no financial resources to enable her to lend any capital whatever.

Ethiopia is weak; she has no arms; she is poor; she can therefore rely only on the justice of her cause, on the assistance of the League of Nations and on the indomitable courage of her people. Will not the Italian people, which for so long endured a foreign yoke and which takes a legitimate pride in the deeds of its political resurrection, understand Ethiopia's unbending determination to retain her independence and defend it unto death?

9. It is strange that the Italian Government has not dared to proclaim before the Council the reasons which it has many times stated at Rome to justify its inflexible determination to annex Ethiopia—namely, its desire to form a great colonial empire, to conquer territory for its surplus population and to impose the superiority of the white race over the coloured peoples by force of arms, as well as the necessity to enhance the prestige of the regime by a military victory.

If the Italian Government did not frankly state at Geneva its really warlike aims, it was because it knew that the League of Nations is entirely based on the equality of States, without distinction of race or colour; that the League was founded to ensure the maintenance of peace throughout the world; and that its essential task is to secure the observance of the Covenant, the Paris Treaty and the other treaties which have outlawed wars of conquest and prestige.

10. The Ethiopian Government, victim of an unprovoked aggression, first of all asks the Council to note that its appeal, made to the belligerents on October 5th, to respect the obligations of the Covenant—*i.e.* to suspend hostilities immediately—has not been responded to by the Italian Government.

On October 5th, the Ethiopian Government asked the Council to proclaim clearly, in terms which left no room for any other interpretation, that Italy had embarked upon a war of conquest against Ethiopia, that wars of conquest were outlawed by treaties bearing Italy's signature.

In its report, the Committee of Six gives Ethiopia complete satisfaction on this point.

The Ethiopian Government now asks the Council to apply all the provisions of Article 16 of the Covenant relating to cases in which a Member of the League resorts to war in violation of Articles 12, 13 and 15 of the Covenant. The Committee of Six, having examined the facts, has reached

the conclusion that the Italian Government has resorted to war contrary to the undertakings of Article 12 of the Covenant of the League. Ethiopia notes this with satisfaction.

11. The Ethiopian Government hopes that, at this decisive hour, the Italian nation will listen to its conscience, and will be loyal to its feeling of justice and right and to its religious faith; that it will think of the sufferings, the ruin, the catastrophes which will certainly follow—both for Italy and Ethiopia—a long war which the Ethiopian Government and nation are resolved to resist to the death.

The PRESIDENT.—As there are no more speakers, I declare the discussion closed. Before taking the vote, I shall read Article 15, paragraphs 4 to 7, of the Covenant:

“4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

“5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

“6. If a report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

“7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.”

The vote will be taken by roll-call. The representatives of the parties will be called on for their vote, but their votes will not be counted in calculating unanimity. The votes of the representatives of the parties will be taken last.

Those who approve the report will reply “Yes” and those who are against it “No”.

The vote was taken by roll-call.

The representatives of the Members of the Council voted as follows:

For the report:

Argentine Republic, Australia, United Kingdom, Chile, Denmark, Ecuador, France, Poland, Portugal, Roumania, Spain, Turkey, Union of Soviet Socialist Republics.

The PRESIDENT then consulted the representatives of the parties to the dispute.

Voted against the report: Italy.

Voted for the report: Ethiopia.

The PRESIDENT.—The result of the voting is as follows: Votes have been cast by Members of the Council and by the parties to the dispute. The Members of the Council, other than the parties, to the number of thirteen, have voted for the adoption of the report. Of the two parties, the representative of Ethiopia has voted for the adoption of the report; the representative of Italy has voted against its adoption.

In these circumstances, I declare the report adopted unanimously.

The report was adopted unanimously.

The PRESIDENT.—I would add that, at the end of the report, the Council reserves to itself the right to make subsequently any further recommendations that it may deem advisable.

The report, in virtue of Article 15, paragraph 4, of the Covenant, concludes with this recommendation:

“For the time being, the only recommendation which it makes is that any violation of the Covenant should immediately be brought to an end.”

In order that this recommendation may be carried out, it is necessary, in the first place, that hostilities should cease. World opinion would fail to understand how an appeal made at this solemn moment could not be heard. The Council, which, even in case of war, must take “any action that may be deemed wise and effectual to safeguard the peace of nations,” remains at the disposal of the parties with a view to helping them to establish conditions in which hostilities can be stopped.

B. REPORT OF THE COUNCIL COMMITTEE (THE COMMITTEE OF SIX)

The PRESIDENT.—The Council has before it the report of the Council Committee which was appointed by it, at its meeting on October 5th, to study the situation and report to the Council.

M. MONTEIRO, Chairman of the Council Committee, read the following report:

(Not reprinted here. See report of Committee of Six above.)

The PRESIDENT.—I wish to know the opinion of the members of the Council on this report. I shall accordingly ask each member whether he approves the report and its conclusions.

The two parties will be asked for their opinion last.

Baron ALOISI.—I ask you to be good enough to take note of the following protest which I have already made in private session:

Last Saturday I was given the report and the recommendation of the Committee of Thirteen, and, at the same time, a Committee of six members was appointed to examine the situation. I then stated that I was not yet able to give an opinion on the report of the Committee of Thirteen, and I reserved the right to state my observations at to-day's meeting.

The Committee of Six thought it desirable to meet the day before yesterday and yesterday to formulate the conclusions regarding the present state of the Italo-Ethiopian dispute.

When, this morning, I received through the Secretary-General the document containing these conclusions, I asked that I should be allowed

to state my Government's point of view on the report adopted by the Committee of Six to-morrow, in order that I might have the bare amount of time necessary to get into touch with my Government and to be able to state the Italian point of view.

The document is, indeed, one of capital importance from the point of view of my country's policy, and the least I can ask is that the continuation of the meeting should be postponed until to-morrow morning.

To-day it is proposed to open the discussion on these suggestions, so that each member of the Council will be able to pronounce on them without even hearing the Italian Government's statements.

In other words, the Council has chosen a procedure which, on two occasions, has taken no account of the arguments submitted by the party most concerned.

On behalf of my Government, I must therefore protest most formally against this procedure.

M. TECLÉ-HAWARIATE.—I desire expressly to state, on behalf of my Government, that it is at the disposal of the Council to establish the conditions in which hostilities might be stopped.

The PRESIDENT.—In the name of the Members of the Council, I am obliged to repeat the declaration which I made from the Chair at the private meeting. It is as follows:

The report of the Committee which is before the Council describes facts from official sources and draws attention to the provisions of the Covenant.

To-day, October 7th, five days after the opening of hostilities, the establishment of the existence of a state of war, in relation to the obligations of the Covenant, compels the members of the Council to face their responsibilities. This obligation does not in any way prejudice the rights of the parties to make known their observations subsequently at another meeting of the Council. However anxious the members of the Council may be courteously to take account of the convenience of one of their colleagues, they cannot allow that anxiety to take precedence over a primary duty.

I take note of the protest made by the representative of Italy and, in the name of the Council, I declare, as its President and as its mandatory—with, therefore, the unanimous consent of my colleagues other than the parties—that the members of the Council will be called upon at to-day's meeting to state their views as to the conclusions of the Council Committee, and that the Council will hear the representative of Italy, should he so desire, at another meeting.

We will proceed by roll-call to the consultation of the Members of the Council and of the two parties.

I will begin by consulting the Members of the Council other than the parties.

The Members of the Council other than the parties, consulted by roll-call, declared themselves in agreement with the conclusions of the report.

The PRESIDENT.—I will now consult the parties.

Baron ALOISI.—While making every reservation as to the procedure which is now being followed, I state, for all useful purposes, that I do not approve the conclusion of the report.

I also reserve my right to submit, at a later meeting, any observations I may have to offer on the document before us.

M. TECLÉ-HAWARIATE.—I accept the report.

The PRESIDENT.—I take note that fourteen Members of the League of Nations represented on the Council consider that we are in presence of a war begun in disregard of the obligations of Article 12 of the Covenant.

Accordingly, the report of the Council Committee and the Minutes of the present meeting will be sent to all the Members of the League of Nations. As the Assembly stated in its resolution of October 4th, 1921, "the fulfilment of their duties under Article 16 is required from the Members of the League by the express terms of the Covenant, and they cannot neglect them without a breach of their treaty obligations."

The Council has now to assume its duty of co-ordination in regard to the measures to be taken. Since the Assembly of the League of Nations is convened for the day after to-morrow, October 9th, 1935, my colleagues will doubtless feel it desirable to associate the Assembly with their task.

The report of the Council Committee and the Minutes of the present meeting will therefore be communicated to the President of the Assembly.

No. 4

Position taken by Members of the Assembly, October 9-11, 1935

EXTRACT FROM THE MINUTES OF THE FOURTEENTH PLENARY MEETING OF THE ASSEMBLY OF THE LEAGUE OF NATIONS, OCTOBER 9TH, 1935

Communication from the President of the Council transmitting to the President of the Assembly the minutes of the Council meeting of October 7th, 1935, and the report of the Committee appointed by the Council on October 5th in connection with the dispute between Ethiopia and Italy: Proposals of the General Committee of the Assembly for the insertion of this item in the agenda of the session and its immediate examination by the Assembly.

THE PRESIDENT:

Translation: The next item on the agenda is the communication from the President of the Council transmitting to the President of the Assembly the Minutes of the Council meeting of October 7th, 1935, and the report of the Committee appointed on October 5th in connection with the dispute between Ethiopia and Italy.

The President of the Council has addressed to me a letter, dated October 8th, 1935, which I will now read to the Assembly:

"The Council of the League of Nations, at its meeting of October 7th, 1935, which was devoted to the consideration of the dispute

between Ethiopia and Italy, approved my proposal to forward to you, for the purposes of the forthcoming meeting of the Assembly, the following documents:

“ (1) The report of the Committee of the Council constituted on October 5th, 1935;

“ (2) The Minutes of the meeting of the Council of October 7th, 1935.

“ I have felt it my duty to communicate separately as an Annex, recommending it to your attention, the final portion of the Minutes, in which is noted the declaration that I made concerning the duties of the Council and the desire of its Members to associate the Assembly with their task.

(Signed) Enrique RUIZ GUIÑAZÚ.”

The members of the Assembly will all have received the documents to which the President of the Council alludes in his letter—namely, the Minutes of the meeting of the Council held on October 7th, 1935, and the report of the Committee of the Council appointed on October 5th, 1935.

As the President of the Council, in the letter which I have just read, draws particular attention to an extract from the Minutes of the Council meeting, I think that I should communicate the text of that extract to the Assembly:

“ Extract from the Minutes of the Council Meeting of October 7th, 1935

“ The PRESIDENT—I take note that fourteen Members of the League of Nations represented on the Council consider that we are in presence of a war begun in disregard of the obligations of Article 12 of the Covenant.

“ Accordingly, the report of the Council Committee and the Minutes of the present meeting will be sent to all the Members of the League of Nations. As the Assembly stated in its resolution of October 4th, 1921, the ‘ fulfilment of their duties under Article 16 is required from the Members of the League by the express terms of the Covenant, and they cannot neglect them without a breach of their treaty obligations.’

“ The Council has now to assume its duty of co-ordination in regard to the measures to be taken. Since the Assembly of the League of Nations is convened for the day after to-morrow, October 9th, 1935, my colleagues will doubtless feel it desirable to associate the Assembly with their task.

“ The report of the Council Committee and the Minutes of the present meeting will therefore be communicated to the President of the Assembly.”

The Assembly therefore has before it a communication from the President of the Council the purpose of which can be seen from the extract from the Minutes which I have just read.

The gravity of the fresh developments to which I have referred would seem to justify any emergency or other procedure, for the Assembly is entitled, under the actual provisions of the Covenant, to deal with any matter within the sphere of action of the League or affecting the peace of the world. Moreover, the Assembly is free to determine its own procedure and could regard the communication from the President of the Council as a report from the Council to the Assembly which has been officially referred to it.

At the same time, it should be observed that the Assembly is sitting in ordinary session, since the sixteenth session was only adjourned and has now been resumed. I consider therefore, and the General Committee agrees with me, that it is desirable that we should follow very strictly the provisions of the Rules of Procedure which apply in this case.

Before it can take action on the communication from the President of the Council, the Assembly is called upon to place a new question on the agenda of its session.

The General Committee, which I consulted on the matter, instructed me to recommend that the Assembly should pronounce in favour of placing this question on the agenda, in virtue of paragraph 4 of Article 4 of the Rules of Procedure, which reads as follows:

“The Assembly may, in exceptional circumstances, place additional items on the agenda; but all consideration of such items shall, unless otherwise ordered by a two-thirds majority of the Assembly, be postponed until four days after they have been placed on the agenda and until a committee has reported upon them.”

If the Assembly decides by the requisite two-thirds majority, in accordance with the recommendation of its General Committee, immediately to place this question on its agenda, I shall then propose to the Assembly, on behalf of the General Committee, that it should take a decision as to the immediate consideration of the question, in application of Article 14, paragraph 2, of the Rules of Procedure, which reads as follows:

“The Assembly shall not decide items on the agenda in full meeting until the report of a committee upon them has been presented and circulated, unless the Assembly itself, by a two-thirds majority, determines otherwise.”

I shall therefore call upon the Assembly to take successive decisions on these two proposals of the General Committee concerning respectively the placing of the question upon the agenda and its immediate consideration.

I will ask the Assembly whether, in accordance with the provisions of paragraph 4 of Rule 4 of its Rules of Procedure, it decides to place immediately upon its agenda the communication from the President of the Council accompanied by the annexes of which particulars have been given.

If there are no observations, I shall consider that the Assembly accepts the General Committee's proposal and unanimously decides to place the question on the agenda of the present session of the Assembly.

The proposal of the General Committee was adopted.

THE PRESIDENT:

Translation: I must now ask whether, in accordance with the proposal of the General Committee, the Assembly is prepared to proceed to the immediate consideration of this question.

If the Assembly desires to depart from the general rule laid down in Rule 14, paragraph 2, of the Rules of Procedure, it must decide by a two-thirds majority to proceed to the immediate examination of the question appearing on its agenda.

I therefore ask the Assembly whether it decides to consider this question immediately.

If there are no observations, I shall interpret the silence of the delegations as signifying assent.

The proposal of the General Committee was adopted.

STATEMENTS BY THE DELEGATIONS IN CONNECTION WITH
THE DOCUMENTS TRANSMITTED TO THE PRESIDENT
OF THE ASSEMBLY BY THE PRESIDENT OF THE COUNCIL
AND RELATING TO THE DISPUTE BETWEEN ETHIOPIA
AND ITALY.

The PRESIDENT (Translation): The Assembly, following the recommendations of the General Committee, has thus decided to proceed to the immediate consideration of the question, and it is desirable that the delegates of States Members of the League be given an opportunity to make declarations on the questions before the Assembly.

With the approval and entire assent of the General Committee, it appeared to me useful, in order to dispel any uncertainty as to the nature of the task devolving upon the delegations, to furnish certain explanations for their guidance.

The Assembly's task is clearly defined by the contents of the communications which I have just made to you.

From these communications the following points emerge:—

1. The dispute between Italy and Ethiopia has not ceased to be under consideration by the Council. The Assembly is not taking the place of the Council in this matter.
2. The Assembly is not resuming the examination of the question or the procedure under Article 15 which was followed in the Council and led to the adoption of a report.
3. The members of the Assembly have an opportunity of stating their position with regard to the proceedings that have taken place in the Council during the last few days—that is to say, with regard to the documents communicated to us by the President of the Council.

The Minutes of the Council meeting at which the Governments represented expressed their views on the grave events in Ethiopia have been sent urgently to all Governments Members of the League. The Members of the Assembly are invited to express an opinion.

What is required is the assent of each Government individually. We are not going to propose a vote.

I shall give to those who desire to express a contrary view an opportunity to speak.

Similarly, any delegations desiring to place on record their abstention or reservations will also be given an opportunity to do so. But I shall interpret the silence of the rest as implying the concurrence of their Governments in the opinion already expressed by fourteen Members of the Council. Moreover, they will, of course, be entirely free to express their views on this subject from the platform of the Assembly.

To keep the discussion clear, I may add that statements regarding practical difficulties which certain Governments might experience in the application of Article 16 can be properly made in the co-ordinating body which the Council is inviting us to set up.

4. The President of the Council having expressed the desire of the Members of the Council that the Assembly should be associated with it in connection with the measures to be taken, the Assembly will have the important task of dealing with this question and of taking such decisions as may be required; such as, for instance, the setting-up of a co-ordinating body and the definition of its terms of reference.

That is the way, in my opinion—which the General Committee shares—that the Assembly's task should be defined, now that it has drawn up its agenda and decided to proceed to the immediate discussion of the questions on that agenda.

The Assembly took note of the above explanations.

The PRESIDENT (Translation): In accordance with the explanations which I have just given to the Assembly, I will first call to the platform those delegations which have expressed a desire to speak, either to record an opinion contrary to that expressed by the fourteen Members of the League sitting on the Council or to request that note be taken of their abstention or reservations.

I call upon M. Pflügl, delegate of Austria, who wishes to make a declaration.

M. PFLÜGL (*Austria*) (Translation): In placing before you certain considerations arising out of the particularly delicate situation in which the communications of the President place Austria, I desire, first, acting upon instructions from my Government, to re-assert before the Assembly Austria's firm and loyal attachment to the principles of the League of Nations.

The communications made by the President refer to a Member State, our great neighbour and trusted friend, for whom, in these bitter circumstances, our country feels the deepest sympathy. Austria will never forget

that, at a fateful moment in her history, it was Italy which, in the truest spirit of the Covenant, helped, by her attitude, to safeguard the integrity of another Member of the League.

The ties which unite the Austrian people to the people of Italy are strong, and Austria will not be disloyal to a friendship destined to last far into the future. That friendship has been increased by a debt of gratitude—not provided for by the Covenant—which also implies obligations.

Austria feels sure that, in embarking upon the course of sanctions, an act without precedent in its annals, the League of Nations will always keep in view its principal task, which can be none other than the maintenance of peace. Strongly impressed by the Italian protest, Austria feels confident that the League will exhaust every other method before entering upon this path beset with such uncertainty in the economic sphere. Loyalty towards the League makes it incumbent upon my Government at once to draw your attention to the serious dangers which sanctions will inevitably entail in the economic life of Europe, in particular for those smaller States whose capacity for economic and financial resistance has been considerably reduced by the unfavourable conditions imposed upon them. I am not thinking merely of my own country, but also of its creditors. Moreover, as regards the economic aspect of the question, I would refer to the arguments which the Austrian Government put forward in its note to the League of Nations on April 30th, 1922, concerning the application of sanctions.

My Government indeed finds its arguments confirmed by the fact that the same fundamental idea was embodied in Annex F to the Locarno Agreements and has since been endorsed by the League itself. I reserve the right to give more detailed explanations during the discussions in the proposed committee.

Taking these circumstances into account, the Austrian Government does not, for the present, see how it can associate itself with certain of the conclusions already reached by other States Members of the League.

The PRESIDENT (Translation): I call upon M. Lázló de Velics, delegate of Hungary, who wishes to make a declaration.

M. DE VELICS (*Hungary*) (Translation): The proposal to apply sanctions against Italy places Hungary in a particularly difficult and delicate situation. I do not intend to mention the painful feelings experienced by Hungary at this moment when measures are to be applied against a country which is united to her by age-long traditions of friendship, which has on many occasions given proof of its friendship for my country and to which, at this very hour, I wish to express my country's gratitude.

Before dealing with the subject of our discussion, I desire to refer briefly to the question of the principle of sanctions as it affects the Hungarian Government. The League of Nations, as an institution, and the Covenant of the League were created and exist for one sole purpose: the maintenance of peace. The maintenance of peace means an effort to eliminate all the causes that might lead to war. Obviously, the lives of the various nations cannot be confined for ever within a static and immovable

framework; they must develop according to the rule of nature itself, which is a rule of perpetual change. It is a fundamental duty of the League to see that these movements shall take place under proper conditions, after the ground has been prepared and made ready by the League itself.

I wonder whether, in the present case, all means have been employed and exhausted with a view to achieving the purpose to which I have referred.

I wonder whether the present case is really one in which to apply sanctions, which are reserved as a last resort against manifest bad faith. It is not for the Hungarian Government to answer that question.

I will merely therefore define the views of the Hungarian Government on the question now under discussion, seeing that it is proposed to appoint a committee to draw up a plan for the application of sanctions against Italy. As regards economic sanctions, Hungary is in a very special position. In numerous reports and resolutions of the League of Nations concerning Article 16 of the Covenant, it has been laid down that account must be taken of the special conditions and requirements of certain countries and that certain forms of economic action might produce very harmful effects on the very countries which adopt them and might, indeed, involve these countries in serious danger. Consequently, I think that it would be more in keeping with the League's aims to allow Members of the League some degree of latitude. Nobody can be better aware than the Council, which has for years been supervising the finances of Hungary, of the economic and financial difficulties experienced by my country. The exclusion of Italy from Hungary's restricted and limited trade outlets would completely upset our economic and financial equilibrium, which has hitherto been preserved at great cost, largely by means of exports to Italy.

For these reasons, and for the further reason that my Government has not had an opportunity of examining conscientiously, and with the necessary care, the facts and documents on which such serious resolutions might with full certainty be based, the Hungarian delegation is unable to associate itself with the conclusions mentioned in the President's communications.

The PRESIDENT (Translation): The Assembly will take due note of these two declarations.

If no other delegate desires to make a declaration on the same lines, I will adjourn the further proceedings until to-morrow morning. The first speaker will be Baron Aloisi, delegate of Italy.

Any other delegates desirous of making statements in a contrary sense or of recording their abstention or reservations, who have not been able to speak this evening, will be able to do so to-morrow morning after the statement by Baron Aloisi.

When all those delegations have spoken, I shall record the fact that the other delegations express their concurrence with the opinion given by the fourteen Members of the League represented on the Council.

After noting this fact, I shall call upon delegations that may desire to pronounce an opinion in the same sense as the fourteen Members of the

League represented on the Council or to make any other declaration on the questions which the Assembly is called upon to examine in conformity with the explanations which I have just given to the Assembly, on behalf of the General Committee.

(EXTRACT FROM THE MINUTES OF THE FIFTEENTH PLENARY MEETING OF THE ASSEMBLY OF THE LEAGUE OF NATIONS, OCTOBER 10TH, 1935)

THE PRESIDENT (Translation): In accordance with our agenda, we shall now continue to hear the statements of Members of the League on the questions submitted to the Assembly by the Council, as defined in the explanations which I had the honour to give to the Assembly yesterday on behalf of the General Committee.

Baron Aloisi, first delegate of Italy, will address the Assembly.

BARON ALOISI (*Italy*) (Translation): Before explaining the Italian standpoint, I wish to make a few remarks on the question of procedure.

The President, before adjourning yesterday's meeting, said that delegates desirous of expressing a contrary opinion or of recording their abstention or reservations who had not yet had an opportunity of speaking at yesterday's meeting could do so this morning.

I consider that the Rules of Procedure do not in any way limit the right of delegates to speak before the discussion of an item included in the agenda has been closed.

I also consider that it is not in keeping with the Rules of Procedure to interpret as a sign of acceptance of the conclusions referred to the silence of delegates, present or absent, who may not have expressed their opinion this morning. Consequently I make the most formal reservations.

THE PRESIDENT (Translation): The Assembly notes the declaration of the delegate of Italy. I would nevertheless point out that yesterday the General Committee decided unanimously to accept this procedure solely with a view to facilitating the discussion.

This point having been made clear, there is absolutely nothing to prevent any member from addressing the Assembly.

BARON ALOISI (*Italy*) (Translation): With all due respect, I would point out to the President that yesterday, at the beginning of the meeting of the General Committee, I made every reservation with regard to procedure. Consequently, the word "unanimity" does not concern me.

I will now explain the Italian standpoint.

At the last meetings of the Assembly, the Italian delegation thought it preferable to maintain absolute silence out of deference to the Council of the League of Nations, which was dealing with the question.

To-day, when the States represented at this Assembly are called upon to assume, jointly and severally, definite responsibilities, I desire to explain in the fullest possible manner the Italian Government's standpoint as regards both the procedure and the political and historical aspect of the dispute.

I wish first to direct the attention of this Assembly to the circumstances and method of application of the procedure by which the Italo-Ethiopian dispute has hitherto been examined by the Council. I do not hesitate to declare that it is very difficult to imagine any procedure so fully entitled to be described as "extraordinary." I might say a great deal on this subject; but I will merely ask the Assembly and, I may add, the public opinion of the whole world, to which appeals have so often been addressed during the last few days, two specific questions:—

1. Italy, in conformity with the conclusions reached by the Council on August 3rd, 1935, set out, on September 4th, in a documented memorandum, not only her complaints against Ethiopia, but also the legal and political position of Ethiopia in relation to the League of Nations. Thus the Italian Government made it possible for the League to prove, in a practical manner, its real determination to settle the dispute which so gravely threatens peace.

Neither the Council nor any of the Committees appointed by it during this last month have taken the Italian memorandum into account. They have not even considered it.

It is enough for me to say that the Committee of Five appointed by the Council when the memorandum was submitted took as the basis for its work, not the Italian document, but a mere incidental phrase in a speech made by the Ethiopian representative.

Only a few days ago the Committee of Thirteen felt it necessary to make a mere allusion to the Italian memorandum; and it did so, not directly, but with reference to the Ethiopian request for an enquiry in connection with that memorandum. After that, the Committee concluded in great haste that the events of October 3rd, 1935—which, moreover, occurred one whole month after the submission of the Italian memorandum—rendered the study of that document henceforth impossible.

Thus the memorandum has remained a dead letter.

2. At the very grave moment when the Council was called upon to take a decision concerning the events which occurred after October 3rd, the Italian delegation was refused the possibility of explaining its reasons in due time.

Do the distinguished jurists sitting in this Assembly really believe that, in the history of law, there has ever been a stage, however primitive, at which the right to speak only after the decision regarding the dispute has been adopted has been held to be a sufficient guarantee for one of the parties? Does any one of the delegates here present believe that he could cause to be adopted, as the law of his country, the procedure which has been followed in regard to Italy?

Since here, and outside these precincts, authoritative voices continue to repeat that, if Italy had laid her grievances before the League, she would have obtained full and equitable satisfaction, I am obliged to repeat

that Italy has laid her grievances before the League, and has done so within the time-limit fixed by the Council, and that those grievances have not been—I will not say judged, but even considered.

Why should there be two weights and two measures?

How comes it that on another occasion, although there was a state of actual war in the Far East between two original Members of the League, the procedure that ended in the approval of the Council's report under Article 15 lasted seventeen long months?

And what about the Chaco question, which lasted about two years?

This time, only one month has elapsed between September 4th and October 7th, and why has a decision been taken immediately and the question hurriedly referred to the Assembly?

I remember that, at the meeting on February 21st, 1933, M. Hymans, then President of the Assembly, when he proposed to postpone for a few days the discussion of the draft report on the Sino-Japanese dispute prepared under paragraph 4 of Article 15, said: "At this grave juncture, we must not give even the appearance of precipitancy."

Let us now turn to the political aspect of the question and consider primarily whether, and how far, the papers of the two parties are in order.

I will say nothing of all that Western civilisation owes to Italy. I will merely refer to the debt of the League of Nations and of international politics to my country in recent years.

Italy, an original Member of the League, has taken as large a part as any other country, during the last fifteen years, in every action initiated at Geneva. To ensure the maintenance of peace in Europe, she assumed the obligations of Locarno. Under the League's auspices, she has made considerable sacrifices, in order to contribute to the utmost of her ability to the recovery of many countries that had been crushed by the war; she has collaborated in the work for disarmament; and only a year ago she had the honour of affording substantial assistance to the notable work of peace accomplished by the League in the Saar.

What, on the other hand, has Ethiopia done?

The memorandum that Italy has submitted to the League exhaustively demonstrates the conditions prevailing in that country.

In her memorandum, Italy has given evidence of the state of extreme internal disorder in Ethiopia, which in itself represents a constant threat to peace in East Africa and affects all the neighbouring States, but especially Italy, which is brought, by the geographical position of her colonies, into close contact with Ethiopia, where arbitrary rule and anti-foreign feeling prevail, making all co-operation impossible.

Ethiopia has failed to observe, not only her undertakings in regard to Italy, but also, and more particularly, her obligations towards the League of Nations. After twelve years, it is to-day the right and duty of the League, and of each of its Members, to make a thorough examination of the way in which the Ethiopian Government has responded to the trust that was placed in it in 1923, and of the way in which it has observed its undertakings.

A State that does not fulfil the conditions laid down in Article 1 of the Covenant cannot be recognised as having the status of a Member of the League; every State Member must possess a Government capable of exercising effective authority throughout its territory.

The Italian memorandum has shown that Ethiopia does not fulfil this essential condition.

The Italian Government has asked the League to take into account an indisputable fact—namely, that, far from being a unitary State, Ethiopia consists of two regions which are quite distinct, both geographically and politically. By the tragic irony of history, Ethiopia possesses non-Abyssinian colonies, and has expressed her dominion over them solely by atrocities and oppression.

There is no need to revert to the present situation in the matter of slavery. There are many other things—there is the emasculation of children and of prisoners of war, and, above all, there is the systematic destruction of the subjugated peoples.

The League of Nations, which imposes on highly civilised States limitations of sovereignty in connection with the guarantee of the rights of minorities in the fields of language, religion, culture, education, and charitable institutions (rights which I might describe as luxuries, compared with the terrible conditions of the peoples subject to Ethiopia)—the League of Nations, I say, has remained deaf to the denial, not of these rights, which might be called superfluous, but of the right to life itself. Is it credible that the League is signing a blank cheque for the inevitable extermination of whole peoples?

The Committee of Five itself has found it necessary to suggest measures which, inasmuch as they imply a limitation upon the exercise of sovereignty, constitute an undeniable recognition of the fact that Ethiopia does not fulfil the conditions necessary for her to retain her membership of the League.

The consequences arising out of this situation are indicated by the Covenant itself.

Why, in view of the documentary evidence furnished by the Italian Government, has not the League thought fit to take the action provided for in the Covenant in regard to a country that has shown itself incapable of fulfilling its contractual undertakings?

Why, instead of proposing a form of collective assistance, has it not borne in mind that the Covenant itself provides an effective method of aiding peoples who, owing to their present conditions, are not able to stand by themselves?

Why, again, has not the League considered whether, in this serious and patent case, expulsion, as provided under Article 16, paragraph 4, of the Covenant, is not applicable—a measure which the representative of the United Kingdom at Geneva recognised as being applicable to an original Member of the League, although the offences with which that country was charged were far less serious?

The failure to recognise Italy's arguments has deeply wounded the Italian people as a whole, while it has emboldened Ethiopia and accentuated her aggressive attitude.

No longer able to rely upon the assistance of the League to guarantee her security and the recognition of her rights, Italy has been forced, by the League's failure to act, to trust solely to her own resources to ward off a danger which was continually becoming greater and more imminent. The mobilisation of more than a million men decided upon a few days ago by the Ethiopian Government was the culminating and decisive fact which filled to overflowing the measure of what Italy could prudently tolerate, since it finally showed that the aggressive attitude which Ethiopia had unceasingly maintained had now become an immediate danger, obliging Italy to adopt adequate measures of a military character.

The aggressive purpose of the general mobilisation in Ethiopia was openly and unequivocally proclaimed by the Negus himself, in a speech to which I drew the Council's attention five days ago and which has not formed the subject of any denial, so that I feel obliged to quote it to the Assembly also:—

“When, with God's help, this war has been brought to a victorious conclusion, the warriors will be given Eritrea and Italian Somaliland as a reward for their services to the King of Kings.”

The question must now be examined from the point of view of the international legal and political situation.

Is Italy's cause in harmony with the Covenant and with international obligations?

We have already seen how Italy can invoke—on the basis of a perfectly orthodox interpretation founded upon irrefutable documents—three articles of the Covenant which are among the clearest and most fundamental of its stipulations—namely, Article 1, Article 23 and Article 16 (paragraph 4).

Can Ethiopia, a country which has no Government capable of exercising its authority throughout its territory, whose frontiers are not delimited, which not merely fails to mete out equitable treatment to conquered peoples, but exploits them, subjects them to slavery and destroys them—can that country escape the application of Article 16, paragraph 4, of the Covenant and continue to enjoy the same rights as civilised States by remaining a Member of the League of Nations?

Would not Article 22 appear to have been expressly drafted for Ethiopia?

“The well-being and development of peoples not yet able to stand by themselves under the strenuous conditions of the modern world form a sacred trust of civilisation. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility.”

Reference has been made to a so-called contradiction between the Italian action and the Briand-Kellogg Pact.

In this connection, it is in the first place necessary to recall the fact that the notes exchanged before its conclusion prove that the Pact places no restriction or limitation upon the right of legitimate defence and that every State is entitled to decide, in its own discretion, whether circumstances require it to resort to an act of legitimate defence.

I may, moreover, recall, for the benefit of those who have spoken of an Italian invasion of Ethiopia, that the resolution adopted by the Senate of the United States of America at the time of ratification of the Kellogg Pact was textually as follows:—

“It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it.”

It is necessary also to bear in mind that His Britannic Majesty's Government, when acceding to the Pact of Paris, made the following reservation:—

“There are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions cannot be suffered. Their protection against attack is to the British Empire a measure of self-defence. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.”

It was following on these precedents that the Italian Government acceded to the Briand-Kellogg Pact.

Permit me now to indicate the legal and political conditions which confirm and sanction Italy's right.

The Italian memorandum recalled the fact that Italy's predominating interests in Ethiopia had been recognised by treaties concluded between the three limitrophe Powers. Those treaties were confirmed by the Italo-British Agreement of 1925, which was subsequent to the constitution of the League of Nations and to Ethiopia's admission to the League and which therefore recognises that Italy's preponderant interests in Ethiopia were not nullified either by the Covenant of the League or by the admission of Ethiopia.

Feeling the strength of her juridical situation, Italy now has the right to ask this question: Has the League of Nations for its part and with regard to Italy adopted an attitude that is equally legitimate and in conformity with the spirit of the Covenant and also with the equitable comprehension of Italian rights?

Let us examine the precedents. This is not the first time that the League has recognised a breach of the Covenant.

It is so notorious that it would be in bad taste to stress the fact that such a breach was recognised two years ago in the case of the Sino-Japanese conflict and another such breach in the case of the conflict between Bolivia and Paraguay.

Italy, who is speaking to-day, not only before the delegates of this Assembly, but before the bar of history, which will have to frame its judgment—Italy, I say, is entitled to ask plainly: Why in neither of these cases was there any talk of sanctions?

Is it surprising that Italian public opinion should be—to use the very words recently uttered by the delegate of Bolivia—“vainly endeavouring to understand this policy of two weights and two measures which seems to vary from season to season”? How can we prevent the Italian people, and with it everyone with any common sense, from asking what can be the reasons or the influences which are acting upon the League of Nations and impelling it to apply so different a treatment?

War, let me tell you, is not suppressed; it is replaced. And it is replaced because history does not stand still. If, for its part, the League of Nations stands still, history, which cannot be forced by the application of sanctions, will continue on its way, for its way is the way of life. To proclaim in words the desire to eliminate conflicts is a mere logomachy. The real policy is to remove the causes.

The delegate of the Irish Free State said authoritatively from this very platform: “Why can we not endeavour to forge an international instrument, not merely for settling international disputes when they arise, but for removing in advance the causes of those disputes”?

The League of Nations would surely have the means of doing so.

Italy, convinced that she is interpreting the real spirit of the League of Nations and that, in the present circumstances, she is fighting, not only her own battle, but also that of the League, because she desires to exalt its spirit, which is synonymous with life, as against the letter, which is synonymous with death—Italy, I repeat, feels a legitimate pride in showing clearly the path that the League must follow if it is to become a living and effective force. That path is marked by two principles: (1) to set aside firmly the policy of two weights and two measures; and (2) to harmonise the Covenant as a whole; the part which relates to evolution with the part which relates to conservation, in order thus to achieve all the elasticity which is necessary to enable us to follow history and thus to deal with those new situations which arise at every moment and which, in the absence of such elasticity, become the most certain sources of conflicts.

No State is better able than Italy to give expression to this new spirit, this imperative necessity of life. Caught as she is in the tide of her full spiritual and material development, but confined by historical vicissitudes and international restrictions within territorial limits which are stifling her, Italy is the country which must make her voice heard in this Assembly of the States as the voice of the proletariat calling for justice.

THE PRESIDENT (Translation): The Assembly will have noted the statements made by Baron Aloisi, delegate of Italy.

I call upon those delegations which have not yet been able to speak and desire to make declarations in order to express a contrary view, or to notify their abstention, or to make reservations on the questions submitted to the Assembly in the light of the explanations which I gave yesterday on behalf of the General Committee. If no delegations desire to make such statements, I will pass to the next item in our procedure as indicated at our meeting yesterday.

I must, however, make the following communication to the Assembly. In the absence of its first delegate, one delegation has asked me not to exclude the possibility of allowing it to speak later. I have reserved that delegation's right to speak until the last meeting.

In addition, I would remind the Assembly that the first delegate of Italy has made a reservation with regard to the procedure to be followed. I explained this procedure to you yesterday and the Assembly adopted it. In accordance with this procedure, delegates wishing to express a contrary view, to abstain, or to make reservations, were to be called upon to speak, while the silence of the other delegations would be interpreted as signifying the agreement of their Government with the opinion already expressed by fourteen Members of the Council.

In view of the reservation made by the Italian delegate, I desire again to consult the Assembly as to the procedure which it agreed to at yesterday's meeting after the General Committee had been consulted. I think that we can continue to follow that procedure. If there is no opposition, I will consider that the Assembly confirms the procedure approved at its last meeting and that it has adopted it.

This procedure was adopted

Registration by the President of the opinion expressed by the Members of the Assembly concerning the documents transmitted to the President of the Assembly by the President of the Council and relating to the dispute between Ethiopia and Italy

THE PRESIDENT:

Translation: In the circumstances, I desire to place the following facts on record:

In agreement with the delegations of Austria and Hungary, I am called upon to note the fact that they have expressed, on behalf of their Governments, a contrary view on the questions submitted to the Assembly as I defined them in the explanations which I gave yesterday on behalf of the General Committee.

These two contrary views expressed by the delegations of Austria and Hungary are hereby noted.

Similarly, the Assembly has taken note of the meaning and scope of the declaration made by the Italian delegate.

It is clearly understood that the right to speak in the Assembly remains unrestricted for all delegates.

As no other delegation has asked to speak, I interpret the silence of all the delegations, except those which I have just mentioned and those which have reserved the right to speak later, as signifying the concurrence of their Governments in the opinion already expressed by fourteen Members of the Council.

The Assembly will place this fact on record.

STATEMENTS BY THE DELEGATIONS (CONTINUED)

The PRESIDENT (Translation): M. Laval, first delegate of France, will address the Assembly.

M. LAVAL (*France*) (Translation): I have only a short statement to make.

France will meet her obligations. I said this in the Council and I have repeated it in the Assembly. The Covenant is our international law and we can neither infringe it nor allow it to be weakened.

At this moment, when each of us has to take up his responsibility, it is, as you know, with deep feeling that I assume my duty.

My country will observe the Covenant. Friendship also lays a duty on me. We are not repudiating our faith in the authority of the highest international institution if, simultaneously with the application of its law, we continue to seek a solution by conciliation.

The French Government will devote itself heart and soul to this work of peace, in which, I am sure, no co-operation will be found lacking in this Assembly.

The PRESIDENT (Translation): Mr. Eden, delegate of the United Kingdom, will address the Assembly.

Mr. EDEN (*United Kingdom*): There is no need for me to repeat this morning the broad lines of the policy of His Majesty's Government in the United Kingdom towards this unhappy dispute. This has already been declared with all authority before this Assembly. As will now, I believe, be universally understood, the foreign policy of His Majesty's Government remains firmly based upon its membership of the League of Nations, because we believe it is only by upholding this organisation that peace can be maintained. The maintenance of peace is the first objective of British foreign policy and the constant ideal of the British people. War is a callous anachronism and mankind will never taste of lasting happiness until it has finally renounced its delusive appeal. If civilisation is to survive, we must abolish in practice that which we have condemned in principle.

The League has two main tasks. First, to avert war by just and peaceful settlement of all disputes. Secondly, if we fail in our first objective, to stop war. It is with the second of these two tasks that we, as Members of the Assembly, are now concerned, and it is by the League's effectiveness in realising this aim that the League will be judged. We

cannot neglect our duties and responsibilities. Action must now be taken. It is for the Members of the League of Nations collectively to determine what that action should be. On behalf of His Majesty's Government in the United Kingdom I declare our willingness to take our full part in such action.

We all of us contemplate with the deepest regret the duty that now confronts us but, however deep, however sincere the regret of any one of us may be, it cannot absolve us from our duty or excuse us from fulfilling the obligations to which we have set our names.

Since it is our duty to take action, it is essential that such action should be prompt. That is the League's responsibility—a responsibility based on humanity, for we cannot forget that war is at this moment actually in progress.

We must therefore persist in the action which our obligations under the Covenant command us to assume. But, in so doing, we abate not by one jot our desire for an early and peaceful settlement of this dispute in accordance with the principles of the Covenant. In that task we are at all times prepared wholeheartedly to co-operate.

The PRESIDENT (Translation): M. Motta, first delegate of Switzerland, will address the Assembly.

M. MOTTA (*Switzerland*) (Translation): Allow me to submit to the Assembly, on behalf of the Federal Council, a brief statement the purpose of which is to indicate and to determine certain principles on which the policy of the Confederation is based in regard to the dispute now before us.

The Swiss delegation, in accordance with the procedure suggested by the General Committee of the Assembly and adopted by the latter, has tacitly associated itself with the finding of the States Members of the Council. This opens the way to the sanctions provided for by Article 16 of the Covenant. Hitherto, no one, apart from one of the parties directly concerned, has alluded to sanctions involving the use of force in the strict sense of that term. The Swiss delegation takes note of this important fact. The other category of sanctions is that of economic and financial sanctions. By their nature and purpose, such sanctions are not designed to be and, in our eyes, do not constitute hostile acts. They aim at exercising moral and, particularly, material pressure on one of the parties in order to induce it to restore peace.

The Swiss Confederation will not fail in its duty of solidarity with the other Members of the League of Nations. Respect for undertakings assumed and the observation of treaties freely concluded are maxims which, so far as it is concerned, admit of no discussion. Its policy has always been and will always be honourable, clear and straightforward.

The status of the Swiss Confederation, in so far as its external relations are concerned, continues to be governed by the principle of neutrality. This is the outcome of the history, tradition, written constitution and racial composition of the country. Our neutrality is incorporated in international law; it has been recognised as being in conformity with the interest,

firstly, of Europe and, secondly, of the entire world; the declaration made in London by the Council of the League of Nations on February 13th, 1920, confirmed it in solemn terms. The Confederation would not have agreed to enter the League if the price of its participation had been the abandonment of its ancient status. Everything that we have seen, observed and experienced at Geneva since 1920 has confirmed us in the conviction that our attitude was a wise one.

Consequently, our general obligation to take part in economic and financial sanctions, to the exclusion of any participation in military sanctions, is not absolute and must be interpreted in the light of the resolutions of 1921 regarding the economic weapon. The limits of our obligation are determined by our neutrality, which, in our opinion, constitutes a fundamental principle and at the same time a vital interest. We do not consider ourselves bound to take part in sanctions which, by their nature and effect, would expose our neutrality to real dangers—dangers which we must judge in the full exercise of our sovereignty.

Should the Assembly so desire, we will not refuse to take part in the Co-ordination Committee which it is to set up. But I was anxious to dispel from the very outset any misunderstanding as to the meaning and scope of our possible co-operation.

In conclusion, I endorse the generous intention expressed a few moments ago by M. Laval on behalf of France. The efforts at conciliation must continue. We welcome them in the name of friendship and of our common interest. The League of Nations will not have fulfilled its highest and most worthy mission unless, by uniting moderation with firmness, it has done everything in its power, in the first place, to prevent the prolongation and the extension of this sanguinary conflict, and, subsequently, to settle it with the consent of the parties in a lofty spirit of justice and equity.

The PRESIDENT (Translation): M. Potemkine, delegate of the Union of Soviet Socialist Republics, will address the Assembly.

M. POTESKINE (*Union of Soviet Socialist Republics*) (Translation): The attitude adopted by the Union of Soviet Socialist Republics in regard to the Italo-Ethiopian conflict is well known. It has been clearly defined by M. Litvinoff, the People's Commissary for Foreign Affairs, in his speeches at the recent meetings of the Council and Assembly of the League. It does not seem to me to be necessary to quote them here in full. I shall confine myself to stressing the words in which M. Litvinoff, on September 5th recalled the fact that the Union of Soviet Socialist Republics had joined the League of Nations "with the sole purpose and with the sole promise to collaborate in every possible way with other nations in the maintenance of indivisible peace."

I should also like to quote his proposal to the Council "not to stop short in any efforts or decisions which may avert an armed conflict between two Members of the League, thus accomplishing a task which is the *raison d'être* of the League itself."

In the Committee of Thirteen and the Council the Soviet delegation has always maintained this attitude of principle. Now, in this Assembly, all the Members of the League must take the responsibility of decisions arising out of the finding that one of the States Members of the League of Nations has resorted to war in disregard of its obligations under Article 12 of the Covenant.

The Soviet delegation accordingly considers it to be its duty to reaffirm its determination to honour, in common with all the other Members of the League, the undertakings which the Covenant imposes upon all of them without exception.

Unity of action will constitute the most effective means of settling a conflict which has had its source in a desire for colonial expansion, which infringes the territorial integrity and national independence of a Member of the League and which constitutes a threat to mankind. This unity of action will serve as an earnest of the necessary realisation of collective security, of the system which will put a check on all future attempts—from whatever quarter they may come—to disturb peace by attacks on the world's most crucial spots.

The PRESIDENT (Translation): General Nemours, first delegate of Haiti, will address the Assembly.

General NEMOURS (*Haiti*) (Translation): The black Republic of Haiti, realising the gravity of the hour, is ready to shoulder its responsibilities. The situation is clear: one State a Member of the League of Nations has invaded the territory of another State which is a fellow-Member of the League. The rules of our Covenant, however, bind them both equally; those rules are explicit, and all that need be done is to apply the Covenant. On the one hand, there is the aggressor, who has deliberately taken the responsibility for his act, and, on the other hand, the victim of aggression, who asks that the guarantees provided by the Covenant for all its Members shall be afforded him. What are those guarantees? They are clearly indicated in Articles 10 and 16 of the Covenant. Article 10 lays down the duty of the League of Nations to protect each of its Members against aggression, and Article 16, paragraph 1, obliges it to regard as an aggressor any State Member that resorts to war in disregard of its covenants under Articles 12, 13 or 15.

The situation being thus defined, what is the part that the League of Nations is called upon to play? Is it going to applaud the aggressor's possible victories, or endeavour to stop him in his triumphal march? The reply that is given to this question to-day in the case of Africa will hold good to-morrow in the case of Europe. The precedent which we are going to set up to-day will be used to-morrow. There are not two truths—one for Africa and the other for Europe. On either side of the Mediterranean aggression must be defined in the same way. The same bombs, the same shells produce the same effects, and whether the dead and wounded be black or white, the same red blood flows from their wounds.

The reply that may possibly be given is that this is not the same kind of war—that it is a colonial war. But on what is this difference to be based? Between two equal Members of the same association, both of whom have solemnly entered into an undertaking to respect all its articles, there can be no question of establishing, at the bidding of one of its Members, a distinction which has never existed. What article of our Covenant, for example, after defining the aggressor, explains away his action by minimising its importance on the grounds that it is a colonial war? Where is there any reference to a difference between a war breaking out in Africa and a war breaking out in Europe? And how is a war that breaks out in America to be defined?

Will a violent attack on a small coloured nation of the American continent, whether on the mainland or in the islands, be condoned by the League on the pretext, alleged by the aggressor, that it is only a colonial war?

The period of colonial wars is closed, in Africa and in America alike, and the period when one race can be exploited by another is also closed. If by our silence we were to revive that era at any point of the globe, we might well fear lest it should inaugurate and legitimise an epoch of invasions and claims put forward in the name of Aryan or other superiority.

Since the League of Nations has established a new law, we have entered upon a new stage of civilisation. This idea of international justice has burst upon us to-day just as the French Revolution flung the thunderbolt of justice between individual citizens.

Will anyone dare to say that a concept of justice is not entitled to break forth into the light and assert itself? Let no one claim that this idea is Utopian and that it would not be wise to go so far as to put it into practice immediately. Does not the whole history of mankind prove that truth stands ever on the mountain tops, which must in the end be reached.

The nations among whom the most ancient and brilliant civilisations have flourished should be proud of having passed that stage and accepted this lofty concept of justice. Would they really wish to remain behind, to restore the past and to resort once more to the violence of that past? They may rest assured that such a return would be a danger to themselves.

No, the League of Nations cannot allow the application among its Members of an ancient, merciless and obsolete right which it indeed claims to abolish. We are no more entitled here to speak of a colonial war than to filch pieces of territory in order to satisfy greed, at the same time requesting the victim to aid in his own spoliation, or to assert that his internal organisation is defective, that he needs a master to bring about an improvement or that he does not derive an adequate yield from his natural resources. There are strategical positions, unused waterfalls, empty spaces as the result of scanty population everywhere, in America, in Europe, just as there are in Africa. In all these cases, must colonial wars be waged in order to put them to use?

The League of Nations has to face its final test.

Is it or is it not an effective instrument for enforcing respect for the covenants into which its Members have freely entered? And are its Members resolved to keep their word and to carry out the Covenant that they have signed?

We are in a tragic dilemma: free and proud submission to the law accepted on oath, which honours and ennobles those who, voluntarily, submit to it; or perjury and a resort to brute force.

In a world which it would fain see better than it is, the Republic of Haiti, which can rely upon nothing but its rights—a small coloured nation symbolising the liberty and equality of races—is resolved to remain, as it has always been, loyal to the engagements it has freely contracted. It demands that the Covenant that we have signed be applied in full. It has no illusions about the trials that it will have to bear. It is ready to bear them, in the conviction that out of present sufferings will come, ultimately, happiness for all mankind, new ideas of freedom and justice and also of equality—all generous ideas that the League prides itself on putting into practice.

I protest with all my might at this attempt to crush an independent black people in a so-called colonial war.

It would appear that war against black or coloured peoples is not war at all, but a colonial expedition that can be undertaken without even condescending to declare war or give notice.

I protest against this infamous expression "colonial war," which—I cannot imagine why—people insist upon employing.

I am speaking in the name of a small black people, imbued with the principles of 1789 and 1793, which prides itself on representing the French Revolution in America—a small people that has only come into existence through the force of those ideas.

Speaking as I am from this forum of justice and truth, on behalf of the blacks of Haiti, I know that all the millions of negroes and men of colour throughout the world are observing a minute's silence to listen attentively to my words.

It is easy enough to ask sarcastically: Where are the armies, the heavy guns, the tanks, the battleships of Haiti? There are none. But there is the courage of our young men, such as those who came forward in 1870, and again in 1914, in defence of France, because France stands for freedom, justice, and equality. Their example will be followed by millions of other negroes and coloured men; and their sons, to-day, will repeat the same gesture.

May I, in conclusion, paraphrase an aphorism of our immortal Jaurès. I say, "our immortal Jaurès"—although I have not the honour to be politically a Frenchman—because there are some men who belong to all mankind.

Woe betide us all here, all, whoever we may be—great or small, strong or weak, white or coloured—woe betide us if we suffer injustice to be

committed and the voice of the victim to be once more stifled; let us not forget Antigone upholding against Creon the respect due to those eternal laws that come to us from the gods or from our own conscience.

Let us remember those thrones which we believed to be firmly established, but of which the fragments are now strewn over the soil of all Europe; woe betide us if our pusillanimity prevents us from playing the part that it is our sacred duty, at the dictate of our conscience, to fulfil; great or small, strong or weak, near or far, white or coloured, let us never forget that one day we may be somebody's Ethiopia.

The PRESIDENT (Translation): M. Gomez, first delegate of Mexico, will address the Assembly.

M. GOMEZ (*Mexico*) (Translation): As I had the honour to state at the third meeting of the eighty-eighth ordinary session of the Council, my Government, having always firmly asserted its desire to remain faithful to the principles of the Covenant, is resolved to respect, without exception for any country or circumstances, the undertakings into which it entered when it became a Member of the League of Nations.

In the present case, Mexico attaches the fullest importance to the sad conclusion reached by the Members of the Council at the meeting on October 7th, that "we are in presence of a war begun in disregard of the obligations of Article 12 of the Covenant."

In this connection, I may state that, in conformity with the spirit of international justice and co-operation by which she was animated in entering the League, Mexico will not evade the responsibilities arising out of the observations prescribed by the Covenant.

In associating herself with the conclusions voted by the Members of the Council, Mexico retains the firm hope that the collective action of the States Members of the League will suffice to safeguard the Covenant and put an end to the conflict which has been brought before us, by means of conciliation which, from the depth of our hearts, we most sincerely desire.

My Government takes advantage of this opportunity to express once again what it has repeatedly urged from this platform—namely, that the operation of international justice and the non-recognition of settlements brought about by force are the only means of strengthening collective security and upholding the moral authority of the League of Nations.

(EXTRACT FROM THE MINUTES OF THE SIXTEENTH PLENARY MEETING OF THE ASSEMBLY OF THE LEAGUE OF NATIONS, OCTOBER 10TH, 1935)

The PRESIDENT (Translation): The next item on the agenda is the continuation of statements by Members of the League on the questions now before the Assembly as defined in the explanations which I gave to the Assembly yesterday on behalf of the General Committee.

M. de Porto Seguro, delegate of Chile, will address the Assembly.

M. DE PORTO SEGURO (*Chile*) (Translation): It is a painful duty for my Government to express from this platform its approval of the measures adopted by the League of Nations up to date with the object of bringing to an end as soon as possible a war between Members of the League and, at the same time, a state of breach of the Covenant.

Chile is bound to the great and noble Italian nation by ties of age-long friendship, by deep sympathy and by interests of every kind.

My Government is firmly attached to the idea of the sacred observance of treaties and the peaceful solution of disputes between States, and has made these two principles the corner-stone of its international policy.

It was in pursuance of that policy that it signed the Declaration of the American States on August 4th, 1932, to which so many references have been made from this platform.

This was also the policy expressed when M. Jorge Matte, Minister for Foreign Affairs, said in December, 1932, in connection with another conflict:

"If Pan-Americanism has any practical significance, I think that we should do all that lies in our power to avoid the fiction of peace when what really exists is a state of war.

"I think that we should not simply condemn aggression on mere grounds of doctrine. A country which resorts to arms may not be an aggressor if it resorts to them in order to meet a situation created by its adversary. Among the American nations, we should consider as the provoking party or aggressor that party which refusing arbitration without plausible excuse, brings about an international crisis."

My Government in the present conflict will consider with the closest attention all measures that may be contemplated with a view to putting an end to the war and terminating the state of breach of the Covenant.

It is, nevertheless, its conviction that the measures to be taken will be only provisional and designed simply to bring about the restoration of peace, and that they will be taken in accordance with the general principles laid down by the Assembly itself in its resolution of October 4th, 1921, concerning the economic weapon.

My Government firmly hopes that these measures will not be necessary for long and that the League of Nations, energetically supported by the Powers most directly concerned, will discover a just and equitable solution of the conflict, thus fulfilling its true aim, which is to ensure the maintenance of peace and justice between the nations.

The PRESIDENT (Translation): M. Zumeta, first delegate of Venezuela, will address the Assembly.

M. ZUMETA (*Venezuela*) (Translation): According to the statements made by the President of the Assembly, each delegation is called upon to express an opinion on the conclusions adopted by the Members of the Council. This duty of noting the breach of the Covenant necessarily implies the duty of estimating the consequences ensuing therefrom. In cases similar to, though not quite the same, as the present case, the Venezuelan Government has stated that it would deplore any peace obtained by coercion and

not by compromise. My country has expressed the view that measures of constraint of any kind may sometimes aggravate conflicts and extend them instead of bringing them to a peaceful conclusion.

Being firmly convinced that the Covenant was created for the purpose of organising peace and settling disputes between nations by methods other than force, my Government reaffirms this opinion, and associates itself with those who at this solemn moment are addressing to the parties a last appeal in favour of an agreement. My delegation reserves the right, if necessary, to explain in the Committee that the Assembly proposes to set up, certain difficulties of a practical nature which Venezuela would herself experience as regards the application of the suggested sanctions.

The PRESIDENT (Translation): M. Pouritch, delegate of Yugoslavia, will address the Assembly.

M. POURITCH (*Yugoslavia*) (Translation): On behalf of the three Governments of the *Petite Entente*, I have the honour to make the following declaration:

In our view, the main issue is the application of the Covenant. We have followed all the discussions, without wishing to go into the details of the conflict, which has now become further extended. Having said already that we remain faithful to the Covenant, we shall scrupulously apply its provisions.

The PRESIDENT (Translation): M. Guani, first delegate of Uruguay, will address the Assembly.

M. GUANI (*Uruguay*) (Translation): The question which was placed on our agenda yesterday recalls—as I need not remind you—the wide and searching discussions which have taken place ever since the inception of the Covenant concerning the application of sanctions. But, if I have rightly understood our President's words, it is before the proposed Committee of Co-ordination that Governments should submit their observations as to any practical difficulties they might experience in the application of Article 16.

I therefore reserve the right to explain, at the proper time, these difficulties, which refer mainly to the following points:

(1) The special situation in which certain countries may be placed owing to their geographical position; and

(2) The difficulties concerning what might be described as "personal sanctions", such as the prohibition of all intercourse between nationals and the nationals of the Covenant-breaking State, in the case of countries in which the foreign element represents a considerable proportion of the population.

May I be permitted now to state, in this connection, that immigrants from one of the countries unfortunately involved are regarded everywhere in Uruguay with deep sympathy; the intelligence and moral qualities of these foreigners have always been a credit to the glorious traditions of their country.

Having said this, I feel it my duty to reaffirm in the Assembly the attachment of my country and my Government to the principles of justice which must govern relations between States.

Uruguay, which was one of the first to sign the Covenant of the League, remains true to the spirit of co-operation and collective international action. Unless there is strict observance of the legal provisions which must henceforth be recognised as an effective rule of conduct for Governments, there is the risk that the organisation of human society as conceived in 1919 may collapse and be replaced by anarchy and disorder.

No country in the world wishes this to-day; all desire, on the contrary, that international life shall be based on foundations of respect for undertakings freely accepted. It is obvious that international solidarity must find its chief expression in the maintenance of certain essential principles of international law which are of absolutely universal application, and the world conscience of to-day demands that war as an instrument of national policy shall be banished for ever.

This aspiration was expressed in one of our Geneva debates, by one of the most enlightened representatives that we have ever seen in this Assembly, when he said that, on the front of the new temple of peace which we are shortly going to inaugurate there should be written this final word: "No State shall take the law into its own hands."

In conclusion, allow me to express the ardent hope of my Government and my country that this deplorable conflict may soon be settled in the true atmosphere of Geneva—that is to say, in a spirit of peace, conciliation and friendship.

The PRESIDENT (Translation): M. Maximos, first delegate of Greece, will address the Assembly.

M. MAXIMOS (*Greece*) (Translation): In conformity with the declaration which I made last month on behalf of the Balkan Entente—namely, that the associated States remain true to the principles of the Covenant—I have the honour to inform the Assembly that they will carry out their obligations to the full.

The PRESIDENT (Translation): M. Zaldumbide, delegate of Ecuador, will address the Assembly.

M. ZALDUMBIDE (*Ecuador*) (Translation): Some hesitation must be felt in expressing an opinion by the representative of a country like mine, which is situated at such a distance from the conflict and has such a limited interest in the issues of this war. In forming our judgment during the debates, we have accordingly been guided by a sense of the need for moderation.

It is not enough that we too are a weak country for it to be assumed that this cause is ours simply because it is the cause of the weak. Even if the two countries engaged in the present dispute were equal in every respect, particularly as regards their strength, our attitude would not be modified on that account. It is not our relative weakness that now inspires

us to take precautions in regard to precedents. Not being threatened on our own continent, we are guided by the essential principles of law rather than by the circumstances of the case.

It is therefore with minds quite at rest as regards the fate of our own continent that we are now watching the development of a case which, for us, raises only a question of principle. But our presence here is only to be explained by, and in relation to, principles.

The principles which we have recognised as our sole reason for being here have been violated in the most patent manner, as is demonstrated by the texts which we have voted unanimously. We are therefore faced with no dilemma. Respect for the Covenant is our law. The Covenant must be applied whatever the circumstances of time or place.

On this occasion, bound as we are by the evidence of the facts to pronounce judgment, we do so with the utmost regret, in view of our long attachment, a traditional and living attachment, to Italy.

In no conceivable case could we refrain from voting against war as a policy designed to prove the rights or to support the claims of one country against another, whether strong or weak.

We are here to inaugurate and preserve that new order which was foreseen even in the epochs when force still took precedence over justice, but where, by that very fact, it was already losing its credit both in the minds of men and in the hierarchy of peoples.

Before the League of Nations existed, this war of Italy's in Africa would have seemed to the world only a colonial expedition like so many others, more or less successful, more or less justifiable according to the old spirit. But now there is the Covenant, that new fact, that turning-point in the history of the world, from which already a brighter, clearer and more hopeful horizon can be discerned.

The old spirit of law still shines at Rome, to which it owes its origin. We hope that it will continue to help us in the construction and completion of that new international order, of that *novus ordo* which we claimed to have inaugurated here and in the minds of men, in order to mark a definite cleavage between the age of force and the age of co-operation or persuasion in international life. Under the ægis of the Covenant, whose spirit has proved itself from the outset to be indestructible and which is now all-pervading, since it already forms part of the conscience of the peoples, agreement has become a possibility.

As I have already had occasion to say, and as the Assembly has heard this morning from others more competent to speak than I, the sanctions envisaged under the Covenant involve no punitive intention, no element capable of wounding the pride of any nation, which, under the influence of impulsive but transitory feelings, may embark upon a war. They are simply a form of pressure intended to bring back as soon as possible to the path of peace the party which has left it.

Let us hope that they will not be necessary; in that case the whole world, which loves and admires Italy, but whose chief care is that justice

shall protect peace and that the Covenant shall be a living article of faith and a living reality, will rejoice all the more.

The PRESIDENT (Translation): M. Tudela, first delegate of Peru, will address the Assembly.

M. TUDELA (*Peru*) (Translation): The Peruvian delegation has given its assent to the conclusion of the report unanimously approved by the representatives of the countries Members of the Council. On this occasion, I wish to state that my country has followed and is still following the development of the Italo-Ethiopian conflict with profound emotion, explained by the feeling of friendship that we entertain for the Italian people, whose splendid qualities we admire—for many of her sons are resident in our country and play an important part in our social life and economic progress.

We realise the complexity of the present conflict, of which the deeper causes must be estimated in a spirit of comprehension and with a sense of human realities. The necessity of demographic expansion experienced by a great people which is still young must be reconciled with the existence of the international legal order represented by the League. This legal order must be maintained at all costs if Western civilisation is not to disappear, and this order is of vital importance to countries like our own whose sole guarantee of existence is the exclusion of force and the prevalence of law and justice among the peoples.

We are convinced that no effort will be spared, in the midst of the grave difficulties of the present hour, to find an honourable and just solution for this conflict within the framework of the Covenant. This has been the experience of the American Continent, where the influence of the principles and rules of the League has put an end to serious disputes, creating precedents which we must take into account in the present circumstances.

The PRESIDENT (Translation): M. Costa du Rels, first delegate of Bolivia, will address the Assembly.

M. COSTA DU RELS (*Bolivia*) (Translation): In those international circles by which public opinion is guided, and also from this platform, reference has been made to the Chaco conflict in connection with the application of Article 16 in the case now before us.

The Bolivian delegation is anxious that no misunderstanding should arise which might be prejudicial to its country, and desires to offer certain explanations which it considers necessary. In so doing, it is not actuated by the slightest desire to revive old controversies.

Doubts may have subsisted as to the responsibility for the outbreak of hostilities in a country a party to a dispute of which the frontiers have not been delimited. Doubts may also have subsisted when Bolivia asked for the application of Article 16, after war had been declared against her on the pretext that that act merely confirmed a *de facto* situation. But, after December 10th, 1934, the day on which Bolivia, complying with her obligations under the Covenant which she had signed, accepted the

unanimous recommendations of the Assembly, her legal position was quite in order and any responsibility devolved exclusively on the other party, in view of the continuance of an illegal war.

That other party, by rejecting the recommendations, was undoubtedly guilty of a breach of the Covenant, and left the League.

The attitude of the parties towards the recommendations determines the rights and obligations of the Members of the League. Article 16 should therefore have been applied to the other party to the dispute, if only in the economic and financial spheres, with a view to arresting at the earliest possible moment bloodshed which did in fact continue for another three months.

It is not for me to analyse now the reasons which stood in the way of the application of Article 16 even in a mild form. They will be found in the Minutes of the Advisory Committee of the Assembly for March, 1935.

Bolivia, which is deeply attached to the Covenant, asked for its full application at a painful crisis in her national history. To-day she notes with satisfaction that the Assembly intends to take action which will henceforward put an end to what I have ventured to call a policy of two weights and two measures which seems to vary from season to season.

The American countries, some by tacit acquiescence, others by explicit declarations, have agreed to the principle of the application of the Covenant, drastic though this may be. Without distinction, without reference to individual cases, and stifling their feelings of sincere sympathy for a great nation to which the whole world is spiritually indebted, they will do their duty, however painful it may prove. They are well aware that severity, when mitigated by regret, is perhaps one of the most far-sighted forms of friendship.

Will this attitude, which is so clear-cut in an African dispute, imply, should the need arise, a similar attitude on the part of European nations towards an American conflict? This, unless I am mistaken, was the question asked by one of our colleagues here. To ask that question is to answer it.

The principle of the universality of the League, which for so long has been more honoured in the breach than in the observance, will emerge from this discussion greatly strengthened, owing to the destruction of the kind of indifference displayed by certain great European nations towards overseas problems which do not affect their interests. I find a further proof of this in the reference by M. Laval, as head of the French delegation, to "the spirit of solidarity in the matter of responsibilities of all kinds, in all circumstances, and at all times and places".

Taking due note of this principle, which could not have found a better interpreter, the Bolivian delegation gives its full support to the Council's resolutions.

The PRESIDENT (Translation): M. Teclé-Hawariate, first delegate of Ethiopia, will address the Assembly.

M. TECLÉ-HAWARIATE (*Ethiopia*) (Translation): 1. The Ethiopian delegation has heard with profound indignation the violent and unjust

attacks made on the Ethiopian Empire by the first delegate of Italy. The Assembly's attitude at this morning's meeting makes it clear what the duty of the Ethiopian delegation must be.

The Ethiopian Empire has appealed to the highest political authority which exists on the earth to pass judgment on the Italian Government's claim that that empire should be blotted out from the map of the world. At this supreme moment, when international justice, with complete independence and impartiality, after a careful examination of the reports, has made known its sovereign verdict and has declared that the Italian Government has resorted to war in disregard of its undertakings in virtue of Article 12 of the Covenant, the Ethiopian Government considers that it would be lowering the lofty tone of these proceedings to engage in passionate polemics. A detailed refutation of each of the calumnies of which it has been the subject will be made in due course.

For the moment, I need only say that my august Sovereign has never used the words of hatred or incitement to rapine imputed to him by the Italian delegate.

2. I should like to express my gratitude to all those who, in connection with the Italian aggression against Ethiopia, are courageously defending the observance of the solemn undertakings laid down in the Covenant and the sacred cause of the independence and territorial integrity of States.

May I convey to the eloquent delegate of the black Republic of Haiti how deeply moved I was when I heard his decisive refutation of the sophisms of the present aggressor, and all future aggressors, and his stirring appeal to the conscience of mankind. What can I hope to add to his generous words?

3. It is now my duty to indicate my Government's position at this stage of the Covenant procedure and of the unjust war that is being waged against us.

For the past ten months the Ethiopian Government has been waiting patiently, confident that justice would be done to it in conformity with the provisions of the treaties and of the Covenant. After the solemn verdict which has just been given, it calls upon every Member of the League to discharge its duty as laid down in Article 16 of the Covenant. It ventures respectfully to point out that any delay would diminish or even destroy the effectiveness of measures designed to arrest the further continuance of the international crime of which the Italian Government has been found guilty.

4. The Ethiopian Government reminds the Assembly that, in its aggression, the Italian Government is using the most highly perfected engines of death devised by the most advanced civilisation, implements of which the greater part of the Ethiopian people had not even suspected the existence or terrifying barbarity. Every day, thanks to these instruments of carnage, the Government of Rome is proudly publishing, as bulletins of victory, bulletins of massacre.

The Ethiopian Government entreats every Member of the League to use all its authority to stem this work of extermination directed against a State without weapons or resources by a Government which, for years past, has been priding itself on expending all its wealth and energy on the manufacture of instruments of death and destruction and which is training its people for the conquest of territories for the establishment of a great Roman Empire.

The Assembly is aware that among the reasons for Ethiopian inferiority are those scruples in regard to neutrality which have for several months prevented my Government from purchasing, out of its slender resources, some few means of defence.

The circumstances and conditions under which this atrocious war is being waged by a pitiless enemy are such that energetic and immediate action is essential.

5. The Ethiopian Government recognises that the responsibility which, at this moment, falls on each Member of the League is a very heavy one, but it recalls the fact that almost all the delegates have, on behalf of their respective Governments, declared themselves ready courageously to assume their fair share of those responsibilities.

The Ethiopian Government has full confidence in those declarations. It would venture respectfully to remind the Members of the League that rapidity and vigour are essential conditions for the effectiveness of their decisions. Only by this means can the system of collective security organised by the Covenant be successfully implemented.

If, on the contrary, those decisions were to be confined to purely academic censure or to verbal expressions of moral reprobation, none of the States, small or great, Members of the League would have any guarantee against the spirit of rapine or the brute force of unscrupulous Governments.

6. The Ethiopian Government is absorbed in operations of legitimate defence. It desires, none the less, to repeat the declaration which it has already made. It is at the disposal of any organ that might be set up by the Council or the Assembly with a view to the immediate suspension of hostilities.

It is prepared to conclude an honourable peace. But let no one misinterpret my words or read into them a meaning which they do not possess! The Ethiopian Government is impelled, in all loyalty, to proclaim that, as the victim of an unjust war, it is resolved to defend its independence and its integrity to death, and that—however long that war may last—it will never yield to force. It will not accept any condition that offers a premium to its aggressor. To do so would be a challenge to international morality.

(EXTRACT FROM THE MINUTES OF THE SEVENTEENTH PLENARY MEETING OF THE ASSEMBLY OF THE LEAGUE OF NATIONS, OCTOBER 11, 1935)

STATEMENTS BY THE DELEGATIONS (CONTINUED)

The PRESIDENT (Translation): The agenda of this meeting includes the close of the discussion on the documents transmitted to the Assembly, and also several communications from the President of the Council and statements by the President of the Assembly.

I have convened this meeting of the Assembly in order to make it quite clear, as I stated yesterday when the question of procedure was under discussion, that every delegation at the Assembly can speak if it so desires.

Another delegate has asked to speak, and I now call upon him: M. Frasheri, first delegate of Albania, will address the Assembly.

M. FRASHERI (*Albania*) (Translation): I am instructed by my Government to make the following statement to the Assembly:

The Albanian Government remains faithful to the Covenant of the League of Nations and highly appreciates the importance attached to the observance of the Covenant; but, in view of its political relations as determined by a treaty of alliance with Italy and of the capital importance of the economic relations existing between the two allied countries, the Albanian Government regrets that it cannot endorse the decision reached by the Assembly with regard to the application of sanctions against Italy.

The PRESIDENT (Translation): The Assembly will take due note of the declaration of the delegate of Albania.

No other delegation having asked to speak, I shall consider the discussion on the communication of the President of the Council to the President of the Assembly closed.

III. SANCTIONS

No. 5

Recommendation of the Assembly of the League of Nations, October 10th, respecting the setting up of a Committee for the Co-ordination of Measures to be taken under Article 16 of the Covenant¹

The Assembly,

Having taken cognisance of the opinions expressed by the members of the Council at the Council's meeting of October 7th, 1935;

Taking into consideration the obligations which rest upon the Members of the League of Nations in virtue of Article 16 of the Covenant and the desirability of co-ordination of the measures which they may severally contemplate:

Recommends that Members of the League of Nations, other than the parties, should set up a Committee, composed of one delegate, assisted by experts, for each Member, to consider and facilitate the co-ordination of such measures and, if necessary, to draw the attention of the Council or the Assembly to the situations requiring to be examined by them.

No. 6

Proposals adopted by the Co-ordination Committee²

PROPOSAL I

Adopted by the Co-ordination Committee on October 11, 1935

EXPORT OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken forthwith:

(1) The Governments of the Members of the League of Nations which are enforcing at the moment measures to prohibit or restrict the exportation, re-exportation or transit of arms, munitions and implements of war to Ethiopia will annul these measures immediately;

(2) The Governments of the Members of the League of Nations will prohibit immediately the exportation, re-exportation or transit to Italy or Italian possessions of arms, munitions and implements of war enumerated in the attached list;

(3) The Governments of the Members of the League of Nations will take such steps as may be necessary to secure that arms, munitions and implements of war, enumerated in the attached list, exported to countries other than Italy will not be re-exported directly or indirectly to Italy or to Italian possessions;

¹League of Nations Official Journal Special Supplement No. 138.

²League of Nations Official Journal Special Supplement No. 145.

(4) The measures provided for in paragraphs 2 and 3 are to apply to contracts in process of execution.

Each Government is requested to inform the Committee, through the Secretary-General of the League, within the shortest possible time of the measures which it has taken in conformity with the above provisions.

List—Proposal 1A

Articles considered as Arms, Ammunition and Implements of War.

Category I

1. Rifles and carbines and their barrels.
2. Machine-guns, automatic rifles and machine-pistols of all calibres and their barrels.
3. Guns, howitzers and mortars of all calibres, their mountings, barrels and recoil mechanisms.
4. Ammunition for the arms enumerated under 1 and 2 above; filled and unfilled projectiles for the arms enumerated under 3 above, and prepared propellant charges for these arms.
5. Grenades, bombs, torpedoes and mines, filled or unfilled, and apparatus for their use or discharge.
6. Tanks, armoured vehicles and armoured trains. Armour-plate of all kinds.

Category II

Vessels of war of all kinds, including aircraft-carriers and submarines.

Category III

1. Aircraft, assembled or dismantled, both heavier and lighter than air, and their propellers or air-screws, fuselages, aerial gun-mounts and frames, hulls, tail units and under-carriage units.
2. Aircraft-engines.

Category IV

Revolvers and automatic pistols of a weight in excess of 1 lb. 6 oz. (630 grammes) and ammunition therefor.

Category V

1. Flame-throwers and all other projectors used for chemical or incendiary warfare.
2. Mustard gas, Lewisite, ethyldichlorarsine, methyldichlorarsine, and all other products destined for chemical or incendiary warfare.
3. Powder for war purposes, and explosives.

PROPOSAL II

Adopted by the Co-ordination Committee on October 14th, 1935

FINANCIAL MEASURES

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken forthwith:

The Governments of the Members of the League of Nations will forthwith take all measures necessary to render impossible the following operations:

(1) All loans to or for the Italian Government and all subscriptions to loans issued in Italy or elsewhere by or for the Italian Government;

(2) All banking or other credits to or for the Italian Government and any further execution by advance, overdraft or otherwise of existing contracts to lend directly or indirectly to the Italian Government;

(3) All loans to or for any public authority, person or corporation in Italian territory and all subscriptions to such loans issued in Italy or elsewhere;

(4) All banking or other credits to or for any public authority, person or corporation in Italian territory and any further execution by advance, overdraft or otherwise of existing contracts to lend directly or indirectly to such authority, person or corporation;

(5) All issues of shares or other capital flotations for any public authority, person or corporation in Italian territory and all subscriptions to such issues of shares or capital flotations in Italy or elsewhere;

(6) The Governments will take all measures necessary to render impossible the transactions mentioned in paragraphs (1) to (5), whether effected directly or through intermediaries of whatsoever nationality.¹

The Governments are invited to put in operation at once such of the measures recommended as can be enforced without fresh legislation, and to take all practicable steps to secure that the measures recommended are completely put into operation by October 31st, 1935. Any Governments which find it impossible to secure the requisite legislation by that date are requested to inform the Committee, through the Secretary-General, of the date by which they expect to be able to do so.

Each Government is requested to inform the Committee, through the Secretary-General of the League, within the shortest possible time of the measures which it has taken in conformity with the above provisions.

¹ It had been made clear during the discussion that payments to religious institutions and payments for humanitarian purposes would not come within this category.

PROPOSAL III

Adopted by the Co-ordination Committee on October 19th, 1935

PROHIBITION OF IMPORTATION OF ITALIAN GOODS

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken:

(1) The Governments of the Members of the League of Nations will prohibit the importation into their territories of all goods (other than gold or silver bullion and coin) consigned from or grown, produced or manufactured in Italy or Italian possessions, from whatever place arriving;

(2) Goods grown or produced in Italy or Italian possessions which have been subjected to some process in another country, and goods manufactured partly in Italy or Italian possessions and partly in another country will be considered as falling within the scope of the prohibition unless 25 per cent or more of the value of the goods at the time when they left the place from which they were last consigned is attributable to processes undergone since the goods last left Italy or Italian possessions;

(3) Goods the subject of existing contracts will not be excepted from the prohibition;

(4) Goods en route at the time of imposition of the prohibition will be excepted from its operation. In giving effect to this provision, Governments may, for convenience of administration, fix an appropriate date, having regard to the normal time necessary for transport from Italy, after which goods will become subject to the prohibition;

(5) Personal belongings of travellers from Italy or Italian possessions may also be excepted from its operation.

Having regard to the importance of collective and, so far as possible, simultaneous action in regard to the measures recommended, each Government is requested to inform the Co-ordination Committee, through the Secretary-General, as soon as possible, and not later than October 28th, of the date on which it could be ready to bring these measures into operation. The Co-ordination Committee will meet on October 31st for the purpose of fixing, in the light of the replies received, the date of the coming into force of the said measures.

PROPOSAL IV

Adopted by the Co-ordination Committee on October 19th, 1935

EMBARGO ON CERTAIN EXPORTS TO ITALY

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken:

DOCUMENTS RELATING TO THE

(1) The Governments of the Members of the League of Nations will extend the application of paragraph (2) of Proposal 1 of the Co-ordination Committee to the following articles as regards their exportation and re-exportation to Italy and Italian possessions, which will accordingly be prohibited:

- (a) Horses, mules, donkeys, camels and all other transport animals;
- (b) Rubber;
- (c) Bauxite, aluminium and alumina (aluminium-oxide), iron-ore and scrap iron;

Chromium, manganese, nickel, titanium, tungsten, vanadium, their ores and ferro-alloys (and also ferro-molybdenum, ferro-silicon, ferro-silico-manganese and ferro-silico-manganese-aluminium);

Tin and tin-ore.

List (c) above includes all crude forms of the minerals and metals mentioned and their ores, scrap and alloys;

(2) The Governments of the Members of the League of Nations will take such steps as may be necessary to secure that the articles mentioned in paragraph (1) above exported to countries other than Italy or Italian possessions will not be re-exported directly or indirectly to Italy or to Italian possessions;

(3) The measures provided for in paragraphs (1) and (2) above are to apply to contracts in course of execution;

(4) Goods en route at the time of imposition of the prohibition will be excepted from its operation. In giving effect to this provision, Governments may, for convenience of administration, fix an appropriate date, having regard to the normal time necessary for transport to Italy or Italian possessions, after which goods will become subject to the prohibition.

Having regard to the importance of collective and, so far as possible, simultaneous action in regard to the measures recommended, each Government is requested to inform the Co-ordination Committee, through the Secretary-General, as soon as possible, and not later than October 28th, of the date on which it could be ready to bring these measures into operation. The Committee of Co-ordination will meet on October 31st for the purpose of fixing, in the light of the replies received, the date of the coming into force of the said measures.

The attention of the Co-ordination Committee has been drawn to the possible extension of the above proposal to a certain number of other articles. It entrusts the Committee of Eighteen with the task of making any suitable proposals to Governments on this subject.

PROPOSAL V.

Adopted by the Co-ordination Committee on October 19th, 1935

ORGANISATION OF MUTUAL SUPPORT

The Co-ordination Committee draws the special attention of all Governments to their obligations under paragraph 3 of Article 16 of the Covenant, according to which the Members of the League undertake mutually to support one another in the application of the economic and financial measures taken under this article.

I. With a view to carrying these obligations into effect, the Governments of the Members of the League of Nations will:

(a) Adopt immediately measures to assure that no action taken as a result of Article 16 will deprive any country applying sanctions of such advantages as the commercial agreements concluded by the participating States with Italy afforded it through the operation of the most-favoured-nation clause;

(b) Take appropriate steps with a view to replacing, within the limits of the requirements of their respective countries, imports from Italy by the import of similar products from the participating States;

(c) Be willing, after the application of economic sanctions, to enter into negotiations with any participating country which has sustained a loss with a view to increasing the sale of goods so as to offset any loss of Italian markets which the application of sanctions may have involved;

(d) In cases in which they have suffered no loss in respect of any given commodity, abstain from demanding the application of any most-favoured-nation clause in the case of any privileges granted under paragraphs (b) and (c) in respect of that commodity.

II. With the above objects, the Governments will, if necessary with the assistance of the Committee of Eighteen, study, in particular, the possibility of adopting, within the limits of their existing obligations, and taking into consideration the annexed opinion of the Legal Sub-Committee of the Co-ordination Committee, the following measures:

(1) The increase by all appropriate measures of their imports in favour of such countries as may have suffered loss of Italian markets on account of the application of sanctions;

(2) In order to facilitate this increase, the taking into consideration of the obligations of mutual support and of the advantages which the trade of certain States Members of the League of Nations, not participating in the sanctions, would obtain from the application of these sanctions, in order to reduce by every appropriate means and to an equitable degree imports coming from these countries;

(3) The promotion, by all means in their power, of business relations between firms interested in the sale of goods in Italian markets which have been lost owing to the application of sanctions and firms normally importing such goods;

(4) Assistance generally in the organisation of the international marketing of goods with a view to offsetting any loss of Italian markets which the application of sanctions may have involved.

They will also examine, under the same conditions, the possibility of financial or other measures to supplement the commercial measures, in so far as these latter may not ensure sufficient international mutual support.

III. The Co-ordination Committee requests the Committee of Eighteen to afford, if necessary, to the Governments concerned the assistance contemplated at the beginning of Part II of the present proposal.

No. 7

Steps taken by the Canadian Government with respect thereto

P.C. 3461

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 31st day of October, 1935.

PRESENT

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL:

WHEREAS there has been laid before His Excellency the Administrator in Council a report from the Secretary of State for External Affairs, representing with the concurrence of the Minister of National Revenue:

(1) That the Secretary General of the League of Nations, has communicated to His Majesty's Government in Canada the following text adopted at its meeting in Geneva on the 11th October by the Co-ordination Committee set up in conformity with the recommendation made by the Assembly:—

Proposal No. 1

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken forthwith:—

(1) The Governments of the Members of the League of Nations which are enforcing at the moment measures to prohibit or restrict the exportation, re-exportation, or transit of arms, munitions and implements of war to Ethiopia will annul these measures immediately;

(2) The Governments of the Members of the League of Nations will prohibit immediately the exportation, re-exportation, or transit, to Italy or Italian possessions of arms, munitions and implements of war enumerated in the attached list.

(3) The Governments of the Members of the League of Nations will take such steps as may be necessary to secure that arms, munitions and implements of war enumerated in the attached list, exported to countries other than Italy, will not be exported directly or indirectly to Italy or to Italian possessions.

(4) Measures provided for in paragraphs 2 and 3 are to apply to contracts in process of execution.

Each Government is requested to inform the Committee, through the Secretary General of the League, within the shortest possible time of the measures which it has taken in conformity with the above provisions.

(2) That inasmuch as no measures had been taken by His Majesty's Government in Canada to prohibit or restrict the exportation, re-exportation or transit of arms, munitions and implements of war to Ethiopia, no action is required in respect of the first paragraph of the first proposal of the Co-ordination Committee.

(3) That the Governor in Council is empowered by Section 290 of the Customs Act to prohibit, from time to time, the exportation from Canada of arms, munitions and gunpowder, military and naval stores and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military and naval stores.

Now, THEREFORE, His Excellency the Administrator in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, and under the authority above cited, is pleased to order that the exportation, re-exportation or transit to Italy, or any Italian possession of the arms, munitions and implements of war enumerated in the attached list be and it is hereby prohibited.

His Excellency in Council is further pleased to order that a proclamation in the above sense be forthwith issued and published in the Canada Gazette.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 3461 (a)

ARTICLES CONSIDERED AS ARMS, MUNITIONS AND IMPLEMENTS OF WAR

Category I

- (1) Rifles and carbines and their barrels.
- (2) Machine guns, automatic rifles and machine pistols of all calibres and their barrels.
- (3) Guns, howitzers and mortars of all calibres, their mountings, barrels and recoil mechanisms.
- (4) Ammunition for the arms enumerated under 1 and 2 above, filled and unfilled projectiles for the arms enumerated under 3 above, and prepared propellant charges for these arms.

- (5) Grenades, bombs, torpedoes and mines, filled or unfilled, and apparatus for their use or discharge.
- (6) Tanks, armoured vehicles and armoured trains. Armour of all kinds.

Category II

- (1) Vessels of war of all kinds including aircraft carriers and submarines.

Category III

- (1) Aircraft, assembled or dismantled, both heavier and lighter than air, and their propellers or air screws, fuselages, aerial gun mounts and frames, hulls, tail units and undercarriage units.
- (2) Aircraft engines.

Category IV

- (1) Revolvers and automatic pistols of a weight in excess of 1 pound 6 ounces (630 grammes) and ammunition therefor.

Category V

- (1) Flame throwers and all other projectors used for chemical or incendiary warfare.
- (2) Mustard gas, lewisite, ethyldichlorarsine, methyldichlorarsine, and all other products destined for chemical or incendiary warfare.
- (3) Powder for war purposes and explosives.

Series D No. 16

MEMORANDUM

Department of National Revenue, Canada
(Customs Division)

OTTAWA, October 31st, 1935.

To Collectors of Customs and Excise:

LEAGUE OF NATIONS ECONOMIC SANCTIONS

Prohibition of Exports to Italy and Italian Possessions

By Proclamation dated 31st October, 1935, as reprinted hereunder,¹ effective on and after this date, the exportation, re-exportation or transit to Italy or Italian possessions is prohibited of certain arms, munitions and implements of war, as specified therein.

Collectors and Officers of Customs and Excise will be governed accordingly.

H. D. SCULLY,

Commissioner of Customs.

¹Not reprinted here—incorporates provisions of Orders-in-Council (P.C. 3461 and 3461a).

P.C. 3594

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 15th day of November, 1935.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS there has been laid before His Excellency the Governor General in Council a report from the Acting Secretary of State for External Affairs, submitting, with the concurrence of the Minister of Justice, the Minister of Finance, and the Minister of National Revenue, as follows:

I. The Secretary General of the League of Nations has communicated to His Majesty's Government in Canada the text of certain proposals adopted at its meetings in Geneva, on the 11th October and the 19th October of this year, by the co-ordination Committee set up in conformity with the recommendation made by the Assembly. These proposals, and particularly the proposals referred to as proposals No. 1, No. 2, No. 3, and No. 4, are set forth in an annexed memorandum at pages 1 to 7 inclusive.

II. Proposal No. 1 refers to the prohibition of the export of arms and munitions, and has been given effect to by an Order in Council, P.C. 3461 dated the 31st October, 1935.

III. Proposal No. 2, relating to loans and credits, has been given effect to by voluntary action undertaken by Canadian financial institutions at the instance of the Minister of Finance, but it is expedient that measures having legal validity should be taken for such purpose.

IV. Proposal No. 3, relating to prohibition of imports, and proposal No. 4, relating to the prohibition of export of key commodities, require to be made effective as and of the 18th day of November of this year, and it is expedient to take measures for that purpose.

AND WHEREAS by The Treaty of Peace Act, 1919, it is provided that the Governor in Council may make such Orders in Council and do such things as appear to him to be necessary for carrying out the Treaties of Peace and for giving effect to any of the provisions of the said Treaties;

AND WHEREAS it is also provided by the said Act that any Order in Council made thereunder may provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof;

AND WHEREAS it is expedient for the purpose of carrying out the said Treaty, and for giving effect to the Covenant of the League of Nations contained in Part 1 thereof, to make the provisions hereinafter contained.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State for External

Affairs, with the concurrence of the Minister of Justice, the Minister of Finance, and the Minister of National Revenue, and under the above cited authority, is pleased to order and it is hereby ordered as follows:

ARTICLE 1.

Prohibition of Italian Imports.

(1) On and after such date as the Minister of National Revenue, hereinafter referred to as the Minister, may appoint, no goods consigned from, or grown, produced or manufactured in Italian territory, shall be imported into Canada, except gold or silver bullion or coin:

Provided that, subject to such conditions as the Minister may impose for securing that the provisions of this paragraph are not evaded, this paragraph shall not apply:—

- (a) to goods which had before the date aforesaid left the place from which they were last consigned; or
- (b) to goods imported for exportation after transit through Canada or by way of trans-shipment.

(2) Goods prohibited to be imported by this Article shall be subject to the provisions of the Customs Tariff to the same extent as if they were included among the goods enumerated and described in Schedule C thereof, and the provisions of the Customs Tariff shall apply accordingly.

(3) If at any time a question arises under this Article whether any goods alleged to have been consigned from any country other than Italian territory were so consigned or were not grown, produced or manufactured in Italian territory, it shall be lawful for the Minister to require the Importer to furnish to him in such form as he may direct, proof in respect of the country from which the goods were consigned and in which the goods were grown, produced or manufactured, and, unless proof is furnished to the satisfaction of the Minister that the goods were consigned from, and grown, produced or manufactured in some country other than Italian territory, the goods shall be deemed to be goods consigned from or grown, produced or manufactured in Italian territory.

(4) For the purpose of this Article:—

- (a) goods which have been grown or produced in Italian territory and have been subjected to some process in some other country shall be deemed to be goods grown or produced, as the case may be, in Italian territory, unless it is proved to the satisfaction of the Minister that twenty-five per cent or more of the value of the goods at the time when they left the place from which they were last consigned is attributable to a process undergone since the goods last left Italian territory; and
- (b) goods which have been manufactured partly in Italian territory and partly in some other country shall be deemed to be manufactured in Italian territory, unless it is proved to the satisfaction of the Minister that twenty-five per cent. or more of

the value of the goods at the time aforesaid is attributable to processes of manufacture undergone since the goods last left Italian territory.

(5) For the purpose of this Article, and in order to prevent the evasion of its provisions, the Minister may require such Certificates of Origin as he may prescribe, to be furnished in respect to the importation of goods into Canada (other than gold or silver bullion and coins, newspapers, periodicals, printed books and printed music, maps and hydrographic charts) which are consigned from countries, contiguous to or readily accessible from Italy, which have not undertaken to impose similar prohibitions on importations of Italian goods, namely, Germany, Austria, Hungary, Switzerland (including Liechtenstein) and Albania. In such event, such goods imported without Certificates of Origin shall, with the consent of the Minister, be deemed to be goods of Italian origin and subjected to the provisions of this Article.

ARTICLE 2.

Prohibition of certain Exports to Italy.

(1) On and after such date as the Minister may by order appoint, the exportation to Italian territory of goods of any of the descriptions set out in the schedule to this Order shall be and is hereby prohibited.

Provided that, subject to such conditions as the Minister may impose for securing that the provisions of this paragraph are not evaded, this paragraph shall not apply to goods of any of the descriptions set out in the said schedule, which are exported after transit through Canada, or by way of trans-shipment.

(2) No goods the exportation, re-exportation or transit to Italy or any Italian possession, of which is prohibited by this Article or by the provisions of an Order of His Excellency the Administrator in Council, P.C. 3461, dated the 31st day of October, 1935, shall at any port or place in Canada be shipped or delivered as stores on a vessel or aircraft proceeding to Italian territory, unless the Minister is satisfied that the goods are required for use or consumption on that vessel or aircraft.

(3) The exporter of any goods which at the time of the exportation thereof were prohibited by this article or by the provisions of the said Order in Council P.C. 3461, to be exported to Italian territory shall, if required by the Minister, produce evidence to his satisfaction that the goods have not reached Italian territory; and, if the exporter fails to do so, he shall be liable to a Customs penalty of treble the value of the goods; or \$500.00 at the election of the Minister, unless he proves that he did not consent to or connive at the goods reaching such territory and took all reasonable steps to secure that the final destination of the goods was that specified in the Customs documents relating to the shipment thereof.

(4) If the Minister has reason to suspect that any declaration made in the course of making entry before shipment by a person about to export

goods of any description set out in the schedule to this Order, or goods set forth in the list annexed to the said Order in Council P.C. 3461 is untrue in any material particular, the goods may be detained until the Minister is satisfied as to the truth of the declaration and, failing such satisfaction, the goods shall be forfeited.

ARTICLE 3.

Prohibition of Credit to Italy

(1) On and after such date as the Minister of Finance may by order appoint, no person shall in Canada:—

- (a) make, contribute to, participate in, or assist in the making or issue of any loan (wherever the loan is made or issued or to be made or issued) to or for the benefit of—
 - (i) the government of any Italian territory; or
 - (ii) any person (not being a body corporate) of whatever nationality resident in any such territory; or
 - (iii) any person (wherever resident), being a body corporate incorporated under the law of any such territory; or
- (b) offer for subscription, underwrite or otherwise assist in the issue of, or subscribe for, any shares (wherever issued or to be issued) in any such body corporate.

(2) Without prejudice to the generality of the foregoing provisions of this Article, any person who either—

- (a) by giving a guarantee or becoming a party to a bill of exchange, assumes any liability for the payment of money and thereby enables another person to raise money; or
- (b) buys a bill of exchange, not being a bill payable on demand, from another person; or
- (c) in connection with a sale of goods, gives credit in any form to or for the benefit of another person;

shall be deemed for the purpose of this Article to make a loan to or for the benefit of that other person.

(3) Nothing in this Article shall be taken to prohibit the performance of any contract made before the date of the making of this Order with any Government or person other than such a Government or person as is mentioned in sub-paragraph (a) of paragraph (1) of this Article, but save as aforesaid the provisions of this Article shall have effect notwithstanding anything in any contract.

(4) Nothing in this Article shall apply to any loan to or for the benefit of any institution which is certified by the Minister of Finance to have a humanitarian or religious object.

ARTICLE 4

PENALTIES

(1) If any person contravenes the provisions of the foregoing Articles, or of the said Order in Council, P.C. 3461, such person shall, in addition to any other penalties provided by law, be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both such imprisonment and a fine; or
- (b) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred dollars or to both such imprisonment and fine.

(2) Where a contravention of any of the provisions of the foregoing Articles, or of the said Order in Council P.C. 3461, by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

ARTICLE 5

SHORT TITLE AND INTERPRETATION

(1) This Order may be cited as the Treaty of Peace (Covenant of the League of Nations) Order, 1935.

(2) In this Order the expression "Italian territory" means the Kingdom of Italy and the colonies and dependencies thereof and any territory in the effective military occupation thereof.

(3) Articles 1, 2 and 4 hereof shall be deemed to be laws relating to the Customs within the meaning of the Customs Act and shall be construed as one with that Act, and the provisions of the Customs Act shall be applicable in so far as they are consistent with the provisions of such Articles.

(4) The Interpretation Act shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

SCHEDULE

GOODS PROHIBITED TO BE EXPORTED TO ITALIAN TERRITORY, OTHER THAN GOODS THE EXPORTATION OF WHICH HAS BEEN PROHIBITED BY ORDER IN COUNCIL, P.C. 3461.

1. Iron ore and concentrates, ground, unground or briquetted.
2. Iron and steel scrap and waste.
3. Metals, unwrought, of the following descriptions, namely—
 - (a) Aluminum;
 - (b) Chromium;
 - (c) Manganese;

- (d) Nickel;
- (e) Tin;
- (f) Titanium;
- (g) Tungsten;
- (h) Vanadium.

4. Alloys, unwrought, containing any metal specified in paragraph 3 of this Part of this Schedule, including ferro-alloys but excluding steel and alloy steel; ores, concentrates and residues, ground, unground or briquetted, and matte containing any such metal; and scrap and waste of the said metals.

- 5. Aluminium oxide (but not including abrasives).
- 6. Ferro-molybdenum.
- 7. Ferro-silicon.
- 8. Rubber (raw), including crepe; rubber latex.
- 9. Waste, scrap and reclaimed rubber.
- 10. Horses, mules, donkeys, camels, and all other transport animals.

HIS EXCELLENCY, on the same recommendation, is further pleased to order that a proclamation in the above sense be forthwith issued and published in the *Canada Gazette*.

E. J. LEMAIRE,
Clerk of the Privy Council.

MEMORANDUM

Series D No. 16
Supplement No. 1

DEPARTMENT OF NATIONAL REVENUE, CANADA
(CUSTOMS DIVISION)

OTTAWA, November 18, 1935.

To Collectors of Customs and Excise:

LEAGUE OF NATIONS ECONOMIC SANCTIONS

ITALY AND ITALIAN POSSESSIONS PROHIBITION OF IMPORT AND EXPORT

Referring to Memorandum Series D. No. 16, your attention is directed to a Proclamation reprinted herein,¹ dated November 15, 1935, relating to prohibited imports from Italian Territory and prohibiting further exports to Italy and Italian possessions under the Treaty of Peace Act, 1919.

Collectors will note carefully the provisions of Article 1 referring to prohibited imports, and also Article 2 relating to prohibited exports as specified in the Schedule thereto, noting particularly the exceptions provided in subsections (a) and (b) of Section 1, Article 1.

The Minister has appointed Monday, the 18th day of November, 1935, as the date upon which the provisions of Articles 1 and 2 of the said Proclamation in respect to the prohibition of Italian imports and the prohibition of certain exports to Italy become operative.

H. D. SCULLY,
Commissioner of Customs.

¹ Not reprinted here—incorporates provisions of Order-in-Council (P.C. 3594).

P.C. 164

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 18th day of JANUARY, 1936.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Secretary of State for External Affairs, under date of 17th January, 1936, with the concurrence of the Minister of Justice, the Minister of Finance, and the Minister of National Revenue, submits:

1. That by an Order in Council, P.C. 3594, dated the 15th day of November, 1935, being the Treaty of Peace (Covenant of the League of Nations) Order, 1935, provisions were made for the prohibition of Italian imports; and

2. That for the purpose of bringing the said Order in Council into conformity with further recommendations of the Committee of Co-ordination set up by the States Members of the League of Nations, without the parties to the dispute, it is expedient that the Treaty of Peace (Covenant of the League of Nations) Order, 1935, should be amended under the powers given to the Governor in Council by the Treaty of Peace Act, 1919.

NOW THEREFORE His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of Justice, the Minister of Finance, and the Minister of National Revenue, and under the above cited authority, is pleased to amend Order in Council P.C. 3594, dated 15th November, 1935, being the Treaty of Peace (Covenant of the League of Nations) Order, 1935, and it is hereby amended by adding the following paragraphs to article 1 thereof:—

- (6) Paragraph 1 of this Article shall not apply to
 - (a) Newspapers, periodicals, printed books and printed music;
 - (b) Maps and hydrographic charts.
- (7) Notwithstanding anything in the said paragraph (1) the Minister may by licence authorize the importation of any goods which are prohibited to be imported thereby, if he is satisfied that the price of the goods was wholly paid to the Italian exporter on or before the 19th day of October, 1935.

HIS EXCELLENCY, on the same recommendation, is further pleased to order that a proclamation in the above sense be forthwith issued and published in the Canada "Gazette".

E. J. LEMAIRE,
Clerk of the Privy Council.

MEMORANDUM

DEPARTMENT OF NATIONAL REVENUE, CANADA,
(CUSTOMS DIVISION)

OTTAWA, 22nd January, 1936.

To Collectors of Customs and Excise,

LEAGUE OF NATIONS ECONOMIC SANCTIONS

ITALY AND ITALIAN POSSESSIONS—PROHIBITION OF IMPORTATIONS

Referring to Memorandum Series D No. 16, you are advised that by Order in Council P.C. 164, dated January 18, 1936, Order in Council P.C. 3594, dated November 15, 1935, being the Treaty of Peace (Covenant of the League of Nations) Order, 1935, is amended by adding the following paragraphs to Article 1 thereof:—

- (6) Paragraph 1 of this Article shall not apply to
 - (a) Newspapers, periodicals, printed books and printed music;
 - (b) Maps and hydrographic charts.
- (7) Notwithstanding anything in the said paragraph (1) the Minister may by licence authorize the importation of any goods which are prohibited to be imported thereby, if he is satisfied that the price of the goods was wholly paid to the Italian exporter on or before the 19th day of October, 1935.

All applications for licences under the authority referred to above should be submitted to the Department direct, with documentary evidence of purchase and payment therefor, as stipulated in Section (7).

H. D. SCULLY,
Commissioner of Customs.

Canadian Reply to Proposal V

LETTER FROM THE DOMINION OF CANADA ADVISORY
OFFICER ACCREDITED TO THE LEAGUE OF NATIONS
TO THE SECRETARY-GENERAL

I have the honour to inform you that the Canadian Government has given careful consideration to the proposal respecting mutual support set forth in Resolution No. V of the Co-ordination Committee.

The suggestions made by the Committee appear more particularly suitable for application by countries having quota restrictions, clearing house arrangements, and economic systems different from that of Canada. It is to be understood also that acceptance of the proposal of the Committee, in so far as it is applicable under the Canadian laws, would not involve the necessity of placing a ban on trade with non-participating countries.

Subject to these observations, however, the Canadian Government is prepared to give general support to the principle incorporated in the Committee's proposal.

(Signed) W. A. RIDDELL.

GENEVA, December 4th, 1935.

No. 8

**Appointment of the Committee of Eighteen by Co-ordination
Committee, October 11th, 1935¹***1. Election of Chairman.*

The SECRETARY-GENERAL observed that, in pursuance of the vote taken in the Assembly on October 10th, the delegations had assembled at the present meeting to set up a Co-ordination Committee "to consider and facilitate the co-ordination of the measures to be taken and, if necessary, to draw the attention of the Council or the Assembly to situations requiring to be examined by them."

There was no need for him to comment on this recommendation, since it had been voted by the delegates attending the present meeting.

The Committee would no doubt wish to proceed at once with the formalities of its constitution, first by electing a Chairman and second by deciding on its method of work.

On the proposal of M. LAVAL (France), seconded by Mr. EDEN (United Kingdom), M. DE VASCONCELLOS, delegate of Portugal, was elected Chairman.

M. de Vasconcellos took the Chair.

The CHAIRMAN thanked the delegates for the honour they had done him. With their co-operation, he would do his best to show himself worthy of their confidence and he could, in any case, assure them of his impartiality and devotion.

2. Publicity of Meetings.

The CHAIRMAN thought that, owing to the nature of the Committee's proceedings, it would be preferable that, as a general rule, it should sit in private. It would, of course, always be open to the Committee to decide to have public meetings if it thought fit.

M. BENEŠ (Czechoslovakia) supported the Chairman's proposal. The discussions would probably take the form of conversations between Governments on extremely delicate economic questions, and it would therefore be preferable that the meetings should be held in private.

The proposal of the Chairman was adopted.

¹ League of Nations Official Journal Special Supplement No. 145.

3. Minutes of the Committee.

The CHAIRMAN asked whether the Committee desired to have verbatim records of its meetings. Personally, he thought it would be wise to follow the usual procedure of League Committees and have summarised Minutes.

The proposal of the Chairman was adopted.

(The Committee went into private session.)

4. Powers of Delegates.

M. KOMARNICKI (Poland) observed that the present meeting was in the nature of a conference, and that the Co-ordination Committee was not an organ either of the Assembly or of the Council. That being so, he enquired whether the full powers given by Governments to their delegates at the Assembly sufficed. That was a purely formal question, and the Committee could, of course, proceed with its work pending the receipt of other powers by its members.

M. MEDINA (Nicaragua) shared his Polish colleague's view and thought that the semi-official character of the present meeting should be preserved.

The CHAIRMAN thought that the question of full powers might be readily solved by a letter to the Chair from the leaders of the delegations to the Assembly. Full powers would, however, be necessary if an international agreement had to be signed.

M. BENEŠ (Czechoslovakia) concurred in the Chairman's suggestion, while sharing the Polish delegate's opinion with regard to the formal question he had raised. The documents communicated by the President of the Council to the President of the Assembly already contained in embryo the decision to set up a Co-ordination Committee. The Co-ordination Committee could therefore begin work and questions of form could be settled later in the manner suggested by the Chairman.

M. MEDINA (Nicaragua) held that the delegates to the Assembly had no authority to confer full powers by a simple letter addressed to the members of the present Committee.

The CHAIRMAN replied that most of the delegates present already possessed full powers. It would suffice if the others would apply to their Governments. The question could therefore be taken as settled.

Agreed.

5. Appointment of Little Co-ordination Committee (designated later "The Committee of Eighteen.")

The CHAIRMAN proposed that a committee should be set up to guide the work of the Co-ordination Committee.

M. BENEŠ (Czechoslovakia) observed that, when the question of setting up a co-ordination committee had been considered, it had been suggested, for the convenience of the discussions and of the work in general, that that committee should be a small one. During the discussions in the General Committee of the Assembly, the view had been expressed that all

States Members should be given an opportunity to sit on the Co-ordination Committee. It would therefore seem appropriate to set up a small committee for the preparatory work.

M. LAVAL (France) approved the Chairman's proposal and suggested that the proposed body should be called the "Committee of Initiative." The latter committee would not be expected to take decisions; it would merely report its discussions and make proposals to the Co-ordination Committee. It might consist of sixteen members, who would meet at once and would propose, also at once, any measures that appeared applicable without delay. Thus the Co-ordination Committee would be able to take certain measures in a very short space of time.

Mr. EDEN (United Kingdom) endorsed M. Laval's suggestion. He wished particularly to support his proposal that the small committee should meet at once, for it must be clear to many delegates that at least one decision might well be taken in the course of the day. The British delegation therefore considered that the small committee should report back to the Co-ordination Committee that evening if, in its opinion, there were any decisions which could be taken by the big Committee to-day.

Mr. DE VALERA (Irish Free State) thought, on general principles, that it would be better that the Committee of Initiative should consist of the States which were members of the General Committee of the Assembly, as that would avoid a number of questions which might otherwise arise.

M. Cemal HÜSNÜ (Turkey) said that, while Mr. de Valera's proposal would simplify procedure, the question under discussion was of a special character, which had not been foreseen when the members of the General Committee had been elected. It therefore appeared appropriate to set up a new committee in accordance with the Chairman's proposal.

The CHAIRMAN said that he had already prepared a list of members of the Committee of Initiative—viz., the delegates of the Union of South Africa, Argentine, Belgium, United Kingdom, Canada, France, Greece, Netherlands, Poland, Roumania, Spain, Sweden, Switzerland, Turkey, Union of Soviet Socialist Republics and Yugoslavia.

Mr. EDEN (United Kingdom) suggested that this committee should have power to add other members if necessary.

Mr. DE VALERA (Irish Free State) did not know on what principles the list submitted by the Chairman had been drawn up. His own proposal had been made in order to avoid a number of questions which would arise in connection with a list of that kind, and which, if they had to be examined, would take up a considerable time. Obviously, a committee of that sort must be selected very carefully, so that all points of view might be represented. Looking through the list, he could not decide at once whether the various points of view had, in fact, been represented, and that was the reason for which he had put forward his own proposal. If however, there was no support for his proposal, he was quite willing to withdraw it.

The CHAIRMAN pointed out that the list had been drawn up with due regard for the questions with which the Irish Free State representative was concerned. Mr. Eden's addition should meet Mr. de Valera's point, since the Committee would be entitled to add other members.

Mr. DE VALERA (Irish Free State) withdrew his proposal.

The proposal of the Chairman, with Mr. Eden's addition, was adopted.

M. RUIZ GUIÑAZÚ (Argentine Republic) said that, while his delegation consented to take part in the work of the big Committee, it would prefer not to be associated in the work of a committee entitled "Committee of Initiative."

M. MOTTA (Switzerland) felt the same hesitation as M. Ruiz Guiñazú. It would be better not to speak of "initiative" but to call the small committee simply "Sub-Committee of Co-ordination."

M. LAVAL (France) said that, to prevent any misunderstanding as to his proposal, he would suggest that the Committee at present sitting should be known as the "Big Committee," and the Sub-Committee just set up as the "Little Committee."

M. MOTTA (Switzerland) agreed.

The proposal of M. Laval was adopted.

No. 9

Extension of Terms of Reference of the Committee of Eighteen¹

RESOLUTION ADOPTED BY THE CO-ORDINATION COMMITTEE ON
OCTOBER 19TH, 1935

The Co-ordination Committee requests the Committee of Eighteen to continue in session in order to follow the execution of the proposals already submitted to Governments, and to put such new proposals as it may think advisable to make before the Co-ordination Committee or the Governments represented thereon.

To this end, the Committee of Eighteen shall appoint such sub-committees, technical or other, as it may deem fit among its own members or from those of the Co-ordination Committee.

No. 10

Proposals adopted by the Committee of Eighteen²

PROPOSAL II (a).

adopted by the Committee of Eighteen on November 6th, 1935.

CLEARING AGREEMENTS.

The Committee of Eighteen,

Entrusted by the Co-ordination Committee with the task of following the execution of the proposals submitted to Governments and empowered

¹ League of Nations Official Journal Special Supplement No. 145.

² League of Nations Official Journal Special Supplement No. 146.

to make such new proposals as it may think desirable, proposes that the following measures should be taken:

In order to render effective the application of Proposal II (4) and Proposal III, approved by the Committee of Co-ordination, Governments represented on the Co-ordination Committee will:

I. (a) Prohibit, as from November 18th, the acceptance of any new deposit of lire into the Italian clearing account in payment for exports to Italy, and, in consequence,

(b) Suspend to the extent necessary the operation of any clearing or payments agreement that they may have with Italy by or before November 18th;

II. Take, if need be, the necessary steps to ensure that the purchase price of Italian products already imported, or to be imported, in respect of which payment has not yet been made, shall be lodged in a national account, the resources of which will, if necessary, be employed for the settlement of claims arising from their exports.

Each Government is requested to inform the Co-ordination Committee through the Secretary-General of the League, within the shortest possible time, of the measures which it has taken in conformity with the above provisions.

PROPOSAL III (a)

adopted by the Committee of Eighteen on November 6th, 1935.

BOOKS, NEWSPAPERS, ETC.

The Committee of Eighteen,

Having been instructed by the Co-ordination Committee to follow the execution of the proposals submitted to Governments, and being empowered to make such further proposals as it may think expedient.

Proposes that, as an exception to Proposal III, the prohibition to import goods consigned from Italy or Italian possessions should not be extended to books, newspapers and periodicals, maps and cartographical productions, or printed or engraved music.

PROPOSAL IV (a)

adopted by the Committee of Eighteen on November 6th, 1935.

EMBARGO ON CERTAIN EXPORTS TO ITALY.

In the execution of the mission entrusted to it under the last paragraph of Proposal IV, the Committee of Eighteen submits to Governments the following proposal:

It is expedient that the measures of embargo provided for in Proposal IV should be extended to the following articles as soon as the conditions necessary to render this extension effective have been realised:

Petroleum and its derivatives, by-products and residues;
 Pig-iron; iron and steel (including alloy steels), cast, forged,
 rolled, drawn, stamped or pressed;
 Coal (including anthracite and lignite), coke and their
 agglomerates, as well as fuels derived therefrom.

If the replies received by the Committee to the present proposal and the information at its disposal warrant it, the Committee of Eighteen will propose to Governments a date for bringing into force the measures mentioned above.

PROPOSAL IV (b)

adopted by the Committee of Eighteen on November 6th, 1935.

INDIRECT SUPPLY.

The Committee of Eighteen,
 Entrusted by the Co-ordination Committee with the task of following the execution of the proposals submitted to Governments and empowered to make such new proposals as it may think desirable, is of opinion that the following measures should be taken:

In order to render effective the provisions of point 2 of Proposal IV, Governments represented on the Co-ordination Committee will take, as regards the export of prohibited products, such measures as are necessary to verify, by all means in their power, the destination of such products.

Those Governments which do not immediately restrict their exports of these articles will keep under constant review the volume and direction of such export. In the event of an abnormal increase in this export, they will immediately take such steps as may be necessary to prevent supplies reaching Italy or Italian possessions by indirect routes.

Each Government is requested to inform the Co-ordination Committee, through the Secretary-General of the League, within the shortest possible time, of the measures which it has taken in conformity with the above provisions.

No. 11

Discussion of Proposal IV (a) in the Committee of Eighteen and in its Sub-Committee on Economic Measures¹

Committee of Eighteen

Fourth Meeting, November 2nd, 1935

CHAIRMAN: M. de Vasconcellos (Portugal)

EXTENSION OF THE EMBARGO ON CERTAIN EXPORTS TO ITALY

M. CANTOS (Spain) explained that the question of the embargo on iron ore raised by the Spanish Government was not very important from

¹ League of Nations Official Journal Special Supplement No. 146.

the national aspect. In fact, the sacrifice that might be entailed by refraining from exporting iron ore was by a long way one of the smallest sacrifices Spain was making by her co-operation in the introduction of sanctions. It was rather a question of logic and principle. Logic was necessary even in national matters. A sacrifice was more or less heavy in itself; but it often became very heavy and even difficult to impose when its logic was not seen clearly, or when it was useless as in the present case.

The main object of the embargo on certain materials was to prevent Italy from obtaining the means of making war. In achieving that object, the following reasoning could be advanced.

"Italy requires arms. Therefore an embargo must be put on arms.

"Arms are manufactured with iron and steel. Therefore an embargo must be put, in the second place, on iron and steel.

"Iron and steel are manufactured with ore. Therefore, in the third place—but in the third place only—an embargo must be put on ore."

If no embargo was put on iron and steel, he did not see the use of the third measure; and it would be very difficult to convince Spanish traders who exported a small quantity of iron ore that they must not send their ore to Italy, although any country could send iron and steel to that country.

The object of every measure taken at Geneva must be to bring real pressure to bear on the Italian Government in order to prevent it from continuing the war. But the embargo on iron ore would bring no pressure to bear, because the Italian Government would have all the iron and steel it wanted. This measure would therefore only affect the foundries and the Italian metallurgical industry. In other words, it would have no effect from the point of view of the aim pursued, and its only result would be to penalise directly Italian workers, who would no longer be able to work in certain industries because their country would be compelled to import iron and steel instead of ore.

He could not see the logic and utility of the measure contemplated, and even thought it might produce comprehensible irritation in Italy in certain circles among which unemployment would increase.

If Italy was to be prevented from obtaining iron, she should also be prevented from obtaining the material required for its manufacture: but iron and steel should figure at the head of the embargo list. In saying that, he was not expressing an opinion either for or against the embargo, but was raising the question as a whole.

M. COULONDRE (France) asked whether the Committee wished to resume the entire technical discussion on the list of products on which an embargo was to be placed. He did not, personally, deny the logical nature of M. Cantos' proposal; but, though logical, it was not practical, and that was, he thought, sufficient reason for rejecting it. It was impossible for the time being to put an embargo on iron and steel or on oil and copper, since those products were not entirely controlled by States Members of the League. An embargo on them would therefore be ineffective. That, however, did not mean that the embargo on iron ore should be dropped.

In the first place, the Co-ordination Committee had already taken a decision on that point. He would recall briefly the reason for the Committee's decision. It was very simple—viz., that, if Italy was obliged to buy steel instead of making it herself from iron ore or scrap iron imported from abroad, she would have to pay much more for it. In other words, the effect of the measure was chiefly financial. He did not think therefore that there was any reason to ask the Co-ordination Committee to modify its decision, and he hoped M. Cantos would assent to that view.

The CHAIRMAN said the Committee was not competent to modify the list adopted by the Co-ordination Committee. It could only make additions to it—e.g., it could add iron and pig-iron, as the Canadian delegate proposed.¹

Mr. RIDDELL (Canada) reminded the Committee that in Proposal IV, concerning the embargo on certain exports to Italy, they were entrusted with the task of making suitable proposals to Governments on this subject. He imagined they were all agreed that the list of key products was not complete, inasmuch as such important products as petroleum and its derivatives, coal, iron and steel, were not on the list. The Committee had been successful in obtaining acceptances regarding the embargo as far as it went, and he thought all the States Members of the League were to be congratulated on that. He now ventured to propose that the substances he had named should be added to the list in principle, and that measures with regard to them should come into effect whenever the Committee found that an embargo could be made effective. The inclusion of iron and steel in this way, he hoped, would also give satisfaction to the Spanish delegate. He accordingly suggested the following proposal:

“In execution of the mission entrusted to it under the last paragraph of Proposal IV, the Committee of Eighteen submits to Governments the following proposal:

“It is expedient to adopt the principle of the extension of the measures of embargo provided for in the said proposal to the following products:

“Petroleum and derivatives;

“Coal;

“Iron, cast iron and steel.

“As soon as it appears that the acceptance of this principle is sufficiently general to ensure the efficacy of the measures thus contemplated, the Committee of Eighteen will propose to Governments a date for bringing them into operation.”

M. VAN RAPPARD (Netherlands), without expressing any opinion on the Canadian delegate's proposal, pointed out that a second list of products had been compiled, including, *inter alia*, those mentioned by Mr. Riddell.

¹Reference is to a discussion on October 17th and 18th in the Sub-Committee on Economic Measures on the commodities to be included in Proposal IV. The Canadian delegate, pointing out the unfairness to some countries of an export embargo on raw materials if products made from such materials in a third country could be freely exported, had suggested that the list of materials in Proposal IV should be held to include products or derivatives of these materials. This suggestion was not adopted.

For his part, he would prefer that the export to Italy of all the products included in the second list should be prohibited. He did not see why, for instance, an exception should be made for cotton, which seemed to him just as important as coal.

The CHAIRMAN replied that the Canadian delegate's proposal could not be discussed immediately, and suggested that the discussion of the Spanish delegate's proposal also be postponed.

M. KOMARNICKI (Poland) asked that Mr. Riddell's proposal should be referred to the Sub-Committee on Economic Measures.

Agreed.

Sub-Committee on Economic Measures

Second Meeting, November 4th, 1935

4. *Extension of the Embargo on Certain Exports to Italy: Examination of Draft Proposal IV (a).*

The following draft proposal was read:

"In execution of the mission entrusted to it under the last paragraph of Proposal IV, the Committee of Eighteen submits to Governments the following proposal:

"It is expedient to adopt the principle of the extension of the measures of embargo provided for in the said proposal to the following products:

"Petroleum and derivatives;

"Coal;

"Iron, cast iron and steel.

"As soon as it appears that the acceptance of this principle is sufficiently general to ensure the efficacy of the measures thus contemplated, the Committee of Eighteen will propose to Governments a date for bringing them into operation."

The CHAIRMAN said the Canadian proposal was closely connected with the Spanish motion concerning the embargo on iron ore. The Netherlands delegation, as the Committee would remember, had recommended the extension of the Canadian proposal to the other items in the list of commodities not under the exclusive control of the States taking part in sanctions.

M. VAN RAPPARD (Netherlands) said that, in view of expert explanations as to the secondary importance of the three other products in the list in question, he was prepared to withdraw his proposal and to consider only the products specified in the Canadian proposal. Possibly magnesium and magnesite might be added to the latter.

The CHAIRMAN said that, in these circumstances, the Sub-Committee had only the Canadian proposal before it. The latter, if adopted, should satisfy the Spanish delegation, because it included pig-iron and iron and steel in the embargo.

M. COULONDRE (France) thanked the Netherlands delegate for simplifying the position by the withdrawal of his proposal. He thought, however,

it would be of advantage that the Canadian proposal, unless it was modified in its wording, should be given a little more precision by such comment as might be made in the course of the present discussion. He himself would maintain it as it stood; but he put forward the suggestion—it was no more than a suggestion—to add copper, a product on which an embargo would have been laid if the States Members of the League had commanded complete control of that commodity. As they did not, copper had not been included in the list; but it might be added now. He would not press his proposal, if there were difficulties in the way.

With regard to the interpretation of the Canadian proposal, he need not point out in the matter of oil, for example, that, in addition to States Members of the League participating in the sanctions, there were countries—one in particular—with a considerable production of oil and controlling a considerable part of the production of oil.

He therefore understood the resolution submitted for recommendation to the Committee of Eighteen as a decision of principle, which was not to come into force pending the accession of the non-participating countries whose co-operation was required for the effectiveness of the measure proposed.

M. CANTOS (Spain) said that the Spanish delegation was neither for nor against an embargo on all the articles in question. But he insisted once more that no difference should be made between iron ore and iron. The principle on which the Committee had based its omission of certain products was the consideration that the embargo would be ineffective, either because Italy was self-sufficing, or because the States participating in the sanctions had no control of the products in question, or for some other reason. There was no question that it was useless to place an embargo on iron ore while allowing Italy to receive all the iron and steel she required. The Spanish delegation was prepared to accept the Sub-Committee's decision, whether for or against an embargo on iron ore; but, if the Spanish standpoint was not approved, the inevitable conclusion would be that the standards applied were not uniform in the case of all products.

M. ANTONOV (Union of Soviet Socialist Republics) said his delegation had no objection to the proposal to extend the embargo to the products specified, but concurred in the French delegate's interpretation of the proposal. It did not conceal its belief that the measures proposed could not be effective without the support of the States which were not members of the League.

Mr. LOVEDAY, Secretary of the Co-ordination Committee, said that in the draft as submitted "iron, cast iron and steel" was really not a definition of anything. The item ought to read "pig-iron and iron and steel rolling-mill products". All iron had to go through the pig-iron stage, and the next stage was iron and steel rolling-mill products.

Mr. RIDDELL (Canada) had no objection to the alteration.

M. SOUBBOTITCH (Yugoslavia) said his Government was prepared to place an embargo on the products in the Canadian list, some of which were exported by Yugoslavia, while others were not.

He understood "coal" to include anthracite and coke, but not charcoal or lignite for domestic purposes.

Mr. WILLS (United Kingdom) agreed with the interpretation to be placed on the draft, but thought it was clear a drafting sub-committee would have to be appointed. It would probably spend some considerable time in giving precision to the terms used before a proposal could be drawn up for submission to the Committee of Eighteen.

The French delegate had already suggested that copper might be added to the list, and it was possible there might be other additions. Mr. Wills therefore suggested it might be well, in the second paragraph, to amend the words "to the following products" to read "to *certain other products—e.g.*". That would make it clear that the list might at some future time be extended or revised. This alteration would also require a slight amendment in the last paragraph, which would have to read "the Committee of Eighteen will propose to Governments *the method and date* for bringing them into operation".

M. VISOIANU (Roumania) said the Roumanian Government had no objection to the adoption in principle of the Canadian proposal, subject to the interpretation put forward by the French delegate and supported by the Soviet delegate. The Roumanian Government was prepared to apply the proposal as soon as the condition stipulated by the French delegate was realised.

M. GARCÍA OLDINI (Chile) said that his Government would have objections to raise in regard to certain products on the Canadian list; he would formulate those objections in due course, if necessary.

The matter should be discussed from the standpoint of principle. There was no question as to the object of sanctions: all were in agreement that they were not to be applicable unless they were effective. Their effectiveness was subject to the control which the Members of the League were in a position to exercise over the products on which the sanctions were imposed. But the products on the list mentioned by the Chairman at the beginning of the discussion and those with which the Sub-Committee was at present concerned were not controlled by the countries imposing sanctions. That being so, it might be asked what was the use of an embargo on those products. The result might well be the paradoxical situation that, on the one hand, the sanctions would be ineffective, while on the other hand, the countries not belonging to the League and not participating in sanctions would receive a premium.

M. SUTENS (Belgium) said that Belgium accepted the Canadian proposal. He gathered it was not proposed to put the embargo on a certain number of products until the non-member States were associated with the embargo policy, or measures were taken to prevent the trade of those countries with Italy rendering the embargo illusory. The question with which he was concerned was, what negotiations it was proposed to undertake with those countries, and if it was hoped that such negotiations would shortly be successful. In the contrary event, Italy, threatened with the

prospect of not being able to procure certain products after a given moment not yet specified, would purchase them at once—possessing as she still did a relatively considerable stock of foreign exchange—either in countries belonging to the League or in countries not belonging to the League. Italy would in that way accumulate stocks; and, when the negotiations were concluded and it became possible to apply the proposal, its effect would be nil.

M. COULONDRE (France) agreed with the United Kingdom delegate as to the reference of the proposal to a drafting sub-committee, but saw certain difficulties in the way of the United Kingdom delegate's proposed amendments. The text as amended by the latter would leave the position pretty much where it was under the last paragraph of Proposal IV, which said that the attention of the Co-ordination Committee had been drawn to the possible extension of the embargo to other products. The proposal in the present instance was to go a step farther, and that could only be done by specifying the products on which it was proposed to place an embargo. The list must be a limitative one.

Unless the articles for embargo were specified, there would be the risk that the non-participating countries whose association was desired would be scared away. The latter were likely to be afraid of being committed by an indefinite decision to applying the embargo to products they would wish to exclude.

In the matter of copper, he would not press his suggestion. It was one of the key products which the Committee of Thirteen had considered in July; but it was for the Sub-Committee to decide whether it should be added to the Canadian list.

With regard to M. Suetens' point, his own proposal was that the decision when taken should be communicated to the non-participating States on the understanding that each member of the Co-ordination Committee should make such representations to the States in question as appeared desirable. Discretion was obviously called for in that connection, if only for the sake of the results aimed at. He felt therefore that, for the same reasons which had led the Co-ordination Committee in the first instance to confine their action to a communication to the States non-members, it would be better in the present instance again to restrict action to a similar communication.

M. WESTMAN (Sweden) said that Sweden, a country which exported certain of the products covered by the Canadian proposal, accepted the principle of that proposal and would take the necessary steps as soon as there appeared to be a possibility of adopting effective measures.

Mr. WILLS (United Kingdom) was prepared to withdraw his proposal to insert the words "for example", but perhaps the drafting sub-committee might consider the insertion of some such words as "in the first place" in paragraph 1, in order to make it clear that this was not necessarily a final list.

M. GARCÍA OLDINI (Chile) said that under the Canadian proposal the embargo on the products specified was to be imposed as soon as the

principle was sufficiently generally recognised to enable the action taken to prove effective. That was to say, the Sub-Committee was proposing to take a decision which for the moment was impossible of application and had no certain prospects of application in the future. Some of the drawbacks to such a course had already been pointed out, and there were others to which attention might be drawn. The idea was that, before applying the embargo to those products, the assent must be obtained of the countries which were not at present members of the League; and it was suggested that the Committee by accepting the present proposal might be in a position to induce the countries in question to act in agreement with the States Members of the League. But it was only human nature to suppose that the effect of the States Members putting an embargo on products they could not control would be to induce the States non-members to increase their trade with the country which was the object of the embargo, and profit by the opportunity offered to expand their markets. He agreed that the imposition of the embargo on those products could be decreed when the attitude of the States non-members was known; but any decision taken at the present juncture was calculated to play into the hands of the States outside the League. In any case, the Committee would be taking up a somewhat peculiar attitude in coming to decisions it was not in a position to apply. The proper course was first to ascertain the attitude of the non-member States, and only then—if the attitude of the latter was favourable—to decide on the embargo.

The CHAIRMAN said that all those members of the Sub-Committee who had spoken had accepted the proposal, subject to the reservation made by the French delegate. The representative of Chile alone had opposed it, even with the French delegate's interpretation. Did the Chilean delegate press his objection?

M. GARCÍA OLDINI (Chile) was not prepared to modify his attitude, which was based on logical considerations of procedure. He had no objection however to the reference of the proposal to a drafting sub-committee.

M. VAN RAAPPARD (Netherlands) associated himself on behalf of the Netherlands delegation with the French delegate's interpretation. The proposed measures were not to come into force until they could be really effective.

The CHAIRMAN gathered there were no further objections to the reference of the question to a drafting sub-committee.

M. COULONDRE (France) agreed to the procedure proposed by the Chairman on the clear understanding that the drafting sub-committee would have no powers to alter the substance of the proposal.

The Sub-Committee decided to refer the proposal to a drafting sub-committee.

The CHAIRMAN put the question whether copper should be added to the list of products in the Canadian proposal.

M. CANTOS (Spain) observed that, while the production of copper in Italy showed a considerable decrease, that was due to the fact that the

fall in the price of copper had made it more advantageous for Italy to purchase copper than to produce it. The main producer of copper in Europe was Germany, and the main producer outside Europe was the United States. He did not press his objection, but wondered whether the proposed measure would be useful and effective.

M. COULONDRE (France) said that, in the light of M. Cantos' observations, as also of the fact that it was desirable to proceed with prudence if only in view of the results aimed at, he would withdraw his proposal.

APPOINTMENT OF DRAFTING SUB-COMMITTEE

The Sub-Committee on Economic Measures decided to appoint its various Sub-Committees with the following membership:

.....

Drafting Sub-Committee for the Proposal to extend the embargo on certain exports to Italy: Canada, Poland, Spain, Union of Soviet Socialist Republics.

It was agreed that each delegation should be entitled to send an expert to each Sub-Committee.

SUB-COMMITTEE ON ECONOMIC MEASURES

Third Meeting, November 5th, 1935

*Extension of the Embargo on Certain Exports to Italy (continuation):
Examination of Draft Proposal IV (a), submitted by the Drafting
Sub-Committee*

The following draft proposal was read:

"In the execution of the mission entrusted to it under the last paragraph of Proposal IV, the Committee of Eighteen submits to Governments the following proposal:

"It is expedient that the measures of embargo provided for in Proposal IV should be extended to the following articles as soon as it appears that circumstances are such as to render effective this extension by Governments of States Members of the League of Nations:

"Petroleum and its derivatives, by-products and residues;

"Pig-iron, iron and steel (including alloy steels), cast, forged, rolled, draw stamped or pressed;

"Coal (including anthracite and lignite), coke, and their agglomerates.

"If the replies received by the Committee to the present proposal and the information at its disposal warrant it, the Committee of Eighteen will propose to Governments a date for bringing into force the measures mentioned above.

"*Note.*—During the discussions in the Drafting Sub-Committee, it was pointed out that the text of the proposal adopted by the Sub-Committee on Economic Measures did not include the various deriva-

tives of coal, some of which are used as fuels and some of which are more particularly destined for military uses. Before including these products in the list, however, the Drafting Sub-Committee thought that it should receive further instructions from the Sub-Committee on Economic Measures."

M. COULONDRE (France) proposed to substitute for the words "as soon as it appears that circumstances are such as to render effective this extension by Governments of States Members of the League of Nations" in the second paragraph of the Drafting Sub-Committee's text the words "as soon as the conditions necessary to render this extension effective have been realised".

Agreed.

M. SOUBBOTITCH (Yugoslavia) referred to the Minutes of the last meeting, from which it would be seen that he had asked for the word "coal" to be interpreted as including anthracite and coke, but not charcoal or lignite used for household purposes. That interpretation, he understood, had been accepted by the Sub-Committee, and in particular by the United Kingdom delegate: but the text now submitted by the Drafting Sub-Committee ignored his interpretation. Lignite was not used as fuel for propelling ships, or for blast furnaces or big, industrial war-plant.

The CHAIRMAN was afraid the Yugoslav delegate's request had given rise to objections. It appeared that lignite could be used for other purposes.

M. SOUBBOTITCH (Yugoslavia) said that lignite might be used in small industries, but certainly not in war industries.

Mr. STEVENSON (United Kingdom) said the United Kingdom delegation would prefer to retain lignite in the list.

The CHAIRMAN said that what he had had in mind was hydrogenation processes and processes for converting lignite into oil. Did the Yugoslav delegate press his proposal?

M. OBRADOVITCH (Yugoslavia) said the Committee had the alternative of either prohibiting the supply of all products to Italy without exception, or of prohibiting the supply only of such products as could be used for war purposes. If the Sub-Committee proceeded on the latter assumption, there would seem to be no objection to restricting the list of products, the export of which was to be prohibited, to products capable of assisting Italy in the conduct of the war. In the case of coal, such products were primarily black coal and coke, the first because it was used in ships' boilers, and the second because it was used in blast furnaces—*i.e.*, in the metallurgical industry, which was an industry specially concerned in the preparation of war. It was true that, in certain circumstances, lignite could be used in place of black coal—*e.g.*, in small industries, on railways, etc. But its use for such purposes was, after all, limited, and might surely be left out of consideration in the present case. The lignite exported by Yugoslavia to Italy was used almost exclusively for domestic heating purposes in the frontier districts. The exports were not large; it was a question of some 1,500 to 1,600 waggons a year.

That was the motive behind the Yugoslav delegation's request for the omission of lignite from the list of prohibited exports. But Yugoslavia would not insist if the majority of the Sub-Committee felt that there were serious grounds in favour of prohibiting its export. The Yugoslav delegation would however ask for an exception to be made for the small amount of lignite used for supplying the needs of the inhabitants of these frontier districts, since that trade could never become really large or hamper the application of sanctions against Italy. It was quite possible to safeguard the local interests concerned in that way, without making a breach in the system of sanctions.

M. SOUBBOTITCH (Yugoslavia) added that the Yugoslav delegation did not ask the Sub-Committee for the insertion in the resolution of any special clause to exempt this frontier quasi-traffic; it would be content with a mention in the Minutes and with the quantity of 1,600 waggons.

Mr. STEVENSON (United Kingdom) said the Yugoslav Government was naturally at liberty to make any reservations it liked on any of these proposals, and he supposed it was as a sort of reservation that this exception must be regarded.

M. SOUBBOTITCH (Yugoslavia) replied that there were some reservations which constituted "conditions of application", and others which might be described as "supplements of application". The present Yugoslav proposal was of the latter character. He appealed to the United Kingdom delegation to make allowances for the rather special situation of his country in the matter.

Mr. STEVENSON (United Kingdom) merely wanted to understand the position of the Yugoslav delegation.

The CHAIRMAN noted that the exception requested by the Yugoslav delegation was of small importance and, if there was no objection, he would take it as accepted.

The Yugoslav delegation's proposal was accepted.

The CHAIRMAN asked whether the Sub-Committee accepted the rest of the draft Proposal IV.

M. CANTOS (Spain) thought the list contained in the proposal was not complete, especially with regard to oil and coal. In order to be effective, the embargo on those products should cover all fuels derived from them. In the case of oil, the proposal mentioned the derivatives, by-products and residues, while as regards coal only the various categories of coal and their agglomerates were mentioned. There were products derived from coal by distillation or other chemical processes—viz., liquid fuels, such as benzole, toluol, xylol and products derived from the hydrogenation of coal. The Drafting Sub-Committee had considered placing an embargo on those products also. He thought it would indeed be advisable to include them in Proposal IV A.

M. COULONDRE (France) proposed that the text of the draft should read: "Coal (including anthracite and lignite), coke, and their agglomerates, as well as fuels derived therefrom".

This amendment was adopted.

The draft proposal was adopted with the foregoing amendments.

COMMITTEE OF EIGHTEEN

Seventh Meeting, November 6th, 1935

CHAIRMAN: M. de Vasconcellos (Portugal)

EXTENSION OF THE EMBARGO ON CERTAIN EXPORTS TO ITALY

17. *Extension of the Embargo on Certain Exports to Italy: Draft Proposal IV (a), submitted by the Sub-Committee on Economic Measures.*

The following draft of Proposal IV (a) was read:

"In the execution of the mission entrusted to it under the last paragraph of Proposal IV, the Committee of Eighteen submits to Governments the following proposal:

"It is expedient that the measures of embargo provided for in Proposal IV should be extended to the following articles as soon as the conditions necessary to render this extension effective have been realised:

"Petroleum and its derivatives, by-products and residues;

"Pig-iron; iron and steel (including alloy steels), cast, forged, rolled, drawn, stamped or pressed;

"Coal (including anthracite and lignite), coke and their agglomerates, as well as fuels derived therefrom.

"If the replies received by the Committee to the present proposal and the information at its disposal warrant it, the Committee of Eighteen will propose to Governments a date for bringing into force the measures mentioned above."

M. KOMARNICKI (Poland), referring to the last paragraph, thought it should be clearly understood that, if the replies received were not concordant, the Committee of Eighteen would again have to consider, not the principle, but the methods of application.

The CHAIRMAN thought that was in fact the Committee's intention. The draft would be accepted in principle, but it would be for the Committee of Eighteen to take practical decisions later.

M. DE MADARIAGA (Spain) proposed that, in the item "Coal (including anthracite and lignite), coke and their agglomerates, as well as fuels derived therefrom", the words "as well as fuels derived therefrom" be

replaced by "as well as their derivatives", so as to cover derivatives which, while not fuels, were of very great importance for the prosecution of war—in particular, toluol.

Earl STANHOPE (United Kingdom) suggested replacing "their derivatives" by "coal tar and coal-tar oils", which would, he thought, cover M. de Madariaga's point without cutting out such things as dyes and other derivatives which had nothing to do with munitions and were outside the Committee's proposal.

M. COULONDRE (France) explained that the Sub-Committee on Economic Measures had wanted to include coal in the list in so far as it was used as a fuel and therefore, in particular, as a means of transport. That was why the expression "fuels derived therefrom" had been adopted. There were, of course, other derivatives of coal the prohibition of which might be contemplated, but there were also other commodities that might appear in the list but did not. The Sub-Committee on Economic Measures had thought that it would be wise for the moment to confine the list to the products mentioned, though that would not signify that in its opinion the embargo measures could not subsequently be extended to yet other articles. For that reason, the French delegation had supported the wording used in the Sub-Committee's text.

M. DE MADARIAGA (Spain) explained that it was his intention to extend the embargo measures to all products which ought to be covered, but that he had no desire whatever to go too far. He would be prepared to accept Lord Stanhope's proposal if he were sure that it also covered products obtained from the hydrogenation of coal, which was a very important point.

Earl STANHOPE (United Kingdom) said that his Government was quite content with the original text. He had only made his suggestion as being preferable to M. de Madariaga's proposal to include all derivatives of coal.

M. DE MADARIAGA (Spain) would accept the view of the Committee, but pointed out that the present text did not cover toluol which was very important in the manufacture of explosives. If his colleagues wished to take that responsibility, he would take it with them.

M. STUCKI (Switzerland) observed that the document before the Committee did not require Governments to take an immediate measure of application. It was a statement of principle, a contingent statement. The same Committee of Eighteen as that meeting at present would have to reassemble before the measures contemplated could be put into force. The present text could therefore be accepted, and, before proposing definite measures to the Governments, the members of the Committee could send in any necessary additions, and, in particular, raise the question of toluol, which was extremely important. That would leave them time to think matters over.

The CHAIRMAN proposed that, as the Spanish delegate did not object, the Committee should accept the text as it stood.

Proposal IV (a) was adopted.

IV. PRESENT POSITION RESPECTING APPLICATION OF SANCTIONS

No. 12

Resolutions Adopted by the Committee of Eighteen on January 22nd, 1936¹

I.

The Committee of Eighteen requests the President of the Co-ordination Committee

To convene the Committee of Experts at as early a date as may prove convenient, and to invite that Committee:

(a) To examine, together with such other points as may be submitted to it by the President of the Co-ordination Committee, the replies received from Governments to the proposals of the Co-ordination Committee since the first session of the Committee of Experts;

(b) To take all measures, whether by questionnaire or otherwise, necessary for the collection and publication of statistical and other information concerning the state of trade between the countries applying these proposals and Italy and Italian colonies.

II.

The Committee of Eighteen,

Recalling its Proposal IV A of November 6th, 1935, to the effect that measures of embargo should be extended to certain articles as soon as the conditions necessary to render this extension effective had been realised,

Subject to the proposals which it may see fit to submit on this question to the political decision of Governments:

Decides to create a Committee of Experts to conduct a technical examination of the conditions governing the trade in and transport of petroleum and its derivatives, by-products and residues, with a view to submitting an early report to the Committee of Eighteen on the effectiveness of the extension of measures of embargo to the above-mentioned commodities;

Requests its President to invite certain Governments to appoint experts to serve on a committee for this purpose.

The experts will meet in Geneva on a date appointed by the President of the Committee of Eighteen.

¹ Co-ordination Committee Document/109 (1).
13423-104

No. 13

Report of the Committee of Experts convened under Resolution No. 1 of January 22nd—State of Trade with Italy and list of States applying Sanctions¹

I.

On January 22nd, the Committee of Eighteen requested the President of the Co-ordination Committee to convene the Committee of Experts and to invite it:—

(a) To examine, together with such other points as may be submitted to it by the Chairman of the Co-ordination Committee, the replies received from Governments to the proposals of the Co-ordination Committee since the first session of the Committee of Experts;

(b) To take all measures, whether by questionnaire or otherwise, necessary for the collection and publication of statistical and other information concerning the state of trade between the countries applying these proposals and Italy and the Italian Colonies.

The Committee of Experts met under the chairmanship of M. WESTMAN from January 29th to February 1st.

At its opening meeting, the President of the Co-ordination Committee requested it to examine, in addition to the two points mentioned above, Section 2 of Proposal III, under which an exception is made to the prohibition of imports from Italy in favour of goods "25 per cent or more of the value of which at the time when they left the place from which they were last consigned is attributable to processes undergone since the goods left Italy or Italian possessions."

These three questions therefore constituted the agenda of the Committee of Experts at its second session.

II.

Twenty-seven communications concerning the Proposals of the Co-ordination Committee have been received since the first report of the Committee was drafted on December 12th. Of these twenty-seven, fourteen contained texts of new decrees or laws. The Committee has submitted these communications to a technical examination in the same manner as it did those laid before it at its last session.

An examination of all the texts received shows that very few points arise for comment. The table contained in Annex I shows the number of States that have applied Proposals I-IV and accepted Proposal V, and the number from which legislative texts or decrees have now been received. It will be observed that those few countries from which texts have not arrived are all far distant from Geneva.

¹ Co-ordination Committee Document 110.

The situation regarding the acceptance and application of the Proposals, as it appears from the replies received up to the end of January is now as follows:—

Proposal I has been accepted by fifty-two Governments, of which fifty have notified the Co-ordination Committee of its entry into force; legislative texts have been received from forty-four Governments.

Proposal II has been accepted by fifty-two Governments, of which forty-eight have notified the Co-ordination Committee of its entry into force; legislative texts have been received from forty-one Governments.

Proposal III has been accepted by fifty Governments, of which forty-four have notified the Co-ordination Committee of its entry into force; legislative texts have been received from thirty-nine Governments.

Proposal IV has been accepted by fifty-one Governments, of which forty-seven have notified the Co-ordination Committee of its entry into force; legislative texts have been received from forty-one Governments.

Proposal V has been accepted by forty-six Governments; in addition, three Governments have sent communications which would appear to indicate their acceptance in principle.

It will be observed from Annex I, which shows the situation in detail, that legislation has now been passed in Peru enforcing all the first four Proposals of the Co-ordination Committee. The embargo on imports, however, will only come into force as regards goods which have left Italy after February 20th and after that date subject to conditions to which reference is made below.

No further information has been received from Guatemala, which has accepted the proposals in principle, but has apparently not yet enforced them, or from Panama as regards Proposals II, III and IV, or from Venezuela, the Government of which has stated that it has Proposals III and IV under consideration. In three countries—namely, the Argentine Republic as regards Proposal III, Nicaragua as regards Proposals III and IV and Uruguay as regards Proposals II and III—the question has been submitted to Parliament. The Argentine Government has communicated the draft law which it has prepared for consideration by Parliament.

III.

In its first report, the Committee of Experts stated that it would appear that all colonies, protectorates, dependencies, condominiums, leased territories and mandated territories of countries which have enforced the Proposals are covered by the measures taken by the Governments of Members of the League, with the exception of the Spanish colonies, of Morocco and of Spitzbergen.

The Spanish Government has now applied Proposals III and IV in the Spanish Colonies (with the exception of Rio de Oro, where they will be applied when action is taken as regards the Spanish zone in Morocco) and has informed the Committee that Proposals I and II will be put into force shortly.

Special mention should be made of the situation in Morocco:¹

(a) French and Spanish Zones

According to information supplied to the Committee by the French and Spanish members, an agreement has been reached between the French and Spanish Governments regarding the principle of the application of the Co-ordination Committee's proposals: the technical details of this agreement will shortly form the subject of negotiations.

The Committee suggests that the Chairman of the Co-ordination Committee should draw the attention of the two Governments to the desirability of bringing these negotiations to a successful conclusion in the near future.

(b) Tangier

The Committee noted that the Co-ordination Committee's Proposals are not applied in the Tangier zone.

The Committee accordingly suggests that the Chairman of the Co-ordination Committee might request the French Government to draw the attention of the Tangerine authorities to the desirability of causing the Co-ordination Committee's Proposals to be applied in the international zone at the same time as they are applied in the French and Spanish zones in Morocco.

IV.

In Section VII of its last report, the Committee of Experts mentioned certain questions of a general order and suggested that the Committee of Eighteen might wish to draw the attention of Governments to them. On December 13th, 1935, the Committee of Eighteen decided to do so.

Letters were accordingly despatched to the Governments concerned, drawing their attention to these points.

The replies received have been examined by the Committee. These replies have gone far to clear up the points that the Committee of Experts raised. There is no need to revert to the questions raised in paragraphs (a), (d), (e), (f) and (g) of Section VII of the previous report. The following observations may be made with regard to paragraphs (b) and (c).

As regards (b), fifteen Governments, thirteen of which are outside Europe, have not yet stated clearly whether they have substituted the lists of arms and implements of war attached to Proposal I A for the first list contained in Proposal I.

¹The Customs statistics communicated to the Committee by the French and Spanish members show that there has not been any very appreciable increase in Italian imports into Morocco, including the Tangier zone, between the third and fourth quarters of 1935.

As regards (c), the question of diverting traffic will be examined at a later session when the documentation of the Committee is completed.

The Committee desires to mention two new questions of a character similar to those which it raised in Section VII of its last report. One country, while accepting Proposals III and IV, has pointed out that "as she does not possess any seaports of her own, the action of her Customs authorities cannot be extended to ports through which her trade is at present conducted." The Committee feels that the difficulty mentioned by this country must be due to some misapprehension as to the nature of Proposals III, IV and IV B, as the supervision exercised at its land frontiers will enable it to ensure the application of these Proposals.

One country has reserved the right to accord certain derogations from the rules adopted in Proposal III on account of spare parts for its electrical and textile industries. The Committee, noting the statements made to it in this connection, would observe that such derogations, apart from the exceptional case of Government contracts in course of fulfilment approved by the Committee set up under the resolution of November 6th, 1935, are not in principle consistent with Proposal III, and would, if they were to become general, prejudice the effectiveness of the whole system.

Three new replies—from the Union of South Africa, Bolivia and the Dominican Republic—have been received concerning Proposal V. The Government of the Union of South Africa indicates in detail the measures which it is prepared to take for the organisation of mutual support and states, with reference to paragraph II (2) of that Proposal, that it is prepared to give an assurance that it "will not conclude with States Members of the League of Nations not participating in the application of sanctions, trade agreements such as are now provided for in the Union's legislation for the encouragement of trade by tariff concessions or most-favoured-nation treatment."

V.

The Committee of Experts interprets the duty entrusted to it by the Committee of Eighteen in the sense that steps should be taken to ascertain the effects of the various Proposals of the Co-ordination Committee upon Italian trade. As the Italian Government has ceased to publish statistics of its foreign trade, that object can only be attained by collating the statistics of the trade of other countries with Italy.

For this purpose, it proved necessary, as the Committee of Eighteen suggested, to prepare tables to be completed by Governments, as the current statistics of a number of countries are not sufficiently detailed. The Committee of Experts accordingly devoted a considerable part of its second session to drafting a questionnaire.

It is, in the opinion of the Committee, important that the picture obtained by means of the questionnaire should be as complete as possible. The Committee considers, therefore, that this questionnaire should be sent, not only to Governments which have taken measures for the enforcement

of the proposals of the Co-ordination Committee, but to all Governments members of that Committee.

The questionnaire which has been drafted is annexed to this report¹ It may be convenient to add to the explicative notes contained in it a brief explanation of its contents.

It has been thought appropriate to view three distinct aspects of Italian trade:—

- (a) The changes in the value of that trade as a whole and in particular of certain classes of Italian sales abroad;
- (b) The movement of precious metals;
- (c) The purchases by Italy of certain agricultural products, raw materials, etc.

The questionnaire contains three tables.

The first table shows the value of the total trade of each country with Italy and the Italian colonies and, for purposes of comparison, with the rest of the world. In addition, the imports from Italy are subdivided into three large groups: agricultural products, raw materials and manufactured goods. This subdivision has been made in order to render it possible to ascertain the relative extent to which these classes of Italian exports have been affected by the measures taken. In the great majority of cases, the value of the imports from Italy will of course be nil, as imports have, in accordance with Proposal III, been prohibited. As the questionnaire is intended, however, not only for those countries which have already applied Proposal III, but for those which have not yet done so, or only partially, information under this heading is clearly required. Moreover, there will be certain imports to record at first on account of goods paid for before October 19th or *en route* when Proposal III was enforced and a more restricted number of imports to record subsequently on account of the contracts approved by the Committee of Eighteen and of the exemption made in Proposal III in favour of books, music, etc.

The second table relates to trade in gold and silver bullion and specie, the import of which is exempted from the terms of the embargoes.

The third table shows the exports to Italy of a selected list of commodities. As the exports of certain of these commodities have been prohibited in accordance with Proposal IV, there will of course be no trade to record with reference to them by the great majority of countries to which the questionnaire is sent.

The Committee has been influenced in the compilation of this list by the records of the discussions which took place in the Co-ordination Committee and its Sub-Committees.

It will be observed that Governments are asked to show, not only their exports of domestic produce, but total exports to Italy, including produce of foreign origin, *ex bonded warehouse* or free port.

¹Not reprinted here.

In drafting its questionnaire, the Committee of Experts has made every endeavour to reduce as far as possible the work imposed on the administrations concerned. It has accordingly restricted the number of commodities mentioned in the table of exports and has further, in so far as possible, grouped the commodities in what it believes to be a convenient form. It has, at the same time, thrown out separately goods covered by Proposal IV.

The Committee attaches great importance to the prompt completion and return of the questionnaire to Geneva within the time prescribed. As some time must inevitably be taken in the printing and despatch of this questionnaire, it suggests that the first returns to be made and published should relate to the months of November and December, 1935, and January, 1936, together with, so far as possible, comparable data for the corresponding months of the preceding year. The statistics for each month should be shown separately.

The Committee of Experts suggests that the Secretariat should endeavour to complete these returns by information obtained from the ordinary trade statistics of countries not represented on the Co-ordination Committee.

The Committee of Experts does not consider that the trade statistics of any country can be exactly calculated by this indirect method. It believes, however, that by these means a great deal of valuable information will be obtained which, if placed at the disposal of the Co-ordination Committee, will serve to enlighten it as to the general tendencies.

VI.

As stated in the first section of this report, the President of the Co-ordination Committee asked the Experts to consider whether, in Proposal III, the proportion of value to be added to Italian goods in other countries before they could be accepted as the "nationalised" products of those other countries and thus exempted from the embargo on Italian goods was unduly low.

The section of Proposal III to which reference was made reads as follows:—

"(2) Goods grown or produced in Italy or Italian possessions which have been subjected to some process in another country, and goods manufactured partly in Italy or Italian possessions, and partly in another country will be considered as falling within the scope of the prohibition unless 25 per cent or more of the value of the goods at the time when they left the place from which they were last consigned is attributable to processes undergone since the goods last left Italy or Italian possessions."

The President, in submitting this question, made it clear that he was concerned with the technical aspects of the problem only, and it was to these technical aspects that the experts devoted their attention.

It is particularly difficult for the Customs authorities to determine the proportions in which the total C.I.F. value of any commodity at the time of its arrival in the country of importation comprises (a) its value at the time when it leaves the country of origin, and (b) the value which it subsequently acquires as the result of processes carried out in a third country. This difficulty is diminished, however, when the percentage of value added in a third country is a high one.

There are two reasons for this fact. First, it is clearly easier to recognise the work or materials added in any country when the amount of that work or those materials is relatively great. Secondly, even if the margin of error in estimation were identical, that error is of less practical importance when the percentage added as a result of processes carried out in a third country is high than when it is low. The country of origin gains whenever it is able to penetrate markets owing to an error in the estimation made by the Customs authorities. But the higher the proportion of value attributable to processes carried out in a third country, the less is the profit.

The Committee has no hesitation therefore in stating that the application of the laws and decrees giving effect to Proposal III would be rendered easier were the percentage raised from 25 per cent to a far higher figure, for instance, 50 per cent.

Furthermore, in order to ensure that paragraph 2 of Proposal III adopted by the Co-ordination Committee on October 19th, 1935, is applied as strictly as possible, the Committee considers it desirable that the Governments should give the Customs administrations and other authorities concerned full instructions to exercise the utmost vigilance in seeing that the rules laid down in this matter are strictly observed.

ANNEX I.

SUMMARY OF GOVERNMENT REPLIES RECEIVED UP TO JANUARY 30th, 1936

Countries	Proposal I	Proposal II	Proposal III	Proposal IV	Proposal V
Afghanistan.	In force	In force	In force	In force	Accepted
Union of South Africa..	In force*	In force*	In force*	In force*	Accepted
Albania.	—	—	—	—	1
Argentine.	In force*	In force*	Bill drafted for Parliament	In force*	1
Australia.	In force*	In force*	In force*	In force*	Accepted
Austria.	—	—	—	—	—
Belgium.	In force*	In force*	In force*	In force*	Accepted
Bolivia.	In force*	In force*	In force*	In force*	Accepted
United Kingdom.	In force*	In force*	In force*	In force*	Accepted
Bulgaria.	In force*	In force*	In force*	In force*	Accepted
Canada.	In force*	In force*	In force*	In force*	Accepted
Chile.	In force*	In force	In force ²	In force	Accepted
China.	In force	In force	In force	In force	Accepted
Colombia.	In force*	In force*	In force*	In force*	Accepted
Cuba.	In force*	In force*	In force*	In force*	Under consideration
Czechoslovakia.	In force*	In force*	In force*	In force*	Accepted
Denmark.	In force*	In force*	In force*	In force*	Accepted
Dominican Republic....	In force*	In force*	In force*	In force*	Accepted

SUMMARY OF GOVERNMENT REPLIES
RECEIVED UP TO JANUARY 30th, 1936—*Concluded*

Countries	Proposal I	Proposal II	Proposal III	Proposal IV	Proposal V
Ecuador.....	In force	In force	In force	In force	Under consideration
Estonia.....	In force*	In force*	In force*	In force*	Accepted
Finland.....	In force*	In force ³	In force*	In force*	Accepted
France.....	In force*	In force*	In force*	In force*	Accepted
Greece.....	In force*	In force*	In force*	In force*	Accepted
Guatemala.....	Accepted	Accepted	Accepted	Accepted	Accepted
Haiti.....	in principle In force	in principle In force	in principle In force	in principle In force	Accepted
Honduras.....	In force	In force*	In force	In force	Accepted
Hungary.....	—	—	—	—	—
India.....	In force*	In force*	In force*	In force*	Accepted
Iran.....	In force*	In force*	In force*	In force*	Accepted
Iraq.....	In force*	In force*	In force*	In force*	Accepted
Irish Free State.....	In force*	In force*	In force*	In force*	Accepted
Latvia.....	In force*	In force*	In force*	In force*	Accepted
Liberia.....	In force*	In force*	In force*	In force*	Accepted
Lithuania.....	In force*	In force*	In force*	In force*	Accepted
Luxemburg.....	In force*	In force*	In force*	In force*	Accepted
Mexico.....	In force*	In force*	In force*	In force*	Accepted
Netherlands.....	In force*	In force*	In force*	In force*	Accepted
New Zealand.....	In force*	In force*	In force*	In force*	Accepted
Nicaragua.....	In force*	In force*	Before Parliament	Before Parliament	Accepted 1
Norway.....	In force*	In force*	In force*	In force*	Accepted
Panama.....	In force	Will take necessary measures	Will take necessary measures	Will take necessary measures	Accepted
Paraguay.....	—	—	—	—	—
Peru.....	In force*	In force*	Will be enforced* ⁴	In force*	Under consideration
Poland.....	In force*	In force*	In force*	In force*	Accepted
Portugal.....	In force*	In force*	In force*	In force*	Accepted
Roumania.....	In force*	In force*	In force*	In force*	Accepted
Salvador.....	Accepted in principle but considered unnecessary	Accepted in principle but considered unnecessary	In force*	Accepted in principle but considered unnecessary	Accepted
Siam.....	In force*	In force*	In force*	In force*	Accepted
Spain.....	In force*	In force*	In force*	In force*	Accepted
Sweden.....	In force*	In force ³	In force*	In force*	Accepted
Switzerland.....	In force*	In force*	—	In force*	Accepted 1
Turkey.....	In force*	In force*	In force*	In force*	Accepted
Union of Soviet Socialist Republics.....	In force*	In force*	In force*	In force*	Accepted
Uruguay.....	In force*	Before Parliament	Before Parliament	In force*	Accepted
Venezuela.....	In force*	In force*	Under consideration	Under consideration	Accepted
Yugoslavia.....	In force*	In force*	In force*	In force*	Accepted

* Texts have reached Geneva.

¹ Reply not quite explicit.

² With exception of imports arising out of clearing operations.

³ The Governments of Finland and Sweden have put Proposal II into force by administrative measures and in consequence no legislative texts have been received.

⁴ For goods having left Italy after February 20th, 1936.

No. 14

Report of the Committee of Experts appointed under Resolution No. II of January 22nd—Effectiveness of an Embargo on the Shipment of Oil to Italy

(Received by wireless from League of Nations Radio Station, Geneva, Switzerland, February 12th, 1936.)

1. At its last meeting on January 22nd the Committee of Eighteen adopted the following resolution:—

(Text cited in Resolution II of No. 12; not reprinted here.)

In accordance with the terms of this resolution, the President of the Co-ordination Committee requested certain governments to send experts to meet in Geneva on February 3rd. The Committee, which met under the Chairmanship of M. Gomez (Mexico) from February 3rd to February 12th, was composed of experts designated by the Governments of the United Kingdom, France, Iran, Iraq, Mexico, Netherlands, Norway, Peru, Roumania, Sweden and the U.S.S.R.; the Venezuelan Government had sent an observer.

At the opening meeting, the President of the Co-ordination Committee submitted a list of questions to the experts which after certain minor modifications was adopted by them as their agenda. The President emphasized the fact that the Committee of Eighteen desired at this stage to submit the whole problem to a technical examination only of the effectiveness of an embargo on petroleum products and the present report is strictly confined to such a technical examination. By the term effective the Committee has understood the influence which this embargo might have on Italy's power to cover the whole or the greater part of her oil requirements. It has not deemed it to be its function to include in its study the whole of the effects financial, economic and other that the embargo might have even were it not to prove completely materialized. Before setting out the results of its work, the Committee wishes to emphasize at the outset that the facts and the opinions set forth below relate to the situation as it exists today or existed in the earlier years to which consideration is given and that they must not, therefore, be treated as applying to the future if in the future there is any substantial change in general conditions. In order to distribute its work, the Committee appointed three sub-committees to study:

- A. The general problem of consumption and supplies,
- B. The possible use of some substitutes,
- C. The question of transport.

2. After an examination of the reports of its sub-committees, which it approved after discussion, the Committee formed the following opinions:—

A. Imports

The total supplies of petroleum and petroleum products to Italy in the years 1932 to 1934, excluding bunker oil purchases by Italian ships

in foreign ports for current needs, amounted on an average to approximately two and a half million tons per annum of which rather more than one and three-quarter million tons were fuel oil. These purchases have increased steadily from a total of about two million tons in 1931 to nearly three million tons in 1934, a tendency to be found in other principal consuming countries. There was a further increase in 1935, when it is believed that purchases may have amounted to about 3.8 million tons. Of the increase of 800,000 tons, it will be seen from section (c) below that some 300,000 tons (i.e., about 40 per cent of the increase) is estimated to have been added to stock.

B. *Consumption*

There are no reasons for supposing that Italy was accumulating abnormal stocks of petroleum prior to 1935. It is probable, therefore, that her consumption of petroleum products up to the end of 1934 was approximately equal to her total purchases. Italy's normal consumption in recent years had increased at the rate of about 13 per cent per annum. Assuming that a similar increase has taken place in 1935 and allowing for some increase in Italian consumption due to greater industrial and military activity, consumption in that year would have amounted to 3.5 million tons. This figure includes the consumption in the theatre of war estimated to amount during the last five months of the year to a figure of 20,000 to 30,000 tons per month.

C. *Stocks*

The total stock at the end of 1934 probably averaged about 6 weeks to 2 months supply of 400,000 to 500,000 tons. If to this be added the difference between the purchases and estimated consumption in 1935, amounting to 300,000 tons, a total of 700,000 to 800,000 tons on December 31st, 1935, is obtained. Stocks may have increased during January, 1936, by a further 50,000 tons and at the end of January may, therefore, have been equivalent to some two and a half to three months consumption. If an embargo were imposed, there would be, at the moment of its imposition, certain supplies en route representing about half a month's supply to be added to the stocks already in hand.

D. *Sources of supply*

The most important sources from which world markets derive their supplies of petroleum are Colombia, Iran, Iraq, Mexico, Netherlands West Indies, Peru, Roumania, Trinidad, United States, U.S.S.R. and Venezuela. All these countries, with the exception of the United States of America, are themselves members of or are territories belonging to Members of the Co-ordination Committee. The largest exporters of oil are Venezuela and the United States of America. The former reports no direct exports. Substantial quantities of Venezuelan crude oil are normally refined in the Netherlands West Indies and refined products are exported from these islands to Italy. From the figures at the disposal of the Committee, it is clear that the quantity of oil products available

for export from the United States of America greatly exceeds Italy's probable demand in past years. Relatively small quantities of oil products have been exported from the United States to Italy. In the period 1931 to 1934 the average percentage of Italy's total supplies provided by the U.S.A. were as follows: crude oil—19·96 per cent, petrol—9·4 per cent, kerosene—5·2 per cent, fuel oil—3·5 per cent, lubricating oil—48·3 per cent—total 6·6 per cent. During the last few months these exports have shown a very large increase. It is not known whether the recent increase in exports will be maintained or whether any form of limitation will in fact be instituted. In the case of an effective limitation being imposed it would make but little difference to the effectiveness of an embargo imposed by States Members of the Co-ordination Committee whether that limitation took the form of an absolute embargo or the reduction of exports to the normal level of the United States exports prior to 1935.

E. Substitutes

Economies in the use of petroleum products by the use of substitutes could most easily be effected in the case of petrol (motor spirit) for Italy has already had some experience in the production and use of such substitutes as alcohol, benzol, etc. The Committee considers that an economy of the order of 100,000 tons a year might be possible by an extension of production of these products in Italy or by increasing imports. Any increase, however, in the demand for alcohol and benzol for the manufacture of explosives would naturally result in a reduction of this figure. The Committee has explained the reasons for which it does not feel able to estimate the extent to which any further economy might be effected by the employment of other sources of power such as the use of gas producer plants on motor vehicles, compressed gas or electric power. As regards diesel and fuel oils which form by far the larger part of the oil imports of Italy, the Committee does not consider that any appreciable proportion of these oils could be replaced by substitutes. Some substitution of coal for oil might be practicable provided Italy can import larger quantities of coal. As regards lubricating oils, it would be possible to replace them to a limited extent by oils of vegetable or animal origin. An embargo on petroleum products would have but a limited effectiveness were no measures adopted to restrict the purchases of substitutes abroad. The Committee is, therefore, of the opinion that if an embargo is imposed on petroleum and petroleum products, it should be extended to cover alcohol and benzol.

F. Transport

The Committee estimates that if Italian oil had to be drawn from ports in the Gulf of Mexico, the Italian fleet might be expected to carry not less than one and three-quarter million tons (one half Italy's consumption in 1935) or possibly as much as two million tons. As stated above, the present consumption is estimated at the rate of about three and a half million tons per annum. If no economies in use were effected, therefore, Italy would require somewhere over 225,000 tons gross of foreign shipping

for her transport services. Were an embargo on transport to be imposed by the Members of the Co-ordination Committee there would remain for this purpose vessels belonging to the tanker fleets of the United States and Germany. The German tanker fleet that is suitable for transatlantic voyages, and from which vessels might be obtained for transportation to Italy, would appear to amount to about 90,000 gross tons and that of the United States, which is not engaged in the coastwise trade, to between 300,000 and 500,000 gross tons according to the season of the year. If tankers forming part of these two fleets were to be diverted to the Italian trade, there would be nothing so far as the Committee is aware to prevent the owners of such vessels from replacing the tonnage so diverted by tankers chartered from other States Members of the Co-ordination Committee. Tankers of these other states now engaged in the carriage of oil to Italy would become available for this purpose. Moreover, there are at present some 340,000 gross tons of tankers laid up, half of which might be brought into commission and some 435,000 gross tons of tankers under construction. For an embargo on transport of oil to Italy to be effective, measures of control would, therefore, require to be taken by countries not members of the League of Nations. On the other hand, even without such measures of control the carriage of oil to Italy would be rendered more difficult and more expensive were an embargo on transports by Member States to be imposed. The Committee has given consideration to the question of the possible form of such an embargo. In its opinion, the most practicable form would be one which combined (a) a prohibition against the sale of tankers to States not applying the embargo and (b) notwithstanding the special legal difficulties which might arise in certain cases in connection with tankers already chartered, a prohibition against the proceeding of tankers to Italy.

Accordingly,

1. The figures given above, with reference to consumption, to stocks and to supplies which might be en route at the moment of the imposition of an embargo on the export of petroleum and petroleum products make it possible to estimate roughly the period which would have to elapse before such an embargo, were it to be universally applied, would become fully effective. In the conditions prevailing at the moment of its session, the Committee is of opinion that this period may be taken to be about three to three and a half months.

2. In the event of such an embargo being applied by all States Members of the Co-ordination Committee, it would be effective if the United States of America were to limit their exports to Italy to the normal level of their exports prior to 1935.

3. If such an embargo were applied by the States Members of the Co-ordination Committee alone, the only effect which it would have on Italy would be to render the purchase of petroleum more difficult and expensive.

4. In view of the possibility of substitutes being used to some extent for petrol (motor spirit) an embargo on the export of petroleum and

petroleum products would be strengthened were it extended to cover industrial alcohol and benzol.

5. The effectiveness of an embargo imposed by States Members of the Co-ordination Committee on the transport of oil to Italy is subject to the same limitations as an embargo on exports were these States alone to prohibit the use of tankers for the transport of oil to Italy. It would be able to satisfy its needs up to about 50 per cent from its own resources and the rest by means of vessels of other States but with greater difficulty and at greater expense.

6. If an embargo on transport should be decided on the Committee is of the opinion that the most practicable form of embargo would be one which would prohibit tankers from proceeding to Italy and would also prohibit the sale of tankers to States not applying the embargo.

7. Should it be decided to impose an embargo on petroleum, attention should be given to the necessity of taking suitable measures to prevent traffic by indirect routes including use of free ports which is of special importance as regards petroleum.

IV.

V. GENERAL STATEMENTS OF CANADIAN POSITION

No. 15

Speech of the Canadian Delegate in the Assembly, September 14th, 1935¹

The PRESIDENT (Translation): The Honourable G. Howard Ferguson, first delegate of Canada, will address the Assembly.

The Honourable G. HOWARD FERGUSON (*Canada*): The Assembly of the nations meets this time at a period of serious unrest and uneasiness. The world economic situation, although showing definite signs of steady improvement, remains a challenge to the unremitting energy and wise statesmanship of all Governments. At the same time, the political scene, in certain parts of the world, has assumed a depressing and disturbing form until peace itself is endangered.

During the year, the League of Nations has once more provided concrete and impressive evidence of its indispensability in the conduct of international relations and its value in the solution of international problems. If these relations remain disturbed and if grave problems remain unsolved, it is as unfair as it is irrational to throw the whole burden of blame for that failure upon the League.

The United Kingdom Secretary of State for Foreign Affairs on Wednesday last performed a useful service, and said what needed saying, when he reminded us that the League was merely the aggregate of the States which make up its membership and could do nothing apart from these States. Its successes are the successes of its Members; its failures are their failures. The machinery is here at Geneva. If we do not use that machinery, it is idle to reproach it for not functioning of itself.

¹ Official Journal Special Supplement No. 138.

The past year was, on the whole, one of achievement. The record of that achievement is impressively told in the Secretary-General's report. Though much remains to be done, and though there are, as we were reminded the other day, "too many empty chairs at our Council table", no Member Government need apologise to its people for the year's record.

The agenda of the present Assembly includes many subjects in which my Government is keenly interested and concerning which we will state our views when they come before the appropriate Committees. In this connection, it is important to remember that the social, economic and humanitarian work of the League is carried on alongside of its political work. At times, too much attention is devoted to the failure of the latter and not enough to the success of the former.

It cannot be denied, however, that the main issue that confronts us now is a political one—the threat to peace embodied in the Italo-Ethiopian dispute. This question is still under consideration by the Council and it is devoutly to be hoped that a peaceful solution for it may there be found—a solution based upon principles of equity and justice. If such a solution is not found, and if there is resort to war, then the whole post-war system of collective security, based not on arms and alliances but on the outlawry of war and the pacific solution of all disputes, would be in danger of collapse. Such a collapse would affect every Member of the League in every continent. There could be no escape from its consequences.

Impressed, then, by the gravity of the situation, my Government has requested me to make its position clear with regard to this matter. Canada believes the League of Nations is an indispensable agency for world peace. We cannot agree that any Member is warranted in resorting to war to enforce its claims in violation of its solemn pledges to seek and find a peaceful settlement of every dispute. We hope that an honourable and peaceful solution of the Ethiopian controversy will yet be reached. If, unfortunately, this proves not to be the case, Canada will join with the other Members of the League in considering how, by unanimous action, peace can be maintained.

No. 16

Extract from the Minutes of the First Meeting of the Committee of Eighteen, October 11, 1935, with statement by the Canadian Delegate¹

Election of the Chairman

M. de VASCONCELLOS, as Chairman of the Big Co-ordination Committee, opened the meeting and invited the Little Committee to elect its Chairman.

On the proposal of M. MORTA (*Switzerland*), supported by Mr. EDEN (*United Kingdom*), M. de Vasconcellos was elected Chairman of the Little Committee.

Basis and Programme of the Committee's Work

The CHAIRMAN asked his colleagues whether they had any suggestions to make regarding the Committee's programme of work.

¹ League of Nations Official Journal Special Supplement No. 145.
13423-11

M. RUIZ GUINAZU (*Argentina*), as a preliminary declaration, stated that, as regards the sanctions laid down in Article 16 of the League Covenant, the Government of the Argentine Republic would act in accordance with the guiding principles adopted by the Assembly in its resolution of October 4th, 1921, and the provisions of its national Constitution.

The CHAIRMAN said that note would be taken of that declaration.

M. KOMARNICKI (*Poland*) thought that general satisfaction could be given to all the delegates who were anxious to know what would be the legal basis of the Committee's work apart from Article 16 of the Covenant. He accordingly proposed that the resolutions of the 1921 Assembly, to which reference had been made during the discussions of the Council and the Assembly, should be taken as the legal basis of the Committee's work. The present conference of Governments, acting in virtue of their sovereign rights, for the purpose of co-ordinating their action, could not choose any better basis for its work.

M. TITULESCO (*Roumania*) recognised the individual right of a country to state, as the Argentine had done, that it would conform to the 1921 resolution. But the Committee as a whole should not burden itself with principles which were nothing but indications of a general order, when its task was to find concrete solutions. That was all the more true since the 1921 resolutions had been adopted by the Assembly in the light of the amendments proposed at that time, which had not however been accepted by it. The Committee consisted of sovereign States which were to co-ordinate their action in the general interest, without any restrictions. The question just raised did not appear, therefore, to have any practical purpose.

Mr. FERGUSON (*Canada*) thought that a stage had been reached at which, if the League was to be taken seriously by the world, it was absolutely essential that it should take some definite progressive action and not allow technical difficulties, if there were any, to stand in its way. The delegations had already stated their position with great unanimity and emphasis in the Assembly. They had declared who was the aggressor, and the proceedings that must be taken followed as a matter of course.

The sole problem before the Committee was to decide what sanctions the delegations could all agree upon that afternoon and put into application immediately. Let them show the world that the League was no longer to be scoffed or laughed at, but that it meant business, and that when a breach of its Covenant took place it proposed to deal with the aggressor in the proper way. Otherwise the League and the Assembly would lose prestige and influence in the world and might as well be dissolved. If the delegations were not at Geneva to see that the Covenant was carried out, there was no purpose in their being there at all.

He suggested that the Committee could perhaps deal at once with the question of the arms embargo, upon which all members might be able to

agree. As time went on there would perhaps have to be some method of adopting progressive sanctions from time to time, but surely there was something—perhaps with regard to a financial sanction or the arms embargo—that could be announced to the world tonight in order that it might be known that the League was taking some action.

M. MOTTA (*Switzerland*) could associate himself on behalf of his country with the statement made by the Argentine representative. M. Titulesco however had objected to that view of the matter. It was important to avoid any misunderstanding. M. Motta was aware that several delegates considered that the 1921 resolutions no longer had the importance which they were intended to have because they had been drawn up in relation to certain amendments which had not been accepted. The 1921 resolutions would thus remain a dead letter.

It was true that, on October 4th, 1921, the Assembly had had before it certain amendments concerning the economic weapon. Certain countries had accepted them, while others had opposed them. Consequently those amendments had not come into force, but, on the other hand, the resolution interpreting Article 16 was intended to remain as a guiding rule for the Assembly and the Council. It had been devised precisely to fit the case of the amendments not coming into force. It should not be said, therefore, that the one depended upon the other, but that a choice must be made between them.

Everyone realised that Article 16, as it stood in the Covenant, was full, as it were, of explosive material. The 1921 Assembly had endeavoured to render the application of that Article more reasonable. The resolutions adopted by it were not, of course, absolutely binding on the Members of the League, but there was no doubt that they alone could provide the guiding line for the action to be contemplated by the Committee. That interpretation was confirmed by a draft circular letter reproduced in Document A.14. of 1927, in which it was stated that those guiding principles held good provisionally, i.e., so long as no change was made in Article 16 in the form of an amendment.

M. TITULESCO (*Roumania*) failed to see the practical purpose of the present discussion. If the 1921 resolutions held good, the Committee need express no opinion on them, and if they had ceased to exist, practical work must not be impeded by a discussion for the formulation of the rules to be followed. Each country could be guided in its action by its unfettered sovereignty and by the 1921 resolutions if they still existed.

The CHAIRMAN read resolution No. 1, adopted on October 4th, 1921, the text of which was as follows:

“1. The resolutions and the proposals for amendments to Article 16 which have been adopted by the Assembly shall, so long as the amendments have not been put into force in the form required by the Covenant, constitute rules for guidance which the Assembly recommends, as a provisional measure, to the Council and to the Members of the League in connection with the application of Article 16.”

Mr. EDEN (*United Kingdom*) had nothing to add to the discussion on the 1921 resolution, except to say that he entirely agreed with M. Titulesco's remarks. At the moment the Committee was concerned with producing some concrete suggestions and there was nothing in the 1921 resolution to prevent its doing that. Consequently, he proposed to deal with that aspect of the matter.

He would emphatically endorse what the Canadian delegate had said. The practical outcome of the Committee's first meeting would be of considerable importance for its future work. Since someone must make a first suggestion, he put forward the following suggestion, in an entirely tentative form, on the basis of the remarks of the Canadian delegate.

First, the arms embargo. In the early stage of the Italo-Ethiopian dispute, a number of countries, the United Kingdom among them, had placed an embargo on the export of arms to both parties. One of the things the Committee might do today was to decide that all those countries should raise the embargo in respect of the export of arms to Ethiopia.

Secondly, if there was any arms manufacturing State that had not yet placed an embargo on the export of arms to both parties, it should today agree to place an embargo on the export of arms to Italy, in order to bring all the arms manufacturing States into line.

Thirdly, the Committee should agree upon a list of arms in order to make sure that every country would be doing the same thing. For practical purposes, and not for any political reason, the Committee might adopt the list issued by President Roosevelt during the last few days.

If the Committee could take these three decisions today, it might perhaps be well to suggest the study by some body of experts of the question whether or not other articles could in due course be added by the Committee to President Roosevelt's list.

The CHAIRMAN noted that the question of the resolutions adopted in 1921 was practically settled and that there was in fact no discrepancy between the suggestion made by the representative of Roumania and the observations of the Polish and Swiss delegates. He therefore proposed to leave that question on one side.

Agreed.

M. RUSTU ARAS (*Turkey*) supported M. Titulesco's contention and stressed the fact that the delegate of Canada was right in saying that what was wanted was action. He thought, however, that for the moment only those measures which had been carefully studied should be contemplated and applied. What he had chiefly in mind was the question of the arms embargo. The studies on the other points had not advanced very far, and a few days' reflection were essential in order that the measures proposed might not injure the countries which would be called upon to apply them and be in conformity with the spirit of Article 16 of the Covenant.

M. COULONDRE (*France*) said that, as the question relating to the 1921 recommendations was settled, he would deal exclusively with the practical aspect of the question. He need hardly stress the urgency of the Com-

mittee's task—the latter need only bear in mind the fact that the Big Committee was to meet at 6 p.m. and was waiting for the Little Committee to make concrete and precise proposals regarding the measures immediately applicable. He therefore gave his full approval to the program submitted by Mr. Eden and proposed that it should be examined at once.

The CHAIRMAN agreed with this view, on the understanding that other suggestions might be put forward later.

M. SANDLER (*Sweden*), M. MAXIMOS (*Greece*), M. TITULESCO (*Roumania*), M. KOMARNICKI (*Poland*), M. RUIZ GUINAZU (*Argentine*), M. de GRAEFF (*Netherlands*), associated themselves with the United Kingdom proposal.

The CHAIRMAN thought he might conclude from these declarations that the Committee unanimously endorsed Mr. Eden's proposal. He accordingly suggested that the Committee should request the representatives of France and the United Kingdom to frame a draft resolution for submission to the Co-ordination Committee.

Agreed.

(The meeting was suspended to allow of the framing of a draft resolution.)

No. 17

Statement given to the Press by the Secretary of State for External Affairs, October 29th, 1935

One of the first questions to which the new Government has found it necessary to give attention is the issue raised by the conflict between Italy and Ethiopia and Canada's relation to it as a member of the League of Nations.

In the meetings of the Council and Assembly of the League in the early part of October, the member states, through their accredited representatives, joined almost unanimously in accepting the conclusion that Italy had resorted to war in violation of its obligations under Article XII of the Covenant, and were considered thereby to have accepted the obligation of applying against Italy sanctions as provided under Article XVI of the Covenant. Canada, under the direction of the previous Administration, participated in that action. A Co-ordinating Committee of the Council and the Assembly has submitted to the Governments of the League five specific proposals:—

1. Prohibition of export of arms and munitions to Italy.
2. Prohibition of loans and credits to Italy.
3. Prohibition of all imports from Italy.
4. Prohibition of export to Italy of certain key products, useful for military operations.
5. Provision for mutual commercial support in contingencies arising out of the application of economic sanctions.

The Government has no doubt it expresses the overwhelming conviction of the people of Canada in declaring its continued and firm adherence to the fundamental aims and ideals of the League of Nations, and its intention to make participation in the League the cornerstone of its foreign policy in the general field. It regards the League as an indispensable instrument for organising and strengthening the forces of peace and goodwill in the world, and for effecting the adjustment of conflicting national aims essential if the advance of science and the closer contact of peoples are to make for the advantage and not the destruction of mankind.

As regards the means to the advancement of these ends, successive Canadian Governments have opposed the view that the League's central purpose should be to guarantee the territorial status quo and to rely upon force for the maintenance of peace. In the proposals for the repeal or revision of Article X, in the rejection of the Geneva Protocol because of "its rigid provisions for the application of economic and military sanctions in practically every future war", in the discussions preceding the adoption of the Briand-Kellogg Pact, this position was taken repeatedly and publicly, without dissent from any appreciable section of parliamentary or public opinion. The absence of three great powers from the League, the failure of the repeated efforts to secure the disarmament contemplated in the Covenant, and the unwillingness of League members to enforce sanctions in the case of countries distant from the European scene, have increased the difficulty of making general commitments in advance to apply either economic or military sanctions.

In the present instance, when an earnest effort is being made with wide support to test the feasibility of preventing or at least terminating war by the use of economic sanctions, and when there is no room for doubt as to where the responsibility rests for the outbreak of war, and having regard also to the position taken by Canada at the recent Assembly, the Canadian Government is prepared to co-operate fully in the endeavour. The League authorities are being informed that the Canadian Government will take the necessary steps to secure the effective application of the economic sanctions against Italy proposed by the Coordination Committee. The Canadian Government at the same time desires to make it clear that it does not recognise any commitment binding Canada to adopt military sanctions, and that no such commitment could be made without the prior approval of the Canadian Parliament.

It is also to be understood that the Government's course in approving economic sanctions in this instance is not to be regarded as necessarily establishing a precedent for future action. In the future, as in the past, the Government will be prepared to participate in the consideration of the most effective means of advancing the aims of the League through the adjustment of specific controversies, the lessening of the rivalries based upon exaggerated economic nationalism, the renewal of the effort to stem the rising tide of competitive armament, and such other policies as are appropriate for a country in the geographic and economic position of the Dominion, and as will ensure unity and common consent in Canada as well as the advancement of peace abroad.

No. 18

Exchange of Notes between Canada and Italy, November 11th/27, 1935.

(AIDE-MEMOIRE LEFT WITH THE ACTING UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS BY THE ROYAL ITALIAN CONSUL GENERAL)

OTTAWA, November 11, 1935.

Point 1: The Italian Government by its note of the 7th October last and through the declarations of its representative at the Council and at the Assembly of the League of Nations has opposed the basis of the Geneva deliberations concerning the Italo-Ethiopian problem.

It has denied the accusation of having failed to fulfil the obligations assumed by virtue of Article 12 of the Covenant.

To-day the Italian Government renews more emphatically its protestations against the seriousness and injustice of the measures that a great number of States members of the League are about to apply against Italy under Article 16 of the Covenant.

In opposition to the deliberations of the League the Italian Government wishes to stress the following points:—

(1) That the reasons given in the Italian memorandum presented to the Assembly of the League, a summary of which is herewith included, have not been given the consideration they deserved.

(2) That the Assembly and the Council of the League have failed to apply the provisions of the Covenant relating to the situation outlined by the Italian Government.

Point 2: The situation which has developed since the last meeting of the Assembly and of the Council of the League has confirmed the reasons and protestations given by the Italians with such evident and significant facts that the very basis upon which decisions against Italy had been reached has been minimized and even annulled. Italy contests the juridical and moral foundation of these decisions.

Indeed numerous Ethiopian tribes led by their civil and religious heads came to place themselves under the protection of Italy.

The Italian Government has abolished slavery in the occupied territories and has given to 16,000 slaves the liberty which they would have awaited in vain from the Government of Addis Ababa which however had pledged itself to free all slaves when the said Governments signed the clauses of the Covenant of the League. The freed populations look upon Italy certainly not as an aggressor State but as a Power which has the right and is capable of extending the high protection which the Covenant of the League under Article 22 recognizes as the mission of civilization entrusted to civilized nations.

The attitude of the populations liberated by the new Government of Scioa and by the religious authorities of Aksum leads us to believe that "a fortiori" a similar "de facto" situation is prevalent in all the territory inhabited by non-Amharic races in which the domination of Addis Ababa

has meant for more than half a century the most pitiless oppression and destruction.

The League of Nations cannot disregard these facts which have developed since it has taken its decisions and should draw from them obvious conclusions.

No one can deny among other things that new obligations of protection are incumbent upon Italy from the fact of the attitude of Ethiopian populations which have entrusted themselves to Italy and would be the object of terrible reprisals and revenge if Italy did not protect them.

Point 3: Surely from what precedes the procedure adopted in the Italo-Ethiopian problem while pretending to follow the letter of the provisions of the Covenant of the League has effectively annihilated the spirit of the pact.

Through rigid and hasty procedures the Governments of many Countries have also been induced to consider and apply against Italy measures of concerted pressure through the work of the Co-ordinating Committee, which is not an organ of the League of Nations, and which has worked and is still working without consulting Italy.

The Governments of the different States composing the League remain however judges and at the same time responsible towards Italy for the seriousness of the measures which each of them is to adopt as well as for their juridical justification.

Point 4: The first measure studied by the aforesaid Commission and proposed to the various Governments Members of the League i.e. embargo on the exportation of armaments and munitions and the permission for the exportation to Ethiopia has immediately and directly aggravated the special problem of steps that the Italian Government has in vain denounced before the League of Nations and has rendered necessary the urgent facing of the safety of its colonies by its own means.—This measure far from facilitating termination of the conflict and promoting an agreement in the spirit of the Covenant increases the gravity of the situation and threatens to prolong it.

One must not forget that munitions of war which are now freely supplied to Ethiopia are in direct contradiction with the proposals of the Committee of the League of Nations which had recognized that Ethiopia should be submitted to a very severe international control in order to prevent very dangerous disorders which as early as 1930 urged upon the three neighbouring States the necessity of coming to some agreement in order to limit and control the importation of armaments into Ethiopia in time of peace.

Point 5: The Co-ordinating Committee has developed the modes and the scope of numerous measures of economic and financial character without taking into account that sanctions of this kind have never been applied in the case of previous conflicts which nevertheless occurred in more serious conditions.

The Committee finally proposes to apply simultaneously and definitely at a very early date all the measures discussed for the collective action

of certain States represented on the said Committee without giving a thought to a graduated and progressive application of them.

The sanctions would also be applied for the first time in history against Italy under "de facto" and "de jure" conditions which the Government and the people of Italy consider unjust and arbitrary and against which the Royal Government desires everywhere to enter the most resolute and energetic opposition.

In the economic as well as in the moral field the Government of Italy must draw the attention of the States which are members of the League upon the seriousness of the measures that the Co-ordinating Committee of Geneva proposes to apply against Italy and upon the consequences which they threaten to cast not only upon a great nation like Italy (to which has been entrusted an essential part in the work of reconstruction and collaboration, one of the fundamental aims of the League of Nations) but also upon the world economy which is already so sorely tried and whose power of recuperation is being nullified.

No one can contest the right and the necessity for the Government of Italy to defend and make sure the very existence of its people. It will find itself obliged to take steps of economic and financial character which might entail among other things substantial deviations from the present flow of commercial exchanges and traffic in order to secure completely that which is necessary to the life of the Nation.

Point 6: To prevent all exportations of Italian origin is more than an economic step. It is a veritable act of hostility, which amply justifies the unavoidable Italian counter-steps. The Government of Italy above all feels that its position of interested party in no way diminishes the value of the objective considerations that an artificial attempt to exclude from the world economy a market of 44 million people runs the risk of sapping in an immediate and certain manner, sources of life and the life itself of millions of workers all over the world.

Sanctions and counter-sanctions will in the end have very serious consequences of a moral and psychological order and will give rise to a disturbance of outlook which might be prolonged even after the sanctions will have fulfilled their task and achieved their result of increasing the economic disorders in the world.

Point 7: Italy which derives her title as one of the founder members of the League of Nations from the sacrifice of her sons so that the League might arise, has not so far left the Geneva institution in spite of its opposition to the procedure followed against her, wishing thereby to avoid a conflict such as the present one from giving rise to vaster complications.

While the Italian Government has taken all necessary measures to prevent the present situation from deteriorating and from developing into further perils, it believes that it is its duty to draw, while it is still time, the attention of the Governments of the States members of

the League to the responsibility created by measures such as the ones whose application is contemplated and upon the gravity of their consequences.

The Government of Italy would be glad to learn the attitude which the Canadian Government in its judgment as a free and sovereign nation, intends to take in regard to the proposed restrictive measures against Italy.

(REPLY OF THE CANADIAN GOVERNMENT)

OTTAWA, November 27, 1935.

The Royal Italian Consul General,
Ottawa.

SIR,

I have the honour to refer to the Aide-Memoire which you left with the Acting Under Secretary of State for External Affairs on the 11th November in which the Royal Italian Government undertook to draw the attention of His Majesty's Government in Canada to the responsibility arising from the implementing of the measures proposed by the Committee of Co-ordination now in session at Geneva, and to the consequences which, in the judgment of the Italian Government, were likely to result from the application of these measures.

The Canadian Government feel that they should point out that the record of the proceedings of the Council, Assembly, and other organs of the League of Nations in relation to the present dispute affords conclusive evidence that the Members of the League have been fully aware of the gravity of their responsibility to carry out their duties in a spirit of impartiality and careful to concede the utmost possible weight to the legitimate interests of Italy. In these circumstances, the conclusion reluctantly reached by the delegates of all the Governments represented at the Council, with the exception of the Italian delegate, and by all the Governments represented at the Assembly, with the exception of Austria, Hungary and Albania, that the Italian Government had had recourse to war in violation of Article 12 of the Covenant of the League, left to His Majesty's Government in Canada no alternative, when confronted with the evidence which was not in dispute, but to assent to this finding and to accept its implications. The Canadian Government are confident that in so interpreting their obligations they are expressing the overwhelming conviction of the people of Canada that continued and firm adherence to the fundamental aims and ideals of the League of Nations must remain the corner stone of their foreign policy in the general field.

His Majesty's Government in Canada, mindful of the long standing feeling of friendship between Canada and Italy, are anxious, so far as lies within their power as a member State of the League of Nations, to facilitate, at the earliest possible moment a settlement of the regrettable conflict now in progress.

For their part, they have always believed that their membership in the League of Nations implied the acceptance of the obligations set forth in the

Covenant to which they have tried to make their conduct conform. In the present instance, they do not consider that those obligations admit of any other construction than that placed upon them by the Assembly of the League and accepted by Canada "as a free and sovereign nation", and they naturally hope that the Government of Italy may yet see their way to view their obligations under the Covenant in the same light.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) ERNEST LAPOINTE,
*Acting Secretary of State for
External Affairs.*

No. 19

Statement given to the Press by the Acting Secretary of State for External Affairs, December 2nd, 1935

The general position of Canada in relation to the conflict between Italy and Ethiopia and in relation to the action which is being taken by the League of Nations in respect thereto has already been stated in a communication given to the Press by the Prime Minister of Canada on the 29th October of this year.

In the meetings of the Council and Assembly of the League in the early part of October, the Member States joined almost unanimously in accepting the conclusion that Italy had resorted to war in violation of its obligations under Article 12 of the Covenant and were considered thereby to have accepted the obligation of applying against Italy sanctions as provided under Article 16 of the Covenant. Canada under the direction of the previous Administration had participated in that action. A Coordinating Committee of the Council and Assembly submitted to the Governments of the League five specific proposals (1) prohibition of the export of arms and munitions to Italy; (2) prohibition of loans and credits to Italy; (3) prohibition of all imports from Italy; (4) prohibition of export to Italy of certain key-commodities useful for military operations; (5) provision for mutual assistance in contingencies arising out of the application of economic sanctions.

The Government's position was then stated in the following terms:

(Statement here quotes text of statement of Secretary of State for External Affairs, October 29, 1935, set forth above).

Since that date the Government on the 31st October put into force an embargo on the export of arms and munitions to Italy and on the same date devised voluntary measures to ensure the prohibition of loans and credits. On the 15th November by an Order-in-Council coming into operation on the 18th an embargo was placed on all imports from Italy, the provisions

with respect to loans and credits were validated and the export of key commodities on the list as already adopted by the League of Nations was prohibited.

With regard to the further application of the measures already adopted by the League and the possible extension of the scope of such measures, the Canadian Government has not departed in any way from the position as stated by the Prime Minister on the 29th October. The Government is not taking the initiative in proposing the extension of the measures with regard to the prohibition of exportation to Italy and does not propose to take the initiative in such measures. Canadian action and participation by the Canadian Government has been and will be limited to co-operation in purely financial and economic measures of a pacific character which are accepted by substantially all of the participating countries.

With regard to future developments, Canada will continue, with other Members of the League of Nations, to consider the changes in the situation as they arise, including any proposal for the revision of economic sanctions.

Upon being asked for an explanation of reports as to Canadian initiative in the extension of the oil embargo, Mr. Lapointe gave the following explanation:

The suggestion which has appeared in the press from time to time, that the Canadian Government has taken the initiative in the extension of the embargo upon exportation of key commodities to Italy, and particularly in the placing of a ban upon shipments of coal, oil, iron and steel, is due to a misunderstanding. The Canadian Government has not and does not propose to take the initiative in any such action; and the opinion which was expressed by the Canadian member of the Committee—and which has led to the reference to the proposal as a Canadian proposal—represented only his own personal opinion, and his views as a member of the Committee—and not the views of the Canadian Government.

VI. ANGLO-FRENCH PROPOSAL FOR SETTLEMENT OF CONFLICT

No. 20

Text of the Suggestions for an Agreed Settlement of the Conflict, submitted by the Governments of the United Kingdom and France to the Governments of Ethiopia and Italy on December 10th, 1935¹

LETTER, DATED DECEMBER 13TH, 1935, FROM THE REPRESENTATIVES OF THE UNITED KINGDOM AND FRANCE TO THE SECRETARY-GENERAL

[*Translation.*]

GENEVA, December 13th, 1935.

Since the failure of the efforts undertaken by the League of Nations to find a peaceful solution of the Italo-Ethiopian conflict, the desire has been expressed on several occasions, both in the Council and the Assembly, to see the conflict brought to an end by an agreed settlement as soon as possible.

The Governments of the United Kingdom and France have worked out together, bearing in mind the deliberations of the Committee of Five, the bases of a settlement of this nature, and instructed their representatives at Rome and Addis Ababa on December 10th to lay before the Italian and Ethiopian Governments certain suggestions in this sense.

We have the honour to transmit to you herewith the text of this document, which we should be glad if you would communicate to the Members of the Council. We shall not fail to transmit to you, in the same way, the replies of the interested Governments as soon as they have been received.

(*Signed*) Anthony EDEN.

(*Signed*) Pierre LAVAL.

Outline of an Agreed Settlement of the Italo-Ethiopian Conflict

PARIS, December 10, 1935.

I. *Exchange of Territories*

The Governments of the United Kingdom and France agree to recommend to His Majesty the Emperor of Ethiopia the acceptance of the following exchanges of territory between Ethiopia and Italy:

(a) Tigre: Cession to Italy of eastern Tigre, approximately limited on the south by the River Gheva and on the west by a line running from north to south, passing between Aksum (on the Ethiopian side) and Adowa (on the Italian side).

¹League of Nations Official Journal January, 1936.

(b) Rectification of frontiers between the Danakil country and Eritrea, leaving to the south of the boundary line Aussa and the extent of Eritrean territory necessary to give Ethiopia an outlet to the sea to be defined below.

(c) Rectification of frontiers between the Ogaden and Italian Somaliland. Starting from the tri-junction point between the frontiers of Ethiopia, Kenya and Italian Somaliland, the new Italo-Ethiopian frontier would follow a general north-easterly direction, cutting the Oued Shebeli at Iddidole, leaving Gorahei to the east, Warandab to the west and meeting the frontier of British Somaliland where it intersects the 45th meridian.

The rights of the tribes of British Somaliland to the use of grazing areas and wells situated in the territories granted to Italy by this delimitation should be guaranteed.

(d) Ethiopia will receive an outlet to the sea with full sovereign rights. It seems that this outlet should be formed preferably by the cession, to which Italy would agree, of the port of Assab and of a strip of territory giving access to this port along the frontier of French Somaliland.

The United Kingdom and French Governments will endeavour to obtain from the Ethiopian Government guarantees for the fulfilment of the obligations which devolve upon them regarding slavery and arms traffic in the territories acquired by them.

II. *Zone of Economic Expansion and Settlement*

The United Kingdom and French Governments will use their influence at Addis Ababa and at Geneva to the end that the formation in Southern Ethiopia of a zone of economic expansion and settlement reserved to Italy should be accepted by His Majesty the Emperor and approved by the League of Nations.

The limits of this zone would be: on the east, the rectified frontier between Ethiopia and Italian Somaliland; on the north, the 8th parallel; on the west, the 35th meridian; on the south, the frontier between Ethiopia and Kenya.

Within this zone, which would form an integral part of Ethiopia, Italy would enjoy exclusive economic rights which might be administered by a privileged company or by any other like organisation, to which would be recognised—subject to the acquired rights of natives and foreigners—the right of ownership of unoccupied territories, the monopoly of the exploitation of mines, forests, etc. This organisation would be obliged to contribute to the economic equipment of the country and to devote a portion of its revenues to expenditure of a social character for the benefit of the native population.

The control of the Ethiopian administration in the zone would be exercised, under the sovereignty of the Emperor, by the services of the scheme of assistance drawn up by the League of Nations. Italy would take a preponderating, but not an exclusive, share in these services, which would be under the direct control of one of the principal advisers attached

to the Central Government. The principal adviser in question, who might be of Italian nationality, would be the assistant, for the affairs in question, of the Chief Adviser delegated by the League of Nations to assist the Emperor. The Chief Adviser would not be a subject of one of the Powers bordering on Ethiopia.

The services of the scheme of assistance, in the capital as well as in the reserved zone, would regard it as one of their essential duties to ensure the safety of Italian subjects and the free development of their enterprises.

The Government of the United Kingdom and the French Government will willingly endeavour to ensure that this organisation, the details of which must be elaborated by the League of Nations, fully safeguards the interests of Italy in this region.

* * *

The foregoing text is the text which was communicated to the Italian Government.

Two modifications were introduced into the text communicated to the Ethiopian Government:

1. The first paragraph of Section II is drafted as follows:

“The United Kingdom and French Governments recommend His Majesty the Emperor to accept, and will use their influence to secure the approval of the League of Nations of, the formation in Southern Ethiopia of a zone of economic expansion and settlement reserved to Italy.”

2. A few words have been added to the end of the first sentence of the fourth paragraph of the same section II. These words are as follows:

“The control of the Ethiopian administration in the zone would be exercised, under the sovereignty of the Emperor, by the services of the scheme of assistance drawn up by the League of Nations *and already accepted by the Emperor as extending over the whole area of Ethiopian administration.*”

No. 21

Discussion of the Proposal in the Council of the League of Nations, Ninth Meeting (Public), December 18th, 1935¹

3659. *Dispute between Ethiopia and Italy*

M. Wolde Mariam, representative of Ethiopia, came to the Council table.

The PRESIDENT: On December 13th, 1935, the Members of the Council received two communications, the first from the representatives of France and the United Kingdom on the Council and the second from the representative of Ethiopia.

¹ League of Nations Official Journal, January, 1936.

The communication from the representatives of France and the United Kingdom conveying the bases prepared at Paris for the friendly settlement of the Ethiopian conflict is worded as follows:—

“Since the failure of the efforts undertaken by the League of Nations to find a peaceful solution to the Italo-Ethiopian conflict, the desire has been expressed on several occasions, both in the Council and the Assembly, to see the conflict brought to an end by an agreed settlement as soon as possible.

“The Governments of the United Kingdom and France have worked out together, bearing in mind the deliberations of the Committee of Five, the bases of a settlement of this nature, and instructed their representatives at Rome and Addis Ababa on December 10th to lay before the Italian and Ethiopian Governments certain suggestions in this sense.

“We have the honour to transmit to you herewith the text of this document, which we should be glad if you would communicate to the Members of the Council. We shall not fail to transmit to you, in the same way, the replies of the interested Governments as soon as they have been received.”

The two Governments therefore inform us that they will communicate to us the replies of Ethiopia and Italy as soon as they are received. The Council has not yet received the text of these replies.

It has, however, received, as I have said, a letter from the Ethiopian representative that has been distributed as document C.483.M.259.-1935.VII.

At the end of this letter, the Ethiopian Government asked that the Assembly should be convened immediately. As the Council had already been convened for to-day in order to take cognisance of the Franco-British suggestions, the President of the Assembly has considered it preferable to await the outcome of your discussions before deciding what effect should be given to the request of the Ethiopian representative.

We have also just received document C.491.M.265.1935.VII, containing a declaration by the Ethiopian Government. When handing in this declaration to the Secretary-General, the Ethiopian delegation stated that it was not to be regarded as Ethiopia's reply to the Franco-British suggestions. That reply will be sent later.

I will first call upon the representatives of France and the United Kingdom for any explanations they may desire to make concerning the bases for a friendly settlement which they have communicated to the Governments of Rome and of Addis Ababa.

Mr. EDEN: Last November, as my colleagues will recall, when the Co-ordination Committee agreed upon certain sanctions which are now in force, it also envisaged efforts to find a basis of settlement. The Committee approved attempts to find a basis of discussion between the two parties

to this dispute; and it particularly welcomed, on the initiative of the Prime Minister of Belgium, the suggestion that His Majesty's Government and the French Government should seek to find such a basis. It was, however, recognised that any proposals which these two Governments put forward must be acceptable to the two parties to the dispute and to the League.

It has always been in the minds of the two Governments an essential condition that, before finally pressing any terms of settlement upon the parties, those terms should be approved by the League. For the Members of the League are bound to respect and to do their utmost to apply the Covenant.

It was no easy task which the two Governments undertook, and, so far as His Majesty's Government is concerned, it had no illusion as to the difficulty. But, as I have said, with the good wishes of the Committee, the two Governments made the attempt.

Indeed, though it may well be maintained that it has proved to be, at the present juncture of events, an almost impossible task, it was proper that the attempt should be made, however invidious the task of those who had to make it. For that I make no apology. Even if this attempt is to be unsuccessful, the essential importance of conciliation remains, as the League has frequently recognised. The principle therefore was right, even if its application in this instance may not have availed.

It must be emphasised that the Paris proposals which were put forward last week were not advanced as proposals to be insisted on in any event. They were advanced in order to ascertain what the views of the two parties and of the League might be upon them, and His Majesty's Government recommended them only for this purpose. If, therefore, it transpires that these proposals which are now before you do not satisfy the essential condition of agreement by the two parties and by the League, His Majesty's Government could not continue to recommend or support them. In its view, this particular attempt at conciliation could not then be regarded as having achieved its object, and His Majesty's Government for its part would not wish to pursue it further.

M. LAVAL: The representative of the United Kingdom has just explained to you the spirit in which the French and United Kingdom Governments have been led to submit to Rome and Addis Ababa suggestions for a friendly settlement of the Italo-Ethiopian conflict.

Those of you who were present last week at the meeting of the Committee of Eighteen will remember, moreover, that even then Mr. Eden and I myself emphasised the fact that it was for the League of Nations to pass judgment upon our proposals.

I do not think it would be useful to explain again our initiative; it is the outcome of the encouragement we received at Geneva itself; it is prompted by our common conviction that the search for a friendly settlement is, at all times, in keeping with the letter and spirit of the Covenant.

We do not yet know how the parties will welcome our suggestions, and I suppose that, in the meantime, the Council itself will wish to avoid expressing an opinion. In any case, I think it my duty to state forthwith that, if this effort does not secure the consent of all the interested parties, the Council will not be relieved of its duty to explore every avenue and to allow no opportunity to escape with a view to bringing about an honourable and just solution of the present conflict, such as is required both by the interests of peace and by the spirit of the League of Nations.

M. WOLDE MARIAM, representative of Ethiopia: The Ethiopian Government has respectfully expressed to the League of Nations, in a note dated December 12th, 1935, its desire not to reply to the proposals of the United Kingdom and French Governments until they have been examined and freely and publicly discussed by the League.

So far as it is directly concerned, the Ethiopian Government has always attached the greatest weight to the recommendations of the organs of the League. It has placed its trust in them. It desires to renew the expression of its gratitude to them for the moral and material support it has received from the League in the terrible war in which it is engaged and which has been forced upon it in defence of its independence and territorial integrity. After the steps that have been taken to enforce observance of the obligations of the Covenant, it cannot believe that the Ethiopian people will be abandoned and delivered over to its cruel enemy, seeing that the Ethiopian Government has always punctiliously conformed to all the procedures of the Treaties and of the Covenant and has neglected no opportunity of manifesting its peaceful sentiments.

The Ethiopian Government takes this opportunity to reply to a charge that has often been brought against Ethiopia by her enemies—namely, that the Ethiopian armies are incapable of defending the territory and the independence of the Empire, and that the Emperor is calling upon the States that have condemned the aggressor to fight for him.

The Italian Government, which commands 44 millions of subjects, does not hesitate to drive to their death tens of thousands of Askaris and Dubats in order to exterminate a small nation of ten million people and to destroy their homes.

The Government and people of Ethiopia do not ask any people in the world to come to Africa and shed their blood in defence of Ethiopia. The blood of Ethiopians will suffice for that.

If they had had a larger quantity of arms and ammunition, the Ethiopian warriors, who do not fear death, would not have allowed the Italian aggressor to make even the small advance that has been achieved, after two and a half months of war, by hundreds of thousands of mercenaries, directed by Italian officers and non-commissioned officers, commanded by the best Italian generals, and served by the largest and most perfected armament that has ever been assembled on African soil. The Ethiopian Government has followed the tactics that have always been adopted by weak and unarmed peoples when attacked by a numerically strong and powerfully armed enemy.

What Ethiopia asks is that, in mere justice, she should be given facilities to acquire more complete and more up-to-date defensive material than she now possesses. She does not desire it for purposes of attack. The Ethiopian Government and people only ask to live at peace with their neighbours. They are not afraid of war, but they are convinced that peace is the ultimate good of the peoples. The peace that they demand can only be a peace of justice, charity and truth, and not a peace of capitulation and spoliation.

Before replying to the "Paris suggestions", the Ethiopian Government was anxious to give the League an opportunity of hearing its observations on the impression made upon it by those "suggestions" and by the remarks accompanying them when they were submitted to us.

The Ethiopian Government has already declared, and remains convinced, that any reply it might make, before the League has expressed its opinion, would have the result, in practice, of depriving the Members and organs of the League of the opportunity of expressing publicly—that is to say, in complete independence and freedom, before the whole world—their views as to the best way of settling the existing conflict between Italy, declared to have broken the Covenant, and the League, the guardian of the Covenant.

No one can doubt that a precedent is about to be created, the consequences of which are incalculable. Will the League's authority and prestige be upheld and strengthened or will one of the fundamental provisions of the Covenant cease to exist? Will the guarantee of collective security be but a vain promise, an undertaking of no practical significance?

It is not the Italo-Ethiopian conflict alone that is involved, but a general problem of vital concern to all the States Members of the League.

The Ethiopian Government does not think it is mistaken in defining this general problem in the following terms.

In order to put an end to an aggression cynically prepared during a period of months, and duly established by the Council and the Assembly unanimously, more than fifty States have taken the resolve, unexampled in history, to exert financial and economic pressure upon the aggressor with the object of making him abandon his criminal enterprise. The aggressor has replied to the League and to the States that have exerted that pressure, by threats, reprisals, sarcasms, and Press attacks, to such an extent, indeed, that there have been moments when irreparable acts of violence seemed inevitable. The aggressor has continued to wage merciless war on his victim, massacring thousands of women and children with the aid of his powerful armament and bombing undefended towns and hospitals marked with the Red Cross. He has poured ridicule upon "sanctions against an aggressor for whom", he says, "the peoples of Ethiopia have long been waiting and who has brought them the first rudiments of civilisation"—in the form of explosive and incendiary bombs. It is at this precise moment that proposals have been submitted to the victim and to the aggressor with a view to the cessation of hostilities.

In such circumstances, is it consistent with the Covenant that the Covenant-breaking State should be begged, by the League of Nations, to be good enough to accept a large part of its victim's territory, together with the effective control of the rest under the cloak of the League?

Is the victim of the aggression, who has always scrupulously conformed to all the procedures of the Treaties and of the Covenant—as the Assembly has unanimously acknowledged—to be invited by the League to submit to the aggressor and, in the interests of world peace, to abandon the defence of his independence and integrity against his powerful enemy, on the ground that the latter's resolve to exterminate its victim is unshakable? Is the victim to be placed under the implicit threat of abandonment by the League and to be deprived of all hope of succour? Should not this problem, which is vital to the future of international relations between all peoples, whatever their strength, their colour, or their race, be laid first of all before the League, and examined publicly there, in complete independence, under the eyes of the whole world?

It has never occurred to the Ethiopian Government to contest the Council's jurisdiction or to entertain the slightest suspicion of its motives. The Ethiopian Government gratefully recalls the unanimous vote by which the Council proclaimed its unqualified adherence to the provisions of the Covenant and condemned the aggression. The Ethiopian Government takes this opportunity to express once more its profound gratitude for the reassurance it derived from this unanimous decision, which carried with it the invaluable support of almost all the States Members.

In respectfully submitting to the Council its opinion on this question, the Ethiopian Government's object is first and foremost to inform the States represented on the Council before they make known their views; secondly, to inform the Assembly, which, by suspending its proceedings without closing its session, has clearly expressed its intention of watching the progress of events and exercising its lawful right of supervision over the application of the provisions of the Covenant.

The Ethiopian Government does not think that it is wrongly interpreting the reply made to its request by the President of the Assembly—namely, that in his view the outcome of the Council's deliberations must be awaited before any decision is taken on Ethiopia's request. Does not that reply reserve the Assembly's rights?

The Ethiopian Government respectfully presents these observations to the Council. It expressly declares that it in no sense regards them as constituting a reply or a plea of incompetence. It counts upon the wisdom of the Council to adopt such solutions as may seem to it most prudent, in order to safeguard the rights of all the States Members.

The Ethiopian Government reserves its right, if necessary, to submit in due course further observations on the substance of the proposals that have been laid before it.

The PRESIDENT: We have heard the statements that have been made. Since the final attitudes of the Italian and Ethiopian Governments are not

yet known, the Council will perhaps prefer to postpone consideration of this question to a later meeting.

The President's proposal was adopted.

TENTH MEETING (PUBLIC) DECEMBER 19TH, 1935. (DISCUSSION
CONTINUED.)

M. Wolde Mariam, representative of Ethiopia, came to the Council table.

The PRESIDENT.—The members of the Council, excluding the representatives of the parties, held an exchange of views this morning. My Colleagues have requested me to place the result before the Council this afternoon in the form of a resolution, which I will read:

"1. The Council thanks the representatives of France and of the United Kingdom for the communication which they have made to it concerning the suggestions which they have put before the two parties with a view to conciliation.

"2. In view of the preliminary character of these suggestions, as emphasised by the two Powers which took the initiative of putting them forward, the Council does not consider that it is called upon to express an opinion in regard to them at present.

"3. The Council instructs the Committee of Thirteen, bearing in mind the provisions of the Covenant, to examine the situation as a whole, as it may appear in the light of the information which the Committee may procure."

The resolution was adopted.

EXTRACT FROM THE MINUTES OF THE FIFTH MEETING OF THE NINETIETH
SESSION OF THE COUNCIL, JANUARY 23RD, 1936

M. Wolde Mariam, representative of Ethiopia, came to the Council table.

M. DE MADARIAGA, Chairman of the Committee of Thirteen, presented the following report:¹

"By its resolution of December 19th, the Council instructed the Committee of Thirteen, 'bearing in mind the provisions of the Covenant, to examine the situation as a whole, as it may appear in the light of the information which the Committee may procure.' The Committee accordingly submits the following report to the Council:

"1. The war is continuing in Ethiopian territory. Furthermore the great majority of the Members of the League are applying the measures concerted in the Co-ordination Committee for the purpose of contributing to the speedy restoration of peace. These measures, which are of an economic and financial character, are being supervised by the Co-ordination Committee and, on behalf of the latter, by the Committee of Eighteen.

¹ League of Nations Document C.66.M.23.1936.VII.

"2. The Ethiopian Government observes that it has asked for financial assistance, 'invoking the recent work and discussions of the Assembly.' The Convention for Financial Assistance, to which the Ethiopian Government refers, has not come into force, and there appears to be no possibility of providing for the organisation of financial assistance at the present moment.

"3. In its note of January 3rd, the Ethiopian Government demanded an impartial enquiry into the way in which hostilities were being conducted by the two belligerent armies in Ethiopian territory. Such an enquiry now appears to it 'of less value.' The Ethiopian Government therefore does not press its request and the Committee, for its part, does not think that it is for it to comply with the request in the present circumstances.

"4. When, on December 19th, the Council instructed the Committee to examine the situation as a whole, it had primarily in view the necessity of putting an end to the war, a question which has been the constant preoccupation of the Members of the League since last October. In accordance with their international undertakings, they have concerted economic and financial measures, being animated by an earnest desire to re-establish a just peace as speedily as possible. They have always been resolved to neglect no opportunity of facilitating and hastening the settlement of the dispute through an agreement between the parties within the framework of the Covenant. The Committee of Thirteen, for its part, declares that, if such an opportunity had existed to-day, it would have at once submitted suggestions to the Council. It will not fail to do so, should more favourable circumstances arise. At present, it can only decide to watch the situation carefully, in accordance with the mandate which it received from the Council on December 19th.

"5. The Committee will meet whenever its Chairman deems this to be necessary. It will also be convened at the request of one of its members or one of the parties."

This is the unanimous report of the Committee of Thirteen—that is to say, the Council without the parties to the dispute. To that report, I have nothing to add.

Baron ALOISI.—The Chairman of the Committee of Thirteen has just submitted a report on the mandate entrusted to it. There is no need for me to discuss the various points in that report. I shall therefore abstain from voting.

The conclusions of the report were adopted, the representative of Italy abstaining.

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