
LEAGUE OF NATIONS

Report on the Work of the League since the Fifteenth Session of the Assembly.

Part I.
NOTE BY THE SECRETARY-GENERAL.

The Annual Report on the Work of the League will, as last year, be issued in two parts. Part I presents in detail the work of the League from the session of the Assembly held in September 1934 down to May 25th, 1935, the date on which the eighty-sixth session of the Council was concluded.

Part II, to be issued in September 1935, will contain a detailed presentation of the work of the League from May 25th, 1935, down to a date immediately previous to the meeting of the Assembly.
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CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS.

A. GENERAL WORK OF THE CONFERENCE.

I. SITUATION PRIOR TO NOVEMBER 20TH, 1934.

The General Commission on June 8th, 1934, invited the Bureau of the Conference to seek a solution of outstanding problems without prejudice to the private conversations on which Governments were engaged. It at the same time adopted a programme of work which provided for a further technical consideration of questions relating to security, air forces, and the manufacture of and trade in arms.

The General Commission on June 11th, 1934, took the necessary decisions to give effect to this resolution. The action taken in the fields of security, guarantees of execution, air forces, and the manufacture of and trade in arms was summarised in the Annual Report on the Work of the League for 1934.

The President of the Conference on June 13th, 1934, notified the members of the Bureau that, in the light of information which he had received as to the progress of the conversations between the Governments, he had decided that the Bureau might usefully be convened for September in the early days of the forthcoming session of the Assembly of the League of Nations.

Negotiations were then in progress between the countries principally concerned with a view to the Union of Soviet Socialist Republics joining the League of Nations and the conclusion of an Eastern European Pact of Mutual Assistance and Non-Aggression. The President, during a visit to Geneva early in September, was informed that the month of October would be devoted to these activities. He accordingly decided that the Bureau could not usefully meet prior to November 1934.


The President on November 5th, 1934, subsequent to the assassination of King Alexander of Yugoslavia and of M. Barthou, Foreign Minister of France, at Marseilles, circulated to the members of the Bureau a communication suggesting that it might perhaps reconsider its method of work, without prejudice to the principles underlying the decisions taken by the General Commission on June 8th, 1934. He expressed the view that it would be necessary to postpone until after the beginning of the coming year any attempt at dealing with the problems of disarmament and to modify the procedure of the Conference both as regards the subjects to be immediately considered and the manner in which they should be approached. He pointed out that the Conference had examined a number of problems in regard to which agreement had either been reached or was in sight, and he expressed the view that such questions as were considered ripe might be advantageously embodied in separate protocols coming into force one by one without the Conference having necessarily to wait for the completion of an entire Convention.

He mentioned the following subjects as being sufficiently advanced to come within this category:

(a) The regulation of the manufacture of arms and the trade in arms;
(b) Budgetary publicity;
(c) The establishment of the Permanent Disarmament Commission.

He further observed that the air question, to which reference had been made in the resolution adopted by the General Commission on June 8th, 1934, had not yet been considered by the appropriate Committee, and he urged that arrangements should be made to deal with this problem at the earliest opportunity.

The President emphasised, in conclusion, that the fundamental aim of the Conference had always been and still remained the completion of a comprehensive convention for the reduction and limitation of armaments, and he reminded the members of the Bureau that the States represented at the Conference had pledged themselves to this programme in the resolution which had been unanimously adopted on June 8th, 1934.

The Bureau of the Conference, meeting on November 20th, 1934, was invited to take a decision upon these proposals.

The delegation of the United States of America, approving the proposals, insisted that the fundamental aim of the Conference had been and remained the completion of a general Disarmament Convention. It stated in reference to specific items that its Government attached special importance to the problem of the regulation of the manufacture of arms and the trade in arms. It further suggested that the work of the three Committees of the Conference which would presumably consider the three specific problems mentioned by the
President should be co-ordinated into a single document and submitted to the Governments for a single ratification, urging that the adoption of such a text would greatly facilitate the ultimate acceptance of a general Disarmament Convention.

The Soviet delegation observed that the great obstacle encountered by the Conference in dealing with the question of disarmament had been the impossibility of ensuring that the obligations and restrictions accepted by the States would be universal. It wondered whether this difficulty would not also obstruct progress in dealing with the three specific problems in regard to which immediate action was suggested. It further doubted whether a Permanent Disarmament Commission could be usefully appointed until definite obligations and restrictions in respect of armaments had been accepted, and it recalled in this connection its proposal for the establishment of a Permanent Peace Conference to deal with questions of peace and security.

The Spanish delegation supported the proposal of the United States delegation that a single text covering the three specific problems should be prepared.

The Austrian delegation stated that Austria, in view of the lack of progress of the Conference and the competition in armaments that had ensued, felt compelled to insist that equality of rights in the matter of security and armaments should be accorded her, either as the outcome of negotiations between the principal Powers leading to a resumption of the work of the Conference or by some other method. The Austrian Government, though it would in no way refuse its co-operation, would be unable to sign conventions outside the scope of a general text covering the three specific problems.

The Italian delegation reminded the Bureau that it had been unable to vote for the resolution adopted by the General Commission on June 8th, 1934. Nothing had in the meantime occurred to change its attitude. The Italian Government felt very definite doubts as to the possibility of adopting separate protocols, since all the elements of disarmament were interdependent. Such a procedure might even increase the difficulty of securing the accession of certain States for which the Treaties of Peace had created a special situation. The Italian Government would not therefore assume any responsibility for any decision which the Bureau might take in issuing instructions to the appropriate Committees.

The Swedish delegation, associating itself with the proposals of the President, agreed that for the present the Conference must necessarily confine itself to a limited number of specially important questions until political circumstances made it possible for it to resume its principal task.

The French delegation, accepting the proposal of the President, stated that it had always regarded the three problems which were being offered for immediate consideration as important features of any convention that might be established.

The President, noting that the delegations were generally in agreement as to the procedure to be followed, suggested that the proposal of the Soviet delegation for the establishment of a Permanent Peace Conference, together with any observations received from the Governments on that proposal, should be considered by the Committee which would deal with the whole question of the position and powers of the Permanent Disarmament Commission.

The three Committees dealing with the three specific problems under consideration might meet together occasionally with a view to a co-ordination of their work, but the final work of co-ordination would remain with the Bureau of the Conference.

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As a result of the decision taken by the Bureau on November 20th, 1934, arrangements were subsequently made to call together in February 1935:

(a) The Special Committee for the Regulation of the Trade in and the Private and State Manufacture of Arms;
(b) The Technical Committee of the National Defence Expenditure Commission;
(c) The Committee on Miscellaneous Provisions (Supervision and the Establishment of a Permanent Disarmament Commission).

1 The proposal of the Union of Soviet Socialist Republics for the establishment of a Permanent Peace Conference submitted to the General Commission on June 1st, 1934, was, under the resolution adopted by the General Commission on June 8th, forwarded by the President of the Conference to the Governments for their observations (see Annual Report on the Work of the League for 1934 (Part II) (document A.6(a).1934, pages 16 and 18).

B. WORK OF THE SPECIAL COMMITTEE FOR THE REGULATION OF THE TRADE IN AND PRIVATE AND STATE MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

I. PROCEDURE OF THE SPECIAL COMMITTEE.

The Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War, acting in accordance with the decision taken by the Bureau of the Conference on November 20th, 1934, met on February 14th, 1935.

The Special Committee took as its basis of discussion the "Draft Articles for the Regulation and Control of the Manufacture of and Trade in Arms and the Establishment of a Permanent Disarmament Commission", submitted by the delegation of the United States of America. Based on a series of draft Articles adopted by the Special Committee on July 2nd, 1934, they were submitted with a view to their discussion and adoption as a separate and independent instrument, which might be incorporated subsequently in a general Convention for the Reduction and Limitation of Armaments.

The draft Articles submitted by the delegation of the United States were grouped in four chapters dealing with: (1) the categories of arms and implements of war to be subject to control; (2) the regulation of the manufacture of arms and implements of war; (3) the regulation of the trade in arms and implements of war; and (4) the composition, functions and operation of the Permanent Disarmament Commission.

The Special Committee met in plenary session from February 14th until March 1st, 1935, after which it entrusted the discussion of Chapter I (Categories) to its technical Committee on Categories, of Chapter II to its Sub-Committee on Manufacture, and of Chapter III to its Sub-Committee on Trade.

Chapter IV, dealing with the composition and powers of the Permanent Disarmament Commission, after a first reading in the Committee of the Bureau (Miscellaneous Provisions) on February 18th and 21st, 1935, was discussed by the Special Committee in plenary session from March 26th to April 1st, 1935, at meetings attended by members of the Committee on Miscellaneous Provisions. These discussions were not confined to a consideration of Chapter IV solely from the standpoint of the regulation of manufacture and trade, but embraced other aspects of the complicated problem of international control.

Special questions were referred to Sub-Committees: the definition of arms by categories, legal questions, and the transit of arms and implements of war. The Special Committee, moreover, referred a number of questions for elucidation and advice to the Technical Committee of the National Defence Expenditure Commission.

II. GENERAL RESULTS OF THE DISCUSSION AND FORM OF REPORT ADOPTED BY THE SPECIAL COMMITTEE.

The delegations, in the course of the general discussion in the Special Committee, defined their respective attitudes to a limited Convention for the regulation of trade and manufacture on the lines of the United States proposal. A majority of delegations considered that this limited problem might be studied independently of the general negotiations in progress between the Governments and of the framing of a General Convention for the Reduction and Limitation of Armaments. The Committee, however, throughout its discussions, was conscious of the connection between the questions referred to it and the other problems related to the reduction and limitation of armaments, more especially the work of the National Defence Expenditure Commission, which was dealing with budgetary publicity.

The differences of opinion expressed in the Special Committee were largely due to different conceptions of supervision considered in relation to the extent of the commitments to be finally assumed by the contracting parties in regard to the reduction and limitation of armaments. Several delegations, which doubted the necessity of certain measures of regulation and control embodied in the American proposal in the event of supervision being confined to a regulation of manufacture and trade, indicated that they were prepared to consider the acceptance of stricter measures of supervision in the event of a Convention for the Limitation of Armaments being framed and accepted. These delegations made their ultimate attitude, in effect, conditional upon the nature and extent of the commitments which Governments would assume under a General Disarmament Convention and upon the connection which would be established between a more general convention and the limited agreement under discussion.

The Special Committee gave special attention to the recognised necessity of ensuring complete equality of treatment as between producing and non-producing countries. It was unanimous in regard to the principle, but opinions differed as to the manner in which such equality could be achieved.

The Special Committee was unanimous in agreeing that an effective system for the control and regulation of the trade in and manufacture of arms and implements of war was essential and texts embodying this principle were unanimously adopted and approved. Differences

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2 Document Confd.C.G.171.
3 For a summary of the draft Articles adopted by the Special Committee on July 2nd, 1934, see Annual Report on the Work of the League for 1934 (Part II) (document A.O.(4).1934), page 22.
of opinion were expressed, however, in regard to the character and extent of the measures of control and publicity considered necessary for this particular purpose.

Frequent references were made in the Special Committee to a maximum and a minimum position in regard to these matters. The minimum position was represented by the delegations of the United Kingdom, Italy, Japan and Poland. The maximum position, represented by the delegation of France, received a wide measure of support, while the majority of the Special Committee was prepared generally to accept the proposals embodied in the American draft, which they regarded as embodying an acceptable compromise.

The Special Committee finally decided to present the results of its discussions in a report, which would show: (a) texts unanimously adopted; (b) texts proposed by the Committee, but subject to reservations or to alternative proposals submitted by certain delegations; and (c) alternative texts proposed by these delegations.

It further decided that the texts should be accompanied by a commentary clearly setting forth the observations and proposals of all the delegations concerned and indicating the circumstances and conditions attaching to its qualified approval of the texts. It emphasised in this connection that the texts represented the results of free discussions and exchanges of views and that, accordingly, they in no way bound the Governments represented in respect of their final attitude. Nevertheless, it expressed the hope, in view of the extent of its work and the material progress made in the direction of eliminating or narrowing differences of opinion on vital points, that its task, whose final success depended on the solution of certain questions of principle, might be completed in the near future, especially when the general political situation should become clearer.

III. ANALYSIS OF THE TEXTS BY CHAPTERS.

(a) General Obligations and Definition of Categories.

The Special Committee unanimously adopted texts stipulating that each contracting party would assume, in its territory under its jurisdiction, full responsibility for the supervision to be exercised over the manufacture of and trade in arms, with a view to ensuring the regular communication and accuracy of the information to be supplied under the Convention.

Each of the contracting parties, for the purpose of securing publicity, undertook to forward to the Permanent Disarmament Commission the texts of all laws, regulations or other legal provisions enacted for the purpose of ensuring the execution of the Convention. The categories of arms, ammunition and implements of war proposed by the Special Committee did not secure unanimity. A Technical Committee on Categories, reporting to the Special Committee, submitted the results of its work as an attempt at solutions of a purely technical character, accepted by its members with reservations as to the assent of their respective Governments. The Soviet delegation, for example, supported by the delegations of Czechoslovakia and Poland, objected that appliances and substances exclusively intended for chemical and incendiary warfare did not figure in the categories subject to regulation. The Japanese delegation entirely reserved its attitude on the question of categories, while the French representative declared that the categories could not be regarded as final until the treatment applicable to each of them had been fixed. Finally, the Czechoslovak delegation desired to include among the categories subject to control the principal component parts manufactured for air armaments.

Five categories were proposed by the Special Committee dealing with: (I) military armaments; (II) naval armaments; (III) air armaments; (IV) arms and ammunition capable of use for both military and non-military purposes; and (V) aircraft other than those in category III.

(b) Manufacture.

Texts unanimously adopted by the Special Committee provided that the contracting parties should forbid in their respective territories the manufacture of arms and implements of war as set forth in categories I, II and III, unless the manufacturers had, in the case of private establishments, obtained a licence to manufacture issued by the Government. The licence to manufacture was to be valid for a definite period, to be renewable for further periods in the discretion of the Government concerned. Licences to manufacture would give the name and address of the manufacturer, or the name, head office and principal works of the firm, together with a designation of the articles by headings in categories I, II and III, whose manufacture was authorised by the licence.

Further, it was unanimously agreed that the contracting parties should send to the Permanent Disarmament Commission, within three months from the entry into force of the Convention, a copy of the licences to manufacture already issued to private establishments and, within the thirty days following the end of each quarter, a return showing copies of all licences to manufacture granted, amended, renewed or revoked during the previous quarter.

In regard to naval armaments, the Committee unanimously adopted texts under which the contracting parties undertook to forward to the Permanent Disarmament Commission, within thirty days of the laying-down of a war vessel in State or private shipyards within their

1 Report on the Progress of the Work of the Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War (document Conf.D.168).
jurisdiction, a return showing the date of the laying-down of the keel, the classification of the
vessel, for whom the vessel was built, its standard displacement and principal dimensions and
the calibre of its largest gun. They further undertook, within thirty days of the date of the
completion of each war vessel, to send a return giving the date of completion, together with the
foregoing particulars.

The above provisions in regard to the regulation of the manufacture of arms represented
the minimum position adopted in the Committee. Texts provisionally approved by the
majority of the members of the Committee, on the basis of the United States text, provided
for a stricter system of control and a more extended publicity. It was stipulated, for
example, that the manufacture of articles appearing in categories I, II and III should not take
place in private establishments unless the producer was in possession of bona fide orders,
in each case duly notified in advance to the Government, and that licences accorded to
manufacturers should state that all orders received by them were to be communicated
immediately to the Government which had granted the licence.

These provisions were not accepted by the delegations of the United Kingdom, Italy and
Japan.

Further, the texts proposed by the Committee provided that the contracting parties
should send to the Permanent Disarmament Commission, among other particulars, a return
at the beginning of each financial year showing the quantities of articles in categories I, II
and III whose manufacture or purchase was contemplated in the course of the year; a return
showing the national defence expenditure proposed in respect of the manufacture and purchase
of articles in categories I, II and III; a return within fifteen days of orders placed with State
or private establishments for articles in categories I, III and V, with their description,
number and type, the name of the Government on whose account the order was given, and
the name and address of the private manufacturer or description of the State establishment
and, finally, a return within the month following the end of the civil year of manufactures
completed during the year of articles in categories I to V.

These provisions were not accepted by the delegations of the United Kingdom, Italy and
Japan.

Texts going beyond these provisions in respect of the returns to be made to the Permanent
Disarmament Commission were submitted by the delegations of France, Turkey, Afghanistan,
Iraq, Spain, Czechoslovakia, the Union of Soviet Socialist Republics and China.

An alternative text proposed by the United Kingdom, Italian and Japanese delegations
provided that, within sixty days of the end of the quarter, a quarterly return of the total value
under each heading of the categories of articles whose manufacture had been completed
during the previous quarter should be forwarded to the Permanent Disarmament Commission.

(c) Trade.

The texts of the provisions concerning the trade in arms and implements of war were
adopted subject to declarations of varying importance by the minority delegations.

The texts proposed by the Special Committee provided that the contracting parties should
prohibit, in their territories, the export of articles in categories I to V inclusive and the import
of articles in categories I to III inclusive, without an export or import permit issued by the
Government. The export permit was to contain a description of the articles, giving their
number, aggregate weight and type, with the name and address of the exporter and a reference
to the original order in cases where the order had been notified to Geneva and was for arms
manufactured in the country of export. It was also to give the name and address of the
importing consignee, with a reference to the import permit, for articles in categories I, II and III.

The import permit was to contain a description of the articles in categories I to III inclusive
whose import was authorised, giving their number, aggregate weight and type, the name and
address of the importer, a reference to the order and the name and address of the exporter.

The contracting parties further undertook to forward to the Permanent Disarmament
Commission copies of all import or export permits prior to the entry or despatch of articles in
categories I to III and similarly copies of all export permits in respect of articles in categories IV
and V.

Moreover, within a period of one month from the end of the year, the contracting parties
were to forward a statement of all imports and exports effected during the year.

The provisions relating to naval armaments provided that, within thirty days of the end
of each quarter, the contracting parties would furnish a return in respect of each vessel of war
acquired during the quarter other than those constructed for their own account within their
respective jurisdictions.

The delegations of the United Kingdom, Italy, Japan and Switzerland submitted alter-
native texts from which all references to orders for manufacture were omitted.

Further, the delegations of the United Kingdom, Italy and Japan submitted an alternative
text as a substitute for the above provisions relating to returns under which the contracting
parties would furnish to the Permanent Disarmament Commission, within sixty days of the
end of each quarter, a quarterly return giving the total values of the articles falling within
categories I to V imported and exported during the previous quarter, showing the countries
of origin and destination.

Finally, the Soviet delegation, supported in principle by the delegations of France, Spain
and China, submitted a proposal that the contracting parties should undertake not to issue
import, export or transit permits for implements of war in excess of qualitative or quantitative
limits to be fixed under agreements binding on the parties responsible for the permits.

(d) Composition, Functions and Operation of the Permanent Disarmament Commission.

Texts unanimously adopted by the Special Committee provided for the establishment
at the seat of the League of a Permanent Disarmament Commission, composed of one represent-
ative appointed by each of the contracting parties, to be entrusted with the duty of watching
over the execution of the Convention. The Commission, within the limits of the obligations
embodied in the Convention, might request the contracting parties to supply in writing or
verbally any supplementary particulars or observations in regard to information furnished
under the Convention, the contracting parties agreeing to meet such requests and to furnish
the desired information through their representatives on the Commission or otherwise. Each
member of the Commission would be entitled to require that, in any report by the Commission,
account should be taken of the opinions or suggestions put forward by him, if necessary in the
form of a separate report. All reports by the Commission were to be communicated to the
contracting parties and to the Council of the League. It was provided that the Commission
should meet for the first time on being summoned by the Secretary-General of the League
within three months of the entry into force of the Convention and that it should meet thereafter
at least once a year in ordinary session. It would meet in extraordinary session when such a
meeting was prescribed by the Convention and when its Bureau so decided either of its own
motion or at the request of one of the contracting parties or of the Council of the League.
Decisions of the Commission were to be taken by a majority of the members present and voting,
except in cases where larger majorities were specifically required under the terms of the
Convention or by its rules of procedure.

Texts adopted by the majority of the Commission provided for the appointment of
experts by the Commission to accompany its representatives on the Commission or by its rules of
procedure. The experts would be entitled to examine on the spot the conditions in which the
national control exercised by each Government over the manufacture and trade in arms was organised and the accuracy
of the information furnished by the Governments, such inspections being effected through
the regional committees. The regional committees, if notified in the course of their inspections
of certain facts which appeared to call for the attention of the Permanent Disarmament
Commission, would be authorised to establish such facts and to report upon them immediately
to the Permanent Disarmament Commission. Any contracting party would be entitled to
request the Commission to conduct, in its territory, such investigations as might be necessary,
in order to verify the execution of its obligations, and any contracting party of opinion that
the provisions of the Convention had been infringed might address a complaint to the
Commission. The Commission, on receiving such requests or complaints, would be bound to
consider the matter and determine whether a special investigation was necessary. Special
investigations undertaken under these provisions would be carried out by a special committee
created for the purpose and the results of such investigations would be embodied in a special
report by the Permanent Disarmament Commission, which might make recommendations
addressed to the contracting party. The procedure to be followed in carrying out such local
investigations was defined in detail.

The delegations of the United Kingdom, Italy, Japan and Poland were unable to accept
the texts which provided for a system of continuous and automatic examination and super-
vision on the spot. These delegations, in substitution for the texts adopted by the
majority of the Committee, a general article providing that the Permanent Disarmament
Commission might call for explanations if it had reason to believe that an infringement of
the Convention had occurred or that information supplied to it by a contracting party was
incomplete or inaccurate. The contracting party would in that case furnish explanations,
either verbally by responsible officials or in writing as desired by the Permanent Commission,
and the Commission would draw up as soon as possible a report embodying the results of its
examination.

The French delegation, in addition to the measures adopted by the Committee, proposed
that each regional committee should appoint agents who would reside permanently in each of
the States for which the regional committee was competent. These agents would be
accredited to the local authorities and would have the necessary means of action to proceed
at any moment to effect such local inspections as might be required for the discharge of the
duties of supervision imposed on the regional committees. The Polish and Latvian delegations, moreover, proposed that the attention of the Permanent Disarmament Commission might be drawn by any one of the contracting parties to unexpected increases in the manufacture, import or export of arms and implements of war, which seemed to it to indicate a threat to peace, the Commission being in such an event required to consider the matter and to call for such explanations as it might consider necessary.

(c) General Provisions.

Chapter V of the draft adopted by the Special Committee, embodying the proposed general provisions of the Convention, was drafted with the assistance of a Committee of Jurists which met from March 27th to April 6th, 1935.

Articles relating to the suspension of the Convention in time of war, the obligations of neutrals as affected by the Convention, derogations from the Convention to be permitted in certain circumstances, the relation of the Convention to existing treaties of commerce and to previous international undertakings, adopted by the Committee of Jurists, were noted by the Special Committee and submitted to the Governments for consideration with a view to a second reading.

IV. TRANSIT AND EMBARGO.

The question of the transit of arms and implements of war, considered generally and in special relation to the effective imposition of an embargo on the export of arms, if and when such action might be the subject of an international decision, was considered both by a Committee of Jurists and by a Transit Committee appointed on April 1st, 1935.

The Netherlands Government drew attention to the fact that the American proposals made no reference to the question of transit, and the Soviet delegation submitted proposals for the introduction of a system of transit permits. The French delegation proposed that there should be inserted, both in export and import permits, the proposed itinerary of the goods and the names of the transit countries.

The majority of the members of the Special Committee favoured in principle the framing of rules applicable to transit, recognising, however, that the question presented certain political and practical difficulties.

The United Kingdom delegation laid before the Transit Committee a system of regulation which would, in effect, ensure that consignments of arms would not leave the country of transit for any destination other than that indicated in the documents accompanying them unless the country of transit assumed the responsibility of issuing a new export permit. The Italian delegation was prepared to accept the United Kingdom proposals, subject to further examination, urging that any measure which went further than a proposal for a simple transit certificate might make it difficult for countries which had no access to the sea to ratify the Convention. The French delegation, on the other hand, pointed out that there would still be no effective supervision over actual shipments and no guarantee against a diversion of the goods unless they were accompanied by transit permits issued by the transit countries subject to the same rules of publicity and supervision as were provided for export and import permits. It further objected that no provision was made for dealing with contraband and the consignment of arms under a false declaration. The United States delegation expressed the view that arms and implements of war consigned from one country to another through a third country should be accompanied by export and import permits, together with a third document certifying that the country of transit authorised the despatch of the war material by a specified route. The delegate of Yugoslavia drew attention to the case of countries which did not produce arms, but which had, under treaty, the use of free ports or free zones. Such countries might be handicapped if consignments in transit were subject to supervision by the transit country. Free ports and free zones should for Customs purposes be assimilated to national territory. The Polish delegation expressed some doubt as to the utility of provisions organising publicity for transit. It declared itself willing to accept the United Kingdom proposal, desiring, however, that an exception should be made in the case of transit in sealed trucks.

The Transit Committee was unable to agree upon a satisfactory text owing to the fact that several delegations had no instructions in the matter and were not accompanied by Customs experts. It recommended that the question should be studied at leisure by the Governments and that certain technical aspects of the question might be examined by the Organisation for Communications and Transit of the League of Nations.

The Committee of Jurists discussed the question of an embargo in the light of a text put forward by the United Kingdom delegation for inclusion in the preamble of the Convention, to the effect that it should be one of its purposes to provide machinery for the immediate imposition of an effective embargo on the export of arms, if and when such action should be internationally decided upon. The Soviet delegation, supported by the delegations of Spain and France, submitted that the Convention should contain provisions for a more or less automatic embargo to be applied to a State recognised as an aggressor.

The majority of the members of the Committee of Jurists expressed the view that the organisation of an embargo was outside the scope of the proposed Convention. It was, moreover, pointed out that the problem of an embargo was on the agenda of the Assembly of the League of Nations and that a special Committee of the Council was dealing with the question.
C. WORK OF THE COMMITTEE ON MISCELLANEOUS PROVISIONS.

The Committee of the Bureau (Miscellaneous Provisions) met on February 18th and February 21st, 1935.

This Committee, under the resolution adopted by the Bureau of the Conference on November 20th, 1934, had been entrusted with two tasks: first, to prepare for the creation of a Permanent Disarmament Commission and, secondly, to consider the proposal of the Soviet delegation to the effect that a Permanent Peace Conference should replace the Conference for the Reduction and Limitation of Armaments.

I. SOVIET PROPOSAL FOR THE ESTABLISHMENT OF A PERMANENT PEACE CONFERENCE.

The delegate of the Union of Soviet Socialist Republics recalled that the President of the Conference had on June 28th, 1934, requested the Governments to submit their observations upon the proposal of the Soviet delegation. The reasons which had inspired the Soviet proposal were still valid, and recent events had lent additional force to the arguments already urged by the Soviet delegation. It was obvious, however, that the Soviet proposal could not be usefully examined until the delegates were in possession of instructions from their Governments in regard to its essential principle.

The French delegation suggested that the proposal might best be dealt with as affecting one of the duties of the Permanent Disarmament Commission. Its consideration might therefore be reserved until the Committee had discussed the technical questions which would arise in connection with the creation of a Permanent Disarmament Commission.

The Committee, in the light of these observations, decided to adjourn the discussion of the Soviet proposal.

II. ESTABLISHMENT OF THE PERMANENT DISARMAMENT COMMISSION.

The Committee adopted, on a first reading, the draft Articles relating to the composition and general working of the Permanent Disarmament Commission submitted by the delegation of the United States of America.

It decided that the Articles providing for a detailed system of supervision by the Permanent Disarmament Commission could not be usefully examined until the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War had discussed the system of regulation and control to be embodied in the Convention and until the Commission on National Defence Expenditure had been consulted in regard to the provisions relating to publicity.

The Committee accordingly adjourned on February 21st, 1935, until the Committees dealing with the technical aspects of the question should have submitted a report.

The Committee did not find it necessary to meet again, in view of the fact that the Special Committee on the Trade in and Private and State Manufacture of Arms and Implements of War, meeting in plenary session from March 26th to April 1st to discuss the general provisions of the draft Convention, was attended by the Chairman and members of the Committee on Miscellaneous Provisions.

The draft texts and the relevant section of the report of the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War were, in the course of these plenary meetings, discussed and prepared with the assistance of the Chairman of the Committee on Miscellaneous Provisions.

D. WORK OF THE TECHNICAL COMMITTEE OF THE NATIONAL DEFENCE EXPENDITURE COMMISSION.

I. PUBLICITY OF NATIONAL DEFENCE EXPENDITURE.

The Technical Committee of the National Defence Expenditure Commission, which on March 16th, 1934, had completed its survey of the main facts relating to the budgetary systems and national defence expenditure of all the States represented at the Conference, considered, during the autumn of 1934, in the light of the results of the last stage of that survey, whether the draft Convention for Publicity of National Defence Expenditure drafted by the Committee in 1933, could be applied by the States whose documentary material had since been examined or whether the Governments of these States would have special difficulties in subscribing to the obligations which would be imposed on them by the draft Convention.

The Technical Committee expressed the view that the conclusions formulated in its previous report, submitted to the General Commission of the Conference in June 1933, remained valid and that the provisions of the articles of the draft Convention held good. It introduced a few minor changes in the text of the original drafts of the Annexes to the Convention.

1 Minutes of the Committee on General Provisions, February 18th, 1935.
The Technical Committee, in the light of its examination of the further documentary material placed at its disposal, made the following observations:

"The financial rules customary in the States whose budgetary material served as a basis for the first report of the Committee are not always applied with the same strictness in all States. If the Governments, while realising the difficulties that they may encounter in the application of the provisions of the Convention, are prepared to apply them faithfully, the Committee is unanimous in its opinion that technically it is possible to ensure the satisfactory working of the system which it proposes."

The Technical Committee in January 1935 issued a Supplementary Report as well as a final draft of the Convention on Publicity of National Defence Expenditure. The draft Convention was circulated to the Governments. The Technical Committee, in a covering letter, made the following observations:

"The Committee desires to point out first that, in submitting its final draft for a Convention, it has only taken into consideration the technical requirements of a system of publicity of national defence expenditure. Accordingly, should it be thought advisable ultimately to co-ordinate budgetary publicity with other forms of publicity, this co-ordination should from the technical point of view be achieved by means of supplementary instruments independent of the system of budgetary publicity proper.

"The stipulations of the draft Convention on Budgetary Publicity comprise all the obligations the observance of which is requisite for the application of the proposed system. The Committee considers, moreover, that in present circumstances it is not possible to ask the Powers to agree to an extension of these obligations.

"The Committee recalls that its draft Convention has been drawn up without prejudice to the general provisions which may be adopted as regards supervision.

"It also draws attention to the fact that subsequent decisions of the Conference regarding police forces and similar formations would make it possible to define as regards these formations the items of expenditure to which budgetary publicity should relate."

The Technical Committee, with the issue of its Supplementary Report in January 1935, completed its main task—namely, the framing of a draft Convention on Budgetary Publicity. The General Commission on June 11th, 1934, however, had noted a statement submitted by the Chairman of the National Defence Expenditure Commission observing that the budgetary documents at the disposal of the Technical Committee for a considerable number of countries referred back to the years 1929 and 1930 and urging that the Technical Committee should be provided with more recent information, and the General Commission, in view of these representations, had adopted a resolution on that date recommending the Governments, with a view to the future application of the system of publicity of national defence expenditure, to forward to the Technical Committee the various budgetary documents (budgets, accounts, model statements of estimated and actual expenditure, etc.) relating to the last budgetary year for which they could be furnished.

The object of the request was:

1. To complete and keep up to date the budgetary information already communicated to the Conference;
2. To draw the attention of Governments to the system of budgetary publicity as contemplated in the draft Convention and to familiarise the various Departments with the practical working of the system;
3. To provide the Conference with documents which would make it possible to proceed quickly with the preparatory work of an administrative and technical character which might be necessary at a later date with a view to ensuring that the system of budgetary publicity might be effectively applied as quickly as possible.

The Technical Committee, at meetings held in March and April 1935, framed certain general principles to be applied in the examination of information received from the Governments, and it decided on April 16th, on rising for the Easter recess, that this work should shortly be resumed at a date to be determined by its Chairman.

II. PUBLICITY IN RESPECT OF THE TRADE IN AND MANUFACTURE OF ARMS AND IMPLEMENTS OF WAR.

The Technical Committee of the National Defence Expenditure Commission, during the meetings of the Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War between February 14th and April 13th, 1935, was invited to consider a number of questions relating to the system of publicity to be adopted in connection with the regulation of the manufacture of and trade in arms.

One of the main objects of the requests addressed to the Technical Committee and of the advice which it tendered to the Special Committee was to secure co-ordination between the provisions relating to publicity to be adopted in the field of trade and manufacture and the provisions relating to publicity in the budgetary field.

The Technical Committee was, for example, consulted as to a re-arrangement of the categories of arms and implements of war to be embodied in the draft Convention on trade and manufacture with a view to bringing them into line with the conventional list of items on national defence expenditure embodied in the draft Convention on budgetary publicity. The Technical Committee, in dealing with this question, drew the attention of the Special Committee to certain discrepancies between the items of national defence expenditure adopted for budgetary purposes and the categories embodied in the draft Articles submitted by the delegation of the United States of America, and at a later stage submitted observations on the categories as provisionally adopted by the Special Committee on a first reading.

The Technical Committee was further asked to advise in regard to the particulars which should be shown in the event of a return of estimates of annual instalments of expenditure on arms and ammunition being required from the Governments, and as to the determination of what should be regarded as constituting expenditure on manufacture for purposes of Article 7 of the draft Convention, in which it was proposed that Governments should forward to the Permanent Disarmament Commission a return of national defence expenditure proposed in respect of the manufacture and purchase of arms and implements of war in categories I, II and III. The Technical Committee was further asked to what extent it would be possible for Governments to communicate modifications introduced during the financial year in annual programmes of manufacture and purchase and whether it would be possible to relate and synchronize returns made under the draft Convention for the control of trade and manufacture with those required under the draft Convention on budgetary publicity.

The replies to these questions framed by the Technical Committee, for the most part of a provisional and hypothetical character, were appended to the report adopted on April 13th by the Special Committee on the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War.1

1. Armaments Year-Book.
2. Statistical Year-Book of the Trade in Arms and Ammunition.

The eleventh edition of the Armaments Year-Book (document C.89.M.49.1935.IX) was published in June 1935. It contains monographs on sixty-four countries and is prepared on the basis of official publications (official military bulletins, laws, decrees, budgets, statistical year-books) and of information supplied by the Governments concerning the position of their armaments.

The eleventh edition of the Statistical Year-Book of the Trade in Arms and Ammunition will be published in September or October 1935. It will contain information in regard to sixty countries and fifty-nine colonies, protectorates and mandated territories, compiled from official publications.

2.

POLITICAL QUESTIONS.

I. DISPUTE BETWEEN COLOMBIA AND PERU.

The Peruvian Minister for Foreign Affairs, in a communication addressed to the Secretary-General on November 3rd, 1934, notified the Council of the League of Nations that the Peruvian Congress had approved the Protocol and Additional Act of May 24th, 1934, signed at Rio de Janeiro.2

Article 9 of the Protocol provided that the exchange of instruments of ratification should be effected before December 31st, 1934.

The Committee of Three appointed to follow the course of the dispute between Colombia and Peru was informed on December 20th, 1934, that the Protocol had not yet been ratified by the Government of Colombia. It was assured that the Government of Colombia attached the highest importance to the ratification of the Protocol, but that difficulties had arisen in the Colombian Senate. The Committee of Three, meeting again on December 31st, was assured that the Government of Colombia was making every effort to obtain the approval of the Senate.

The Secretary-General, on January 11th, 1935, communicated to the Council and Members of the League a note from the Peruvian Government, dated January 3rd, pointing out that the time-limit for ratification laid down in the Protocol had expired without its having been possible to effect the exchange of the necessary instruments of ratification, since the Colombian Congress had not approved the Protocol.

The Committee of Three, meeting on January 14th, 1935, decided to convene the Advisory Committee of the Assembly to consider the situation.

2 The terms of the Protocol and Final Act which embodied a settlement of the dispute between the two countries was summarised in the Annual Report on the Work of the League for 1934 (Part II), document A.6(a).1934, pages 37-39.
The Advisory Committee, on January 16th, 1935, adopted the following resolution:

"The Advisory Committee takes note of the position as regards the ratification of the Rio Agreement, and expresses the hope that the Colombian Legislature may as soon as possible ratify that Agreement which the Council welcomed with such satisfaction; and the Committee requests the Committee of Three to continue to give special attention to this matter."

The Ministry for Foreign Affairs of Colombia, on February 7th, 1935, sent to the Peruvian Minister at Bogotá a note informing him that the Colombian Senate had been unable to approve in its entirety the Protocol of May 24th, 1934, and requesting an extension of the time-limit for the exchange of ratifications. The Ministry declared that it recommended, upheld and maintained the spirit and letter of the Protocol.

The Peruvian Minister in Colombia declared on February 9th, 1935, that it accepted the loyal and friendly declarations of the Colombian Government and was prepared to ask the Peruvian Congress for the desired extension of the time-limit. It assumed that both parties would continue to assist the Joint Commission which under the Protocol was to conclude special agreements on Customs, trade, free river navigation, the protection of settlers, transit and the policing of the frontiers, and that the Colombian Government would make arrangements without delay for the demilitarisation of the frontier.

The Peruvian Minister for Foreign Affairs on February 12th, 1935, proposed that the exchange of ratifications should take place as soon as possible before November 30th, 1935, intimating that he had no objection to undertaking a study of the demilitarisation of the frontier and suggesting that the Commission to be entrusted with the task of demilitarisation should meet at Bogotá or Lima.

The Peruvian Government assented to this arrangement, insisting, however, that demilitarisation should be studied on the spot, though the Commission might begin and conclude its work at Lima or Bogotá.

The delegation of Colombia, in a communication to the Secretary-General on February 22nd, 1935, stated that the Colombian Government would endeavour to secure the ratification of the Protocol as soon as possible. Meantime, the Joint Commission would continue to work as hitherto and the Government of Colombia was prepared to consider with the Government of Peru an agreement for the demilitarisation of the frontier, which had, moreover, been proceeding spontaneously since the signature of the Protocol.

On February 25th, 1935, both Governments issued statements summarising the exchange of views which had taken place, expressing their firm intention of not modifying in any way the existing situation regarding their agreement that the Joint Commission should continue to work with the full support of both parties and stating that a Technical Commission would shortly be appointed in Lima to deal with the demilitarisation of the frontier.

II. DISPUTE BETWEEN BOLIVIA AND PARAGUAY: APPEAL OF BOLIVIA UNDER ARTICLE 15 OF THE COVENANT.

Adoption by the Assembly in Special Session of the Report provided for under Article 15, Paragraph 4, of the Covenant (November 24th, 1934).

The Assembly, on November 24th, 1934, meeting in special session, adopted unanimously, the parties to the dispute abstaining from the vote, a report making known the facts of the dispute and the recommendations deemed just and proper in regard thereto.

1. The recommendations provide for the final cessation of hostilities and measures of security under the supervision of a neutral commission. The Argentine, Chile, Peru and Uruguay were each to appoint one member of the Commission. The United States of America and the United States of Brazil were also to be invited to appoint one member each.

2. Peace negotiations were to be opened at Buenos Aires within a period not exceeding one month from the date of the cessation of hostilities. The President of the Argentine Republic was to fix the date of the Conference and invite to take part therein, in addition to Bolivia and Paraguay, Brazil, Chile and Peru, as adjacent States, the United States of America, Colombia, Cuba, Mexico and Uruguay as States represented on the Washington Committee of Neutrals, which, in 1932, had dealt with the question, and Ecuador and Venezuela.

The work of the Conference at Buenos Aires was to cover three categories of questions: a final delimitation of the frontier between Bolivia and Paraguay, security clauses and economic clauses. In the event of an agreement not being reached within a fixed period in respect of these three categories of questions, an arbitral procedure was in each case provided. It was, in particular, provided, in respect of the final delimitation of the frontier, that, if no arbitration

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1 Document C.100.M.45.1935.VII.
2 Document C.100.M.47.1935.VII.
4 For the records and documents relating to the dispute between Bolivia and Paraguay communicated to the Members of the League since the last ordinary session of the Assembly, see Special Supplements to the Official Journal of the League of Nations, Nos. 132, 133 and 134. Special Supplement No. 134 contains a list of publications previously issued.
The adherence by the two parties to the declaration of the American nations of August 3rd, 1932, to give judgment in accordance with the conditions laid down in the report, having regard to the agreement were concluded, the Permanent Court of International Justice should be called upon to follow the situation, more particularly the execution of its recommendations. The Committee was also to assist the Members of the League to concert their action and their attitude among themselves and with non-member States, especially as regarded the more effective application, modification or withdrawal of the prohibition on the supply of arms to Bolivia and Paraguay. This prohibition, which the Members of the League of Nations and non-member States had decided upon, was imposed owing to the exceptional circumstances of the case and on the understanding that it would not create a precedent, the decision being approved by the Assembly as a measure calculated to bring about and maintain a cessation of hostilities. The Members of the League were recommended, in any subsequent decisions which they might reach concerning the maintenance, possible modification or withdrawal of the prohibition, to have regard to the action taken by each of the parties upon the recommendations of the Assembly and, before adopting any such measures, to place themselves in communication with the Advisory Committee so that its opinion might be ascertained and considered.

It was further provided that the Secretary-General should, on behalf of the Assembly, submit a request to the Permanent Court of International Justice for an advisory opinion under Article 14 of the Covenant, if the Advisory Committee should consider such a consultation to be justifiable and opportune with a view to facilitating the performance of its task. The terms of the question and the date of the request were to be determined by the Advisory Committee.

Acceptance by the United States of America and Brazil of the Invitation to Co-operate with the Neutral Supervisory Commission for the Cessation of Hostilities and Measures of Security and to Participate in the Conference at Buenos Aires: Refusal to Participate in the Work of the Advisory Committee.

The report adopted by the Assembly on November 24th, 1934, contemplated that the Advisory Committee would invite the United States of America and Brazil to participate in its work in such manner as they might deem most appropriate. This invitation was not accepted. The Government of the United States of America intimated, however, that, in conformity with the policy which it had constantly followed and proclaimed on several occasions, with a view to ensuring by any possible and practicable means a pacific settlement of the dispute, it would be glad to instruct its Consul at Geneva to keep unofficially in touch with the members of the Committee, if it so desired, for purposes of information. The Government of the United States of Brazil declared that, following its traditional policy, it would spare no effort to seek, by co-operation with the other nations of America, a solution of the present dispute and of any disputes which might arise on the territory of the American continent. The League of Nations might for this purpose rely confidently upon the loyal and disinterested co-operation of the Brazilian Government. The representative of that Government at the Geneva Consulate was authorised to keep in touch with the Secretariat of the League.

The two Governments, moreover, agreed to co-operate, if necessary, in the work of the Neutral Supervisory Commission, appointing each a member of that Commission. Similarly, they were prepared to participate in the Peace Conference at Buenos Aires when the President of the Argentine Republic should invite them to do so in conformity with the recommendations of the Assembly.

Acceptance by Bolivia of the Recommendations of the Assembly and Proposals of Paraguay for their Modification.

The Assembly, on November 24th, 1934, decided that the Advisory Committee should meet at latest on December 20th, 1934. The Advisory Committee held a preliminary meeting on December 12th to consider the reply of Bolivia, which had accepted the recommendations of the Assembly without reservation. The Committee at a later session, which met on December 20th and December 21st, noted the reply of the Government of Paraguay, which had formulated certain observations on the text of the recommendations. The Government of Paraguay submitted these observations as a contribution to the establishment of a plan which might ensure the immediate and final cessation of hostilities and the negotiation of peace in an atmosphere favourable to a reasonable and just solution.

The Committee, in a telegram addressed to the Government of Paraguay, offered certain explanations of the recommendations and expressed the hope that these explanations would facilitate their acceptance. The Committee added that it would meet again on January 14th, 1935, and it asked the Government of Paraguay to communicate a final reply by that date.
The Committee, meeting again on January 14th, 1935, considered a communication, dated from Asuncion on December 26th, 1934, and transmitted to the League of Nations by the delegate of Paraguay on January 11th, 1935. The Committee noted that the Government of Paraguay in this communication did not accept the solutions recommended by the Assembly and that the Bolivian Government had accepted them on December 10th, 1934.

In these circumstances, the Committee, in a report addressed to the Members of the League of Nations on January 16th, 1935, recalled that, under Article 12 of the Covenant, the Members of the League agreed in no case to resort to war until three months had elapsed after a report by the Council. The Committee observed that the same obligation applied to a report by the Assembly as provided for in the last paragraph of Article 15. The Assembly had adopted its report on November 24th, 1934, and the period of three months specified in Article 12 would expire on February 24th, 1935.

Furthermore, according to paragraphs 6 and 10 of Article 15 of the Covenant, since the report of the Assembly had been unanimously adopted, the Members of the League might not go to war with the party which complied with the recommendations of the report.

In consequence of Bolivia's acceptance of the Assembly's recommendations, Paraguay must refrain from resorting to war with Bolivia in so far as Bolivia complied with the conclusions contained in the report.

Having regard to that situation, the Advisory Committee informed the Members of the League who had taken steps to prohibit the supply of arms to Bolivia and Paraguay that, in its opinion, this prohibition could not continue to be enforced against Bolivia, and it recommended, in so far as the prohibition continued to be enforced, that the Members of the League:

1. Should supplement the measures already adopted by any other measures which might be required to render them more effective, in particular by the prohibition of the re-export or through transit of war material;
2. Should, generally, not authorise exports of war material except to Governments or agents of Governments duly accredited.


Paraguay, on February 24th, 1935, gave formal notification of its decision to withdraw from the League of Nations. The notification was in the following terms:

"Paraguay did not reject the recommendations voted by the Assembly on November 24th last for putting an end to the Chaco conflict, but requested that certain fundamental points might be reconsidered with the object of eliminating features incompatible with the Constitution of the country and ensuring that the recommendations should be effective in practice. The Advisory Committee, however, decided that Paraguay's reply was equivalent to a negative and proceeded to inflict the sanctions entailed by the resolution of January 16th last. By reason of the embargo on one side only, the Advisory Committee has converted an indirect means of stopping the war into a sanction against one of the belligerents. No such sanction is provided for in the Covenant and therefore no legal authority can enact it without impairing the mutual agreement which unifies the Members of the League. This action ultra vires is aggravated by the fact that, in the present case, the unilateral embargo is a means of assisting the indubitable aggressor to obtain what he has not been able to secure with the aid of his own long-prepared forces. . . . Having joined the League of Nations in the conviction that her obligations as a Member would be confined to those specified in the Covenant, and that she would be treated on a footing of perfect equality with other nations, Paraguay finds herself compelled to leave the League."2

The Advisory Committee, following the decision of Paraguay to leave the League, met again on March 11th, 1935. M. Castillo Najera (Mexico), President of the Council, having left Europe to represent his country at Washington, the Advisory Committee appointed M. de Vasconcellos (Portugal) to succeed him.

The Committee, as a result of its discussions, adopted on March 15th, 1935, a report and a resolution in the following terms:

"Having regard to the attitude of the two parties towards the Assembly's recommendations;
"Having regard to the information conveyed by Chile and the Argentine referring to the representations they have made to the parties suggesting the acceptance of a plan based on the League recommendations of November 24th, 1934, and intimating that they have reason to believe that this plan will bring about satisfactory results with the co-operation of the other adjacent Powers;"
"Having considered the latest communication from Paraguay:
"The Committee decides to summon the Assembly for May 20th, 1935, to consider the question of the subsequent application of the Covenant."

**MEDIATION PROCEDURE IN AMERICA.**

The report and resolution adopted by the Advisory Committee on March 15th, 1935, noted information from Chile and the Argentine as to the representations which they had made to the parties suggesting the acceptance of a plan based on the recommendations adopted by the Assembly of the League on November 24th, 1934. These negotiations, ran the communication from Chile and the Argentine, would be pursued by the four adjacent countries in concert.

The Government of Brazil, in a communication dated March 19th, 1935, notified the Secretary-General that it failed to understand why the passage in the report adopted on March 15th, 1935, reproduc ing the joint declaration of the representatives of the Argentine and Chile, stated that the negotiations undertaken by those countries would be pursued by the Argentine, Chile, Brazil and Peru in concert. The Brazilian Government added that it remained unaffected by the resolution adopted on March 15th, 1935, especially as it regarded the participation of the Government of the United States of America as an essential condition of its own collaboration.

The delegate of the Argentine, on May 10th, 1935, communicated a telegram from his Government announcing that, at a preliminary meeting which had taken place on the previous day, which the Argentine Minister for Foreign Affairs, M. Saavedra Lamas, had invited the Ambassadors of Brazil, Chile, the United States of America and Peru to attend, it had been decided that a meeting should be convened on May 17th, 1935, with a view to the final constitution of a group of mediators which would include Uruguay. The United States of America would at that meeting also be invited to sit on the proposed Committee for the study of economic problems connected with the pacific settlement of the Chaco dispute.

**ACTION BY GOVERNMENTS UPON THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE THAT THE PROHIBITION OF THE SUPPLY OF ARMS TO BOLIVIA SHOULD BE RAISED.**

Many Members of the League decided, in pursuance of the recommendation made by the Advisory Committee on January 16th, 1935, and confirmed in its report of March 15th, 1935, no longer to prohibit the supply of arms to Bolivia. In response to the recommendations of the Advisory Committee to the effect that Members of the League should supplement the measures already adopted in so far as the prohibition continued to be enforced, Governments which replied to the suggestion stated that they considered the measures which they had already taken to be adequate.

**REPORT OF THE ADVISORY COMMITTEE OF MAY 17TH, 1935.**

The Advisory Committee, meeting on May 16th and 17th, 1935, adopted a report for submission to the Assembly, which, in accordance with the resolution adopted by the Committee on March 15th, had been summoned to meet on May 20th, 1935. The Committee noted a joint declaration submitted by the Governments of the Argentine and Chile:

"In accordance with the preliminary soundings undertaken by the Argentine and Chile at Asuncion and La Paz respectively on April 13th with regard to the whole of the recommendations dated November 24th, the mediatory group consisting of the Argentine, Brazil, Chile, Peru and the United States of America was constituted at Buenos Aires on May 11th. It was unanimously decided to include Uruguay in the group, and telegrams were immediately sent to the Governments of Bolivia and Paraguay informing them that the presence at Buenos Aires of the Ministers for Foreign Affairs of the two countries would be most desirable, in order to overcome the drawbacks of time and distance that might otherwise be an obstacle to the achievement of the aim all were pursuing. The Minister for Foreign Affairs of Paraguay replied on May 12th that his Government had pleasure in complying with the joint request and that he would come to Buenos Aires in time to co-operate in the lofty aims set forth. Further, information was received through official channels from Bolivia to the effect that the Minister for Foreign Affairs would also arrive shortly in Buenos Aires with a competent delegation. This means that, for the first time since the beginning of the Chaco war, there will be direct negotiations with the belligerents themselves, assisted by the mediatory group. The latter is hopeful that, in this way, it will be possible to reach substantial agreement between the parties, or that, at any rate, the point of view of each party will be clearly defined as a result of direct contact, so that the settlement of questions pending before the League of Nations, in which the mediators are operating in a most cordial and friendly spirit, will be facilitated."

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1 Document C.I30.M.67.1935.VII.
2 The following countries decided to cancel the prohibition: Sweden, United Kingdom, France, Italy, Netherland, Union of Soviet Socialist Republics, Poland, Belgium, Czechoslovakia, India, Spain, Denmark, Australia, Finland, Irish Free State, Latvia, Switzerland, Yugoslavia, Portugal, Southern Rhodesia, China and Mexico. Mexico intimated that it would submit the necessary law if, contrary to what was hoped and desired, satisfactory agreement on the Chaco dispute were not reached before the meeting of the Mexican Congress.
3 Special Supplement to the Official Journal No. 134, pages 62 to 69.
The Committee, earnestly hoping that the Assembly would wish to facilitate the negotiations at Buenos Aires in every possible way, framed a report on the situation which had arisen and decided to submit for the approval of the Assembly the following draft resolution:

“The Assembly,

“Desirous that the state of breach of undertakings concerning the pacific settlement of disputes may speedily be brought to an end:

“I. Approves the reports of its Advisory Committee dated January 16th, March 15th and May 17th, 1935;

“II. Taking note of the joint declaration made to the Advisory Committee on May 16th, 1935, by the Governments of the Argentine and Chile with regard to the negotiations about to open in Buenos Aires;

“Conveys to the group of mediating States the expression of its sincere hope that this new effort being made in America, in circumstances which appear particularly propitious, will lead to the speedy restoration of peace between Bolivia and Paraguay;

“III. Instructs its Advisory Committee to continue to follow the situation in accordance with the mandate conferred on it on November 24th, 1934, while at the same time recalling more particularly that it is authorised to make any communication, recommendation or proposal which it may consider desirable, either to Members of the League or to the Assembly or Council;

“IV. Decides, in any event, to place the question of the dispute between Bolivia and Paraguay on the agenda of its ordinary session in September 1935.”

ADOPTION BY THE SPECIAL SESSION OF THE ASSEMBLY, CONVENED ON MAY 20TH, 1935, OF THE REPORT AND RESOLUTION SUBMITTED BY THE ADVISORY COMMITTEE.

The Special Session of the Assembly, convened by the Advisory Committee, having elected M. de Vasconcellos of Portugal as its President, passed to a consideration of the report and draft resolution submitted by the Advisory Committee.

The Assembly noted a communication from the Argentine delegation to the effect that the Bolivian Minister for Foreign Affairs was leaving for Buenos Aires on May 22nd, 1935, in order to participate in the contemplated negotiations.

The representatives of the Argentine and Chile, supporting the recommendations submitted by the Advisory Committee, confirmed and supplemented the information conveyed in its report and expressed the hope that, as a result of the mediation procedure which had been initiated, a peaceful settlement of the dispute might be reached. The representatives of Ecuador, Peru, Colombia and Venezuela, in associating themselves with the report of the Advisory Committee, emphasised generally that the procedure of mediation was to be regarded as an expedient method of achieving a practical settlement, and that approval of this procedure did not imply a derogation from the provisions of the Covenant. The League of Nations was compelled to use all the means at its disposal, and there should be no apprehension regarding a regional procedure which in no way prejudiced the principle of the universality of the League, but which was to be regarded as a form of effective co-operation between the League of Nations and the American Republics.

The report and resolution submitted by the Advisory Committee were adopted.

The representative of Bolivia, in accepting the resolution, observed that the recommendations contained in the report adopted by the Assembly on November 24th, 1934, retained their full authority.

The President emphasised that the effect of the resolution adopted by the Assembly was to reinforce with the authority and prestige of the Assembly the mediatory action undertaken on the initiative of the Argentine and Chile.

III. CLAIM BROUGHT BY THE FINNISH GOVERNMENT AGAINST THE GOVERNMENT OF THE UNITED KINGDOM IN CONNECTION WITH FINNISH SHIPS USED DURING THE WAR BY THE UNITED KINGDOM GOVERNMENT.

The Council, on May 19th, 1934, decided to adjourn its consideration of the Finnish claim, in view of conversations which were then proceeding between the representatives of the two Governments.²

The Council, in view of the fact that a settlement had not been reached as a result of these conversations, was called upon to resume its consideration of the case on September 27th, 1934.³

The representative of Finland asked the Council to proceed to an investigation into the substance of the Finnish claim.

The representative of the United Kingdom, in opposing this request, recalled the previous objections which his Government had already raised before the Council to the effect that the matter was not one which the Council could properly deal with under Article 11, paragraph 2, of the Covenant. That article was applicable to circumstances “affecting international relations which threatened to disturb international peace or the good understanding between nations.

¹ Document A(Extr.)I.1935.VII.
² For the previous history of this question, see the Annual Report on the Work of the League for 1934 (Part I) (document A6.I934).
³ Eighty-second session of the Council, third meeting, Minute 3472.
on which peace depended”. The United Kingdom Government did not consider that the Council was in the presence of a situation such as was contemplated in paragraph 2 of Article II of the Covenant.

The representative of Spain, as Rapporteur, proposed that the case should be postponed to the next session, reserving the right to propose that the Council should, at that moment, ask the Permanent Court of International Justice for an advisory opinion on the question whether the Council was competent to deal with the claim of the Finnish Government.

The Rapporteur, on January 19th, 1935, formally proposed the adoption of a resolution requesting the Council to give an advisory opinion upon the question whether, taking account of the particular circumstances of the case, the question raised by the Finnish Government fell under paragraph 2 of Article II of the Covenant.1

The request for an advisory opinion, accepted by the representative of Finland, was opposed by the representative of the United Kingdom.

Several members of the Council expressed the view that the Council, when asked to deal with a question under paragraph 2 of Article II of the Covenant, should itself decide as to its competence after a consideration of the criteria whereby its action should be guided.

The Rapporteur, as a result of the discussion, noted that the Government of the United Kingdom had raised no legal objection to the competence of the Council, but had merely raised objections based on political considerations and questions of expediency. In these circumstances, he withdrew his draft report and accepted a proposal submitted by the representative of Denmark that the Council should ask a committee of three members to study whether the question submitted by Finland was of such a character that an attempt at mediation was desirable in the interests of good understanding.

The President of the Council agreed to frame, in collaboration with the Rapporteur and the Secretary-General, a statement embodying the conclusions of the discussion.

The President, at a meeting of the Council held on January 21st, 1935, noted that all the members of the Council had concurred in the view of the Rapporteur that the competence of the Council, when a question was submitted to it by a Member of the League under Article II, could not be made the subject of a legal limitation by reason of the character of the case submitted to it. The Finnish Government had exercised a legitimate right in laying its request before the Council.

Almost all the members of the Council, however, had expressed the view that the question under consideration was a matter of expediency and not of law. This question was as follows: Should the Council, taking into account all the circumstances brought out during the discussion, proceed with the application of Article II, paragraph 2, to the request submitted by the Finnish Government?

The representatives of Finland and the United Kingdom concurred with the proposal that this question should be considered by a committee of three members. The Council asked the representatives of Spain, the Argentine and Czechoslovakia to sit on this committee, and it was understood that its report would be considered at the next session of the Council to be held in May.2

The Council, during its session in May 1935, at the request of the representative of Finland, adjourned the discussion of a report submitted by the Committee of Three and approved an agreement between the representatives of Finland and the United Kingdom that “the matter should appear on the agenda at an early date of the next session of the Council and that the Council should then be asked, without further adjournment, whether or not it accepted the conclusions of the report.”3

IV. SETTLEMENT OF THE ASSYRIANS OF IRAQ.

The Council, on June 7th, 1934, noting that it was no longer possible to proceed with a scheme for the settlement of the Assyrians of Iraq in Brazil, instructed its Special Committee, appointed to consider the settlement of the Assyrians of Iraq, to make fresh representations to the Governments of countries whose territories might be available and suitable for the purpose.4

The Committee of the Council dispatched urgent appeals to the following countries: the Union of South Africa, the Argentine, Australia, Belgium, the United Kingdom, Canada, Colombia, France, Greece, Italy, The Netherlands, Portugal, Spain and Turkey.

The Government of the United Kingdom, on September 22nd, 1934, drew attention to the possibilities of settlement in the Rupununi district of British Guiana, which appeared to be capable of further development as a stock-raising district and limited areas of which, it was believed, would lend themselves to cultivation sufficient to meet the requirements of Assyrian settlers and their stock. It stated, however, that a closer examination would be necessary of local conditions before the district could definitely be pronounced as suitable, and it suggested that an independent and impartial investigation should be conducted on the spot under the auspices of the League of Nations.

The Government of France, on September 24th, 1934, stated that the settlement of some Assyrian families in the bend of the Niger might be contemplated and suggested that, if the experiment seemed worth trying, a mission might be sent to French West Africa to examine on the spot the possibilities of Assyrian immigration, beginning with the experimental settle-

1 Eighty-fourth session of the Council, ninth meeting, Minute 3554.
2 Eighty-fourth session of the Council, ninth meeting, Minute 3556.
3 Eighty-sixth session of the Council, fourth meeting, Minute 3600.
The Committee of the Council, on September 28th, submitted a report to the Council on these suggestions, in which it proposed that a mission of investigation should be sent without delay to British Guiana. It reserved the question of a possible investigation of the areas offered in French West Africa until further information had been received from the French Government. It requested the Council to authorise for the purpose of the investigation in British Guiana, and of any similar investigation that might be necessary elsewhere, the allocation from the Working Capital Fund of the League of a sum not exceeding 50,000 Swiss francs, to be reimbursed from the resources ultimately available for financing the Assyrian settlement operations as a whole.

The Committee also reported that negotiations between the French and Iraqi Governments had resulted in agreements to transfer the families of some 550 Assyrian men who had remained in Syria following the events of August, 1933. Some 1,400 persons had been transferred under the agreements with a view to their settlement in villages to be constructed specially for the purpose, so that they might become gradually self-supporting during the period which might yet elapse before a general settlement scheme for Assyrians had been put into effect. The French Government reserved the right, at a later stage, to raise the question of the costs involved by this operation, which it did not feel could be accepted as a charge upon the Syrian budget.

The Council, on September 28th, 1934, approving the Committee's report and proposals, tendered its thanks to the Governments of the United Kingdom and France for the assistance which they were affording its Committee.

On January 19th, 1935, the Council, which was then awaiting the report on the results of the mission sent to British Guiana, decided to resume its consideration of the question at its next session.

On April 17th, 1935, the Committee of the Council informed it that the report of the mission, which had been received in the meantime, forced it to realise, much to its regret, that the settlement of the Assyrians in British Guiana as proposed by the United Kingdom was impracticable. It had accordingly reverted to the idea of a settlement in Syria and had proposed to the French Government to accept as permanent settlers in the mandated territories of the Levant not only those Assyrians who were already settled there provisionally, but also such of those still remaining in Iraq who desired to leave that country. The French Government had accepted this suggestion and, in a letter dated April 14th, 1935, it had informed the Committee that it was possible to contemplate enlarging the existing settlement to 6,500 persons. It had further given the Committee grounds to hope that all the Assyrians of Iraq who wished to leave that country might also, under certain conditions, be settled in Syria.

The French Government, however, desired an official assurance from the Council that no burden would be placed either on the French budget or on the local budgets on account of the settlement of the Assyrians in Syria.

The French Government had supplied the Committee with a variety of material relating to the question, and the Committee hoped shortly to establish a detailed plan in close co-operation with the Governments of Iraq and of France.

The United Kingdom representative on the Council expressed regret that the suggestion for the settlement of the Assyrians in British Guiana should have come to nothing, but it was evident from the report of the special mission which had made an investigation of conditions on the spot that the district in question could not be regarded as offering a sufficiently assured or rapid solution of the problem.

The President of the Council, speaking as the representative of Turkey, expressed his great interest in the question of the establishment of the Assyrians. He emphasised, however, that in the interests of the Assyrians and of the populations of neighbouring countries it was desirable that they should be established at a distance of 100 kilometres from the frontiers of the countries adjacent and that the place of final establishment should in no case be less than 50 kilometres from those frontiers.

The representative of France pointed out that the mandatory Power, in establishing the Assyrians in French mandated territory, would be assuming towards the population under its mandate a very serious moral responsibility. It therefore desired to act with the explicit approval and, indeed, upon the invitation of the Council of the League. The mandatory Power, moreover, had concluded with Turkey a treaty of good neighbourly relations, which embodied special provisions concerning the establishing of refugees on either side of the common frontier, and it could not agree to any plan of establishment which implied any derogation whatsoever from the clauses of that treaty unless that derogation was explicitly approved by the Turkish Government.

The Council authorised the Secretary-General to draw a further sum of 40,000 Swiss francs from the working capital of the League to cover, among other things, the cost of a mission to Iraq and Syria to be undertaken by the Chairman of the Committee of the Council, on the invitation of the Iraqi Government, with a view to facilitating negotiations and the establishment of a plan of settlement. It was understood that this advance would be refunded to the League of Nations from the funds made available for the financing of the proposed action as a whole.

1 Document C.427.1934.VII.
2 Eighty-second Session of the Council, Fifth Meeting, Minute 3482.
3 Eighty-fourth Session of the Council, Seventh Meeting, Minute 3546.
4 Document C.167.1935.VII.
5 Eighty-fifth Session of the Council, Third Meeting, Minute 3564; Fourth Meeting, Minute 3568.
The Committee of the Council has continued to receive monthly reports from the Iraqi Government concerning the situation of the Assyrians in Iraq.

In a note dated August 31st, 1934, the Iraqi delegation informed the Committee that the agreement regarding the transfer of the Assyrian families to Syria would result in a reduction of the number of refugees in the Mosul Camp; it added that in view of the fact that no territory had yet been found for the settlement of the Assyrians and of the heavy cost of maintaining the Mosul Camp, the Iraqi Government had appointed a ministerial Committee to propose a more practical arrangement. In an oral discussion with the Iraqi delegate, the Committee put forward certain considerations which it asked the Iraqi Government to take into account before deciding on the question of the closure of the camp.

The Iraqi delegate undertook to communicate to his Government the observations of the Committee, adding that the Committee might rest assured that, if it were decided to close the camp, the alternative arrangements would be equally advantageous to the Assyrians.

V. DISPUTE BETWEEN GREECE AND BULGARIA CONCERNING THE FORESTS OF RHODOPE.

REQUEST SUBMITTED TO THE COUNCIL BY GREECE UNDER ARTICLE 13, PARAGRAPH 4, OF THE COVENANT.

The Greek Government, in a letter addressed to the Secretary-General on September 6th, 1934, recalled that the Council on October 2nd, 1930, had under the Treaty of Neuilly appointed M. Undén as arbitrator to deal with a dispute which had arisen between Greece and Bulgaria concerning certain forests situated in Central Rhodope. An arbitral award had been rendered on March 29th, 1933, and communicated to the Council on May 22nd, 1933. The Bulgarian Government had so far failed to carry out that award and the Greek Government desired that the question should be placed on the agenda of the Council with a view to the application of Article 13, paragraph 4, of the Covenant.

The Council considered the question on September 9th, 1934.2

The representative of Bulgaria assured the Council that it was not the intention of his Government to evade the obligation imposed upon it by the arbitral award. Bulgaria was prepared to discharge the necessary payments. The Bulgarian Government, however, in view of its financial difficulties, desired to examine with the Greek Government a proposal that the debt should be discharged by means of deliveries in kind. The outstanding question, therefore, was one of execution and not of substance, and the Bulgarian Government hoped that a friendly settlement could be reached.

The representative of Greece declared that the Greek Government was prepared to settle immediately the nature and quantity of the deliveries in kind to be accepted in payment.

The representative of Bulgaria thereupon drew the attention of the Council to the fact that there was a large number of outstanding financial questions between Greece and Bulgaria in regard to which negotiations had taken place on various occasions, but which had been abandoned without any final result being achieved. The Bulgarian Government desired to resume those negotiations and would be glad to secure the good offices of the Council Rapporteur for the purpose.

The representative of Greece stated that his Government was prepared to resume the conversations with Bulgaria for the settlement of the outstanding financial questions to which the Bulgarian representative had alluded. He expressed the view, however, that the negotiations would have better prospects of success if they were undertaken after the two parties had settled between them the method of payment of the sums due by Bulgaria to Greece under the arbitral award. The Greek Government would also be grateful if the Council Rapporteur would in due course lend his good offices in the conduct of the subsequent negotiations.

The representative of the United Kingdom, as Rapporteur, declared his satisfaction at the declarations made by the representatives of Greece and Bulgaria and said that he would be happy to render any service in his power in the event of the negotiations being resumed.

Since then an arrangement has been reached for the discharge of the Bulgarian obligation by deliveries in kind, which are being effected.

VI. REQUEST OF THE YUGOSLAV GOVERNMENT UNDER ARTICLE 11 OF THE COVENANT.

1. SUBMISSION OF THE REQUEST TO THE COUNCIL OF THE LEAGUE.

The Government of Yugoslavia, in a communication to the Secretary-General dated November 22nd, 1934,3 requested that there should be brought before the Council of the League, under Article 11, paragraph 2, of the Covenant, a situation which it maintained, seriously compromised relations between Yugoslavia and Hungary and which threatened to disturb peace and good understanding between nations.

1 Document C.394.1934.V.
2 Eighty-second Session of the Council, First Meeting, Minute 3465.
3 Document C.506.M.225.1934.VII.
The Yugoslav Government recalled that, in a communication addressed to the Council of the League on June 4th, 1934, it had drawn attention to the criminal activities of certain terrorist elements established in Hungary and to the assistance and connivance afforded to these elements by certain Hungarian authorities. The Yugoslav Government had, on that occasion, declared its willingness to settle the whole situation on the frontier between the two countries by direct negotiations. These negotiations had led to an agreement, signed at Belgrade on July 21st, 1934.1

The Yugoslav Government stated that enquiries undertaken as a result of the assassination of King Alexander of Yugoslavia and M. Louis Barthou at Marseilles had shown that this criminal act had been organised and executed with the participation of terrorist elements which had taken refuge in Hungary and which had continued to enjoy the connivance of the Hungarian authorities. The Yugoslav Government felt that the circumstances in which that crime had been prepared and carried out must be completely brought to light. It accordingly appealed to the Council of the League in order that the responsibilities incurred might be denounced before the highest organ of the international community.

The Yugoslav Government further pointed out that the events at Marseilles raised in an acute form the problem of certain methods of international policy which were inadmissible—namely, the facilities and protection accorded on the territory of a foreign State for the training of professional criminals intending to commit acts of terrorism for a specific political purpose.

The Governments of Czechoslovakia and Roumania, in communications addressed to the Secretary-General on the same date,2 associated themselves with the request of the Yugoslav Government.

The Hungarian Government on November 24th, 1934,3 representing that Hungary was the victim of unfounded accusations which had created a political atmosphere dangerous to the peace of the world, declared that this tension had been further aggravated by the request which the Yugoslav Government had addressed to the League, supported by the other two States of the Little Entente.

The Hungarian Government expressed the view that it was essential that the Council of the League should immediately take the matter into consideration.

2. MEMORANDUM SUBMITTED BY THE YUGOSLAV GOVERNMENT ON NOVEMBER 30TH, 1934.4

The Secretary-General, on November 30th, 1934, circulated to the Council and Members of the League of Nations a memorandum received from the Government of Yugoslavia purporting to establish the responsibility incurred by the Hungarian authorities in connection with terrorist activities directed against Yugoslavia.

The Yugoslav Government, after describing the origins of terrorist action in Hungarian territory and the organisation of the terrorist movement in Hungary with the assistance of emigrants from Yugoslavia, alleged that the Hungarian authorities were acquainted with the methods and aims of the terrorists; that the attitude of the Hungarian authorities was not confined to passive tolerance, but had on occasion included active assistance; that its representations to the Hungarian Government to put an end to these activities had, for a period of years, been unavailing; and, finally, that during the period 1929-1934 no less than twenty terrorist acts, prepared or instigated in Hungarian territory, had been perpetrated in Yugoslav territory. Particular reference was made to Janka Puszta, a farm or camp near the Yugoslav frontier occupied by a notorious group of terrorists affiliated to a society known as the “Ustasa”.

The Yugoslav Government further contended that the responsibility of Hungary for the crime committed at Marseilles was proved by the following three facts:

1. The choice of the criminals was made on Hungarian territory among terrorists long and carefully trained in special camps for the perpetration of acts of this nature; 2. The criminals left Hungarian territory freely in possession of Hungarian passports; 3. The Marseilles crime was the culmination of terrorist action inspired andabetted for years in Hungarian territory.

The memorandum submitted by the Yugoslav Government concluded as follows:

“The Yugoslav Government has felt it incumbent upon it to lay before the Council of the League of Nations the extremely grave problems with which the community of States and world public opinion are confronted as a result of the Marseilles crime, which has robbed Yugoslavia of a great king and France of a great statesman, because it considers that this crime cannot be regarded as an isolated, individual act committed by criminal anarchists, examples of which can be found in history. The Marseilles crime is the logical outcome of a conspiracy against Yugoslavia, long organised and fostered abroad. The

3 Document C.515.M.231.1934.VII.
4 Document C.516.M.234.1934.VII.
authorities of a single State are powerless to protect themselves effectively against terrorist activities like these and, without a minimum of loyalty, if not of international co-operation, it is impossible to contend against this particularly dangerous form of international crime.

"The Yugoslav Government has resisted terrorist activities centred outside its national territory with all the means in its power. It has made repeated but vain appeals for the co-operation of the Hungarian Government. Far from affording it assistance in the suppression of the terrorist plots, which have already cost Yugoslavia so many lives, the Hungarian authorities have encouraged these activities. The Hungarian Government, for whose help the Yugoslav Government has appealed time after time with a view to preventing these machinations, has refused to take any effective action. It is owing to the Hungarian Government's attitude that the terrorist campaign against Yugoslavia, prepared so long ago, has culminated in the Marseilles crime. The Hungarian Government has thus incurred a heavy responsibility, which the Yugoslav Government regards as its primary international duty to expose before the supreme organ of the community of nations. The Yugoslav Government fully realises the gravity of this step, which it has taken only on the basis of facts, the truth of which it has been careful to verify."

3. MEMORANDUM SUBMITTED BY THE HUNGARIAN GOVERNMENT ON DECEMBER 10TH, 1934.

The Secretary-General communicated to the Council and Members of the League on December 10th, 1934, a memorandum submitted by the Hungarian Government.1

The Hungarian Government, emphasising that Hungary had a special interest in clearing up as promptly as possible the events referred to by the Government of Yugoslavia in its request to the Council, declared that it had not failed to adopt and loyally to carry out the Agreement reached at Belgrade on July 21st, 1934. The Hungarian Government had effected the necessary measures for the evacuation of Janka Puszta by the Yugoslav political emigrants and had taken the necessary steps to oblige the greatest possible number of Croat emigrants to leave the country.

The Hungarian Government, analysing the memorandum submitted by the Government of Yugoslavia, felt it necessary to reply to the following concrete charges:

(i) escort given to Croat emigrants by official agents of the Hungarian Government; (2) instruction and organisation of emigrants with a view to the perpetration of acts of terrorism; (3) supply of arms and ammunition and explosives to emigrants; (4) material assistance; (5) the issue of passports; (6) contact in the preparation of terrorist activities with Hungarian civil and military authorities.

The Hungarian Government replied to these six charges as follows:

1. Every individual apprehended for having illicitly crossed the frontier was brought before the civil and military authorities. Croat emigrants were also subjected to this treatment after their arrival.

2. Never had any Hungarian civil or military authority been concerned in the training or organisation of Croat emigrants.

3. Croat emigrants had never received any arms or ammunition from the Hungarian civil or military authorities and had never had the possibility of procuring such arms in Hungary. No Croat emigrant had ever been able to procure explosives in Hungary by legal means.

4. The Hungarian civil and military authorities had never supplied the Croat emigrants with any material resources.

5. There was and could have been no possible way in which the Croat emigrants could have obtained Hungarian passports by legal means.

6. There was no ground for the allegation that Hungarian officials or officers of the Hungarian army could have acted or even intended to act in any way as to render them materially or morally responsible either for the preparations for the outrage or for any terrorist action whatever, nor for the suggestion that the Hungarian authorities were acquainted with the aims and methods of work of the Yugoslav emigrants settled in Hungarian territory.

The Hungarian Government, referring in particular to the events at Marseilles, denied that the crime or any preparatory act connected with it was plotted or accomplished in Hungary or that Hungary had the slightest responsibility in the matter, and it concluded by denouncing the action taken by the Governments of the Little Entente as an attack upon the moral integrity of Hungary and as a political manoeuvre.

4. PROCEEDINGS BEFORE THE COUNCIL: DECEMBER 7TH TO 10TH, 1934.

Statement by the Representative of Yugoslavia.

The representative of Yugoslavia, at a meeting of the Council held on December 7th, 1934, made an oral statement in support of the request submitted by the Government of Yugoslavia.

He maintained that the terrorists, who had during the previous six years committed crimes on Yugoslav territory, had all come from Hungarian territory with arms and explosives introduced illegally from Hungary and had all been subjected to a systematic terrorist training in special camps in Hungary.

1 Document C.530.M.246.1934.VII.
He further alleged that three criminals, chosen on Hungarian territory to take part in the perpetration of the attempt against King Alexander, had left Hungary freely with Hungarian passports. The Hungarian Government had officially admitted the existence of emigrant terrorists on its territory and the residence at Janka Puszta of numbers of terrorists who had later been arrested in Yugoslavia in the act of perpetrating outrages. It had further admitted that its authorities had been deceived by the terrorists, that two of the accomplices of the crime committed at Marseilles had been living in Hungary under false names previous to the outrage, and that the third accomplice had disappeared at a time when his extradition for another crime was being requested by the Government of Yugoslavia. The movements of the terrorists abroad were accomplished with the aid of Hungarian passports and the terrorist organisation on Hungarian territory had abundant funds which exceeded the possibilities of a private source. It had also at its disposal arms and explosives difficult to procure from private traders without official connivance.

The representative of Yugoslavia finally contended that the Hungarian authorities had, after the crime at Marseilles, refused to co-operate actively in the investigation of the origin and ramifications of the conspiracy.

Statement by the Representative of Hungary.

The representative of Hungary made a solemn protest against these accusations. He recapitulated the arguments embodied in the Hungarian memorandum submitted to the Council on December 10th, 1934, confirming the contention of the Hungarian Government that Hungary was the scene neither of the conception, preparation nor execution of the crime at Marseilles and that she had not the slightest responsibility for the outrage. The assertion of the Government of Yugoslavia that the assassinations at Marseilles were the culmination of terrorist action inspired and abetted for years in Hungarian territory was quite unfounded. The crime at Marseilles must in fact be regarded as a symptom of a revolutionary frame of mind which had arisen in consequence of domestic circumstances and events in Yugoslavia.

The representative of Hungary then drew the attention of the Council to a situation which required prompt intervention. The Yugoslav Government had immediately after the crime at Marseilles proceeded to expel Hungarian nationals who were living on its territory. More than a thousand such persons had been deported on the previous day and there were at that moment in Hungary over 2,000 refugees who were in a state of complete destitution and in urgent need of relief. The Hungarian Government for the moment confined itself to drawing the attention of the great Powers to this intolerable situation, and the Hungarian Red Cross had appealed by telegram to the International Red Cross Committee at Geneva asking it to investigate urgently on the spot the situation of the deported refugees.

Statement by the Representative of Czechoslovakia.

The representative of Czechoslovakia made a statement to the Council indicating the reasons for which the Government of Czechoslovakia associated itself with the request before the Council.

Summing up what he considered to be the essential features of the specific case before the Council, he emphasised that the situation which had arisen called for measures which would offer a possibility of settling the dispute at once and would provide guarantees against similar activities in future.

He regarded the activities of the terrorists who had received shelter within Hungarian territory as part of a general effort to arrest the historical process of unification in the new nations of Central Europe. Czechoslovakia was therefore directly concerned in the problem. Just as the Croat activities aimed at the dismemberment of Yugoslavia and the detachment of Croatia from the Yugoslav State, so did similar activities which had been directed against the Yugoslav State. The assassination of King Alexander had been the inevitable outcome of such activities. He drew the conclusion that such movements were in effect a violation of Article 10 of the Covenant in that they threatened the existing territorial integrity of Members of the League of Nations. Such activities, moreover, came within the definition of aggression recently accepted in principle by a Committee of the Conference for the Reduction and Limitation of Armaments.

The terrorist acts of which Yugoslavia had been a victim constituted, moreover, a case of aggression as defined in the Treaty of Non-Aggression recently signed between the Union of Soviet Socialist Republics and the States of the Little Entente.

Statement by the Representative of France.

The French representative, declaring that France stood by the side of Yugoslavia and associating himself generally with the accusations implying complicity or neglect on the part of the Hungarian Government, urged that the Council had in this matter an important and delicate task to accomplish for the future. It had to ensure that the principle of respect for the territorial integrity of the Members of the League was observed.

Governments were required to refrain from encouraging or tolerating on their territory any activities directed towards a breach of that principle. A new set of international
regulations was required and political crimes must be suppressed effectively by international measures. The French Government reserved its right to submit concrete proposals for the purpose.  

Meanwhile, the Hungarian Government must resume its enquiry with a view to ensuring just and effective punishment of those responsible for the crime at Marseilles.

Statement by the Representative of Italy.

The representative of Italy observed that the memorandum submitted by the Government of Yugoslavia referred to two distinct periods in the relations between Hungary and Yugoslavia. The first extended until July 1934, and the second, starting at that date, ended with the crime at Marseilles. These two periods were quite distinct from one another and legally it would be irrelevant to revert to the situation which preceded the Agreement signed between the two countries at Belgrade on July 21st, 1934.

The Hungarian representative had stated that the revisionist policy of his country was fundamentally peaceful. That declaration should suffice to remove all mistrust and misunderstanding.

Revisionism was not terrorism; the two things were mutually exclusive.

Italy had been the first to maintain that existing treaties should be adjusted to the new exigencies of the times, such adjustment being the best way of guaranteeing the maintenance of peace. Adjustment, however, should be effected by legal methods.

The French representative had referred to the possibility of international action to deal with terrorism. The Italian Government would give full attention to that suggestion, but no agreement could have tangible results except in an atmosphere of confidence and normal relations.

Statement by the Representative of the Union of Soviet Socialist Republics.

The representative of the Union of Soviet Socialist Republics, reserving his opinion on the facts of the case, declared nevertheless that the crime at Marseilles was clearly the result of terrorism. A peculiarity of the latest kind of terrorism was that it was almost always prepared and carried out on foreign territory, financed from foreign sources and sometimes used as an instrument of foreign policy. The Council had therefore to deal with a phenomenon which was a manifest danger to peace.

The Council should not restrict itself to cases of terrorism in the technical meaning of the word, but turn its attention to other forms of activity, such, for instance, as the organisation among emigrants of armed bands for the invasion of foreign territories and the toleration of military or militarily organised bodies of emigrants. It was the practice of certain States to tolerate within their territory the presence of emigrants of a definite political tendency and to extend to them a large measure of hospitality, though they refused the right of asylum when claimed by emigrants of a different political shade.

Statement by the Representative of the United Kingdom.

The representative of the United Kingdom felt some difficulty in forming an opinion as to the responsibilities for the crime at Marseilles. Proceedings were still sub judice in France, and the expression of any definite opinion on the details of the case was at the moment attended by great difficulties. That, however, did not preclude the Council from taking all possible steps to effect a satisfactory settlement of the specific case.

The Government of Yugoslavia had raised the more general question of the prevention of terrorism. There were three factors of the problem: first, the laws in force in the various countries relating to acts of terrorism might profitably be a matter for investigation; secondly, the powers of the national administrations for the supervision of aliens and the discretion with which such powers were exercised were important factors; thirdly, treaties, and in particular extradition treaties, varied considerably as between most European countries. It would be difficult for useful proposals to be made for the prevention of terrorism without adequate examination of these three factors of law, administration and treaties.

The right of asylum had been a principle to which public opinion in the United Kingdom had always attached importance, but the United Kingdom Government did not tolerate in territories under its jurisdiction the abuse of personal freedom which consisted in employing or advocating the employment of illegal or violent action against constituted authority whether at home or abroad. Moreover, though the right to freedom of speech and the liberty of the Press was dear to him as an Englishman, the harm which might be done by an immoderate expression of opinion was undoubted and the use of such language must be firmly discouraged.

1 The French delegation submitted, on December 9th, 1934, proposals for the conclusion of an international agreement, with a view to the suppression of crimes committed for the purpose of political terrorism, and for the establishment of an international criminal court to try individuals accused of specific acts of terrorism (document C.542.M.249, 1934.VII). These proposals of the French delegation, and the action taken upon them, are covered in the chapter of this report dealing with legal and constitutional questions.
The Council, in dealing with the case under consideration, must exclude a tendency to introduce matters which had long past caused differences of opinion between nations, but which did not immediately arise in the documents before the Council. The domain of facts, moreover, in the interests of peace, must be segregated from that of methods and policy.

Statement by the Representative of Poland.

The representative of Poland emphatically denounced the terrorist methods which were continually embittering the political atmosphere in various parts of Europe. He was prepared to co-operate with the Council in taking practical steps to ensure that States should combine for the suppression of such crimes.

Statement by the Representative of Spain.

The representative of Spain emphasised that the Council was an executive tribunal rather than a court of justice and was expected to appreciate the facts rather than to pass judgment. Action was required of the Council rather than retribution. The Spanish Government desired to pay a tribute to the countries which had fulfilled their duty under the Covenant of the League by coming before the Council in the present instance. The Council, in considering the forming of a convention on terrorism, might study, in addition to the points sketched by the representative of the United Kingdom, the question of the ease with which arms might be procured for illegal purposes.

Statement by the Representative of Mexico.

The representative of Mexico associated himself with the views expressed by the representative of Spain.

Statement by the Representative of the Argentine Republic.

The representative of the Argentine Republic, associating himself with the views expressed by the representatives of Spain and Mexico, recalled that in 1920 his country had taken the initiative in calling a South American international conference for the purpose of framing a convention between the various police organisations of adjacent countries to ensure joint preventive action by States against possible outrages.

Statement by the Representative of Chile.

The representative of Chile urged that the Council should call the attention of all States Members of the League and non-members to terrorist activities and the existence of organised bands for disturbing public order, with a view to the organisation of joint concerted action and to seeking ways and means of avoiding a repetition of such incidents. The Council might even, at that stage, recommend to all States the adoption of a reciprocal undertaking to communicate with one another in due time full and frank information in their possession as to the activities of terrorist elements, to exercise a closer supervision over them and to adopt the necessary measures for their punishment and suppression.

Statement by the Representative of Roumania.

The representative of Roumania, associating himself with the request submitted by the Government of Yugoslavia, analysed in detail the accusations contained in the Yugoslav memorandum and their refutation by the representative of Hungary. It was to be concluded from this analysis that in no case had the contentions of the Government of Yugoslavia been invalidated. On the contrary, they had in many instances been implicitly admitted or even reinforced.

The Council had a more general task, apart from giving legitimate satisfaction to Yugoslavia. It was by preparing an international convention against terrorism that it could fulfil its duty in the best interests of peace. The Roumanian Government had been urging the conclusion of such a convention since 1932. It had, for this purpose, submitted a number of proposals to the Committee for Moral Disarmament of the Conference for the Reduction and Limitation of Armaments to the effect that States should punish the preparation and execution within their territory of acts directed against the safety of a foreign Power. The Hungarian representative on the Committee for Moral Disarmament had, in June 1933, intimated that Hungary would refuse to sign any legal engagement in the matter. He noted that the Hungarian representative was no longer opposed to the conclusion of an international convention against terrorism.

The Hungarian representative had seized the opportunity of the present enquiry to proclaim a revisionist policy as an instrument of peace. Such questions should not have been raised.

The Roumanian Government agreed that revision was a legal institution. The revisionists, however, formed a very small group as compared with the populations which were satisfied with the present territorial situation. Insistence upon revision was not a work of peace but a
work of war and, though it was legal to apply to the League in order to ascertain whether the
unanimity requisite for a revision of existing treaties and the assent of the parties concerned
was forthcoming, it was absolutely illegal and at variance with Article 10 of the Covenant to
endanger by propaganda the territorial integrity or political independence of States.


The Council, after hearing further statements by the representatives of Yugoslavia and
Hungary, adopted, on December 10th, 1934, the following resolution:

"I.

"The Council,

"Convinced that it interprets the sentiments of the whole League of Nations;

"Unanimously deploring the crime which occasioned the loss of the lives of the
knightly King Alexander I of Yugoslavia, the Unifier, and of M. Louis Barthou:

"Condemns this odious crime;

"Associates itself with the mourning of the Yugoslav nation and of the French
nation;

"And insists that all those responsible should be punished.

"II.

"The Council recalls, that it is the duty of every State neither to encourage nor
tolerate on its territory any terrorist activity with a political purpose;

"That every State must do all in its power to prevent and repress acts of this nature
and must for this purpose lend its assistance to Governments which request it:

"Is of opinion that these duties devolve, in particular, on the Members of the League
of Nations in view of the obligations of the Covenant in relation to the engagements
they have undertaken to respect the territorial integrity and the existing political
independence of the other Members.

"III.

"The Council,

"Desirous that the good understanding upon which peace depends should exist
between Members of the League, and expressing its confidence that they will avoid any-
thing which might be of a nature to compromise it;

"Noting that, as the result of the discussions which have taken place before the
Council and of the documents which have been communicated to it—in particular, the
diplomatic correspondence exchanged between the Hungarian and Yugoslav Governments
from 1931 to 1934—various questions relative to the existence or the activities outside
Yugoslav territory of terrorist elements have not been settled in a manner which has
given satisfaction to the Yugoslav Government;

"Being of opinion, as the result of these discussions and documents, that certain
Hungarian authorities may have assumed, at any rate through negligence, certain respon-
sibilities relative to acts having a connection with the preparation of the crime of Marseilles;

"Considering, on the other hand, that it is incumbent on the Hungarian Government,
conscious of its international responsibilities, to take at once appropriate punitive action
in the case of any of its authorities whose culpability may be established;

"Convinced of the goodwill of the Hungarian Government to perform this duty:

"Requests it to communicate to the Council the measures it takes to this effect.

"IV.

"The Council,

"Considering that the rules of international law concerning the repression of terrorist
activity are not at present sufficiently precise to guarantee efficiently international
co-operation in this matter:

"Decides to set up a Committee of experts to study this question with a view to
drawing up a preliminary draft of an international convention to assure the repression
of conspiracies or crimes committed with a political and terrorist purpose;

"Decides that this Committee shall be composed of eleven members, the Governments
of Belgium, the United Kingdom, Chile, France, Hungary, Italy, Poland, Roumania,
Spain, Switzerland, Union of Soviet Socialist Republics, each being invited to appoint
a member;

"Refers to this Committee for examination the suggestions which have been presented
to the Council by the French Government, and requests other Governments which may
wish to present suggestions to send them to the Secretary-General, so that they may be
examined by the Committee;

"Invites the Committee to report to the Council so that the latter may apply the
procedure laid down in the resolution of the Assembly of September 25th, 1931, concerning
the drawing up of general conventions negotiated under the auspices of the League of
Nations."
The Hungarian Government, on January 12th, 1935, sent to the Secretary-General a communication for submission to the Council, in accordance with paragraph III of the resolution adopted by the Council on December 10th, 1934.

The Hungarian Government in this communication, after pointing out that the enquiries undertaken in accordance with the resolution adopted by the Council were merely a resumption of investigations instituted immediately by the Hungarian authorities after the commission of the crime at Marseilles, and after reviewing in detail the points raised in the memorandum and statements submitted to the Council by the representative of Yugoslavia, drew special attention in conclusion to the following points:

1. In the light of the very searching enquiries carried out by the Hungarian Government, it should be borne in mind that it is impossible to establish any direct or indirect connection between the Hungarian Government or its subordinate authorities and the Marseilles outrage, for which they are in no way responsible.

2. In view more especially of the inadequacy of the measures in force which made no allowance for the abnormal cases then in existence, certain minor Hungarian officials failed to supervise Croat immigration with the vigilance necessary in such unusual cases; for these reasons, the Hungarian Government has taken suitable disciplinary measures wherever such negligence has been established.

3. Under the influence of the events of Marseilles and in accordance with the resolution of the Council of the League of Nations, the Hungarian Government has decided to take stricter measures as regards the supervision of foreigners and the regulations governing the issue of passports.

"The Royal Hungarian Government considers that, having in the foregoing memorandum informed the Council of the results of the very thorough enquiries carried out in execution of the Council's resolution of December 10th last, of the disciplinary action taken in regard to certain officials and also of the governmental reforms recently introduced, with a view to stricter supervision of political emigrants and improvements in the methods of issuing passports and in the whole of the administration connected therewith, it has shown itself conscious of its international responsibilities and fully discharged the obligations laid upon it by the Council."

The Council, on January 18th, 1935, was informed by the representative of the United Kingdom, acting as Rapporteur, that he had received from the Yugoslav Government a copy of the Hungarian memorandum communicated under the resolution adopted by the Council on December 10th, 1934. He requested such Members of the Council as might have observations to make upon the memorandum to communicate them as soon as possible, so that he might submit such proposals to the Council as might seem appropriate.


The representative of the United Kingdom, in response to the request that members of the Council who had observations to make upon the memorandum submitted by the Hungarian Government should communicate them as soon as possible, received in due course from the Government of Yugoslavia a memorandum dated March 21st, 1935. The Roumanian and Czechoslovak Governments, moreover, in letters dated April 15th, 1935, informed the Secretary-General that they were in complete agreement with the observations submitted by the Government of Yugoslavia.

The Yugoslav Government expressed the opinion that the communication of the Hungarian Government, far from being a report on the enquiry conducted or disciplinary action taken by the Hungarian Government in accordance with the resolution of the Council, was in reality a retrospective criticism of the resolution and constituted an attempt to deny or invalidate facts which the Hungarian Government itself had previously admitted. The Yugoslav Government complained that the investigation conducted by the Hungarian Government had been superficial and arbitrary, and it challenged in specific instances the conclusions and statements put forward as a result of the investigation.

The representative of the United Kingdom, reporting to the Council on May 25th, 1935, said that, in the light of the communications received from the Yugoslav, Czechoslovak and Roumanian Governments, he might have been justified in calling for supplementary information from the Hungarian Government on certain points having a bearing upon the execution of the resolution of December 10th, 1934. He went on to say, however, that, in view of the goodwill shown by the Yugoslav Government and of the desire felt by all the Members of the Council to consider the examination of the question as closed, he did not propose to carry the matter any further.

The representative of Hungary assured the Council that his Government, conscious of its international responsibilities, and having regard to the decision of the Council of December 10th 1934, would continue to take all necessary steps against terrorist action and to devote particular attention to Yugoslav emigrants within the framework of the provisions applying to the supervision of foreigners. The Hungarian Government had already, as a result of its enquiry, undertaken, at the invitation of the Council, to make the provisions relating to the supervision of foreigners and the delivery of passports more severe.
The representative of Yugoslavia stated that, though he considered that the results of the enquiry conducted by the Hungarian Government in regard to certain important points arising under the resolution of December 10th, 1934, were not satisfactory, and that, with regard to these points, supplementary information might have been requested from the Hungarian Government, Yugoslavia would nevertheless not oppose the suggestion that the matter should not be carried any further. The Yugoslav Government was glad to note the declaration of the representative of Hungary to the effect that his Government would take all the necessary steps against terrorist action.

The representatives of Czechoslovakia and Roumania accepted the proposal of the Rapporteur on behalf of their respective Governments.

The representative of France congratulated the Yugoslav Government for having given proof of its desire for conciliation, and on behalf of his Government expressed his conviction that the goodwill of the Hungarian Government would not be lacking.  

VII. REQUEST OF THE IRAQI GOVERNMENT UNDER ARTICLE II, PARAGRAPH 2, OF THE COVENANT OF THE LEAGUE OF NATIONS.

The Iraqi Government, in a memorandum dated November 29th, 1934, referring to paragraph 2 of Article II of the Covenant, expressed to the Council the great anxiety which it had felt for some time owing to a disregard and violation of the frontier between Iraq and Iran by official agents of the Imperial Government of Iran.

The Iraqi Government observed that the frontier between Iraq and Iran had been fixed by the Treaty of Erzerum of 1847 concluded between Iran and the Turkish Empire of which Iraq was then a part. The frontier was subsequently fixed at various points by the Protocol of Constantinople of 1913, and consequently the delimitation effected by the Delimitation Commission of 1914 had no force either in law or in equity.

The representative of Hungary stated that, though he considered that the results of the enquiry conducted by the Hungarian Government in regard to certain important points arising under the resolution of December 10th, 1934, were not satisfactory, and that, with regard to these points, supplementary information might have been requested from the Hungarian Government, Yugoslavia would nevertheless not oppose the suggestion that the matter should not be carried any further. The Yugoslav Government was glad to note the declaration of the representative of Hungary to the effect that his Government would take all the necessary steps against terrorist action.

The representatives of Czechoslovakia and Roumania accepted the proposal of the Rapporteur on behalf of their respective Governments.

The representative of France congratulated the Yugoslav Government for having given proof of its desire for conciliation, and on behalf of his Government expressed his conviction that the goodwill of the Hungarian Government would not be lacking.  

The representative of Iraq, after submitting a refutation of the arguments embodied in the memorandum of the Government of Iran, declared that his Government had submitted the question to the Council in order that the legal situation might be defined. It would then be possible for the two Governments to settle by negotiation such questions as the control of navigation on the Shatt-al-Arab, and all the other difficulties which were outstanding. He submitted, however, that, pending a definition of the legal situation under the auspices of the Council, the present frontier should be respected.

The representative of Iran submitted to the Council explanations supplementary to those contained in the memorandum submitted by his Government and discussed the arguments set forth by the representative of Iraq in his statement.

His Government considered that there had never been, as between Iran and the Ottoman Empire, that joint consent of the parties which was required for the existence of a valid contract, in accordance with the law in force at the various periods. Along the section of the frontier of Shatt-al-Arab, in the absence of valid texts to the contrary, the boundary should, in conformity with the general rules of international law, be constituted by the median line of the river channel between the two riparian States. The representative of Iran, in conclusion, opposed the contention submitted by the representative of Iraq that the frontier, pending its delimitation by a legal act, should remain as it now existed according to the contention of Iraq.

The representative of Italy, who was appointed Rapporteur, after hearing observations from the representatives of the United Kingdom, Turkey and the Union of Soviet Socialist Republics, got into touch with the representatives of the two parties with a view to submitting a report to the Council. The Rapporteur was unable before the close of the session to conclude his examination of the case or his negotiations with the parties and was accordingly authorised to continue his task between the Council's sessions.

The representatives of the parties declared that they would endeavour to avoid any incident which might render more difficult the final settlement of the question. The representative of Iraq nevertheless felt it necessary to insist that a final settlement should be reached as soon as possible. He stated that he was ready, in order to facilitate such a settlement, to accept an advisory opinion of the Permanent Court of International Justice on the questions in dispute.

1 Eighty-sixth Session of the Council, Sixth Meeting, Minute 3599.
2 Document C.53(I).M.29.I.934.VII.
3 Eighty-fourth Session of the Council, Third Meeting, Minute 3526.
4 Eighty-fourth Session of the Council, Fourth Meeting, Minute 3528.
The representative of Iran read to the Council the text of the accession of his country to the Optional Clause recognising the jurisdiction of the Permanent Court under Article 36 of the Statute, which indicated the conditions and reservations which had accompanied that accession. He expressed the view that it was for the moment premature to consider the possibility of requesting an advisory opinion from the Permanent Court.1

On May 25th, 1935, the representative of Italy informed the Council of the result of his negotiations with the parties. He was not yet able to announce that they had reached an agreement, but explanations had been received in regard to certain points which would help towards an agreement and which had opened up the prospect of a settlement of all the practical issues between the parties. There remained, however, a number of points which required further investigation. He asked the Council to adjourn the question to its next ordinary session.

The parties had conformed with their undertakings that they would abstain from any act which might render a settlement of the question more difficult and no further incident had occurred.

The representatives of Iraq and of Iran accepted the proposal of the Italian representative that the question should be adjourned.

The representative of Turkey recalled that a similar frontier question which had affected Turkey and Iran had been settled by agreement and on a practical basis, though there had been a disagreement as to the legal value of certain documents upon which the parties had put forward their claims. He recommended this successful precedent to the attention of the parties to the present dispute.2

VIII. DISPUTE BETWEEN THE SWISS CONFEDERATION AND OTHER STATES CONCERNING THE REPARATION FOR DAMAGE SUFFERED BY SWISS CITIZENS AS A RESULT OF EVENTS DURING THE WAR.

The Swiss Federal Council, by a letter of July 13th, 1934, brought to the attention of the Council a divergence of views existing between it and the Governments of the United Kingdom, France, Germany and Italy with regard to the compensation of Swiss nationals for losses of various kinds sustained by them during the war of 1914-1918.3 These losses were stated to fall into three classes: (1) War damage properly so called—i.e., injury to persons or property strictly due to military operations; (2) war damage resulting from military occupation (legal and illegal requisitions and seizures); and (3) losses due to requisitions by a belligerent in its own territory. The main question in dispute, according to the statement made in the Council on January 21st, 1935, by M. Motta, the representative of Switzerland, was whether, in cases where a State assumed a legal obligation to compensate its nationals for war losses, it was or was not obliged also to give such compensation to foreigners settled in its territory.

The application to the Council was the result of resolutions passed on December 6th, 1933, by the National Council of the Swiss Confederation, and on December 15th, 1933, by the Council of States, calling upon the Federal Council to have recourse to the League or the Permanent Court. The Federal Council declared that, although, in the course of the parliamentary discussions, it had at first, on the strength of legal advice which it had received, opposed the adoption of the resolution, the sympathy felt by the Swiss people for the Swiss war victims and the strong feeling in parliament that their claims were well founded in law, had convinced it of the necessity of persevering with a claim the justice of which it felt could not be disputed, whatever the difficulties in the way of its satisfaction.4

The Swiss application was discussed by the Council during its eighty-second, eighty-fourth and eighty-sixth sessions (September 1934 and January and May 1935).

The Swiss representative in the first instance asked that an advisory opinion from the Permanent Court of International Justice should be obtained upon the legal issues involved. Subsequently he proposed that, if recourse to the Court was not possible, the Council should appoint a committee of jurists or a conciliation commission, or invite the parties to resume diplomatic negotiations.

The representatives of the United Kingdom, France and Italy5 denied that the claims made by Switzerland were well founded in law and argued that for the Council to obtain an advisory opinion from the Permanent Court would in fact be equivalent to obtaining by an indirect method a decision of the Court upon a dispute which they were not bound to refer to it either under the Covenant or under any other treaty obligation. They pointed out that, by universal consent, the dispute did not involve any interruption of the friendly relations between the parties, and they maintained that the case was not one with which the Council ought to be willing to deal.

At its session of January 1935, the Council, having reached the conclusion that it could not ask for an advisory opinion from the Permanent Court, referred to a Committee of three members (Argentina, Spain and Czechoslovakia) the question whether, taking into account all the circumstances brought out during the discussion, it ought to proceed with the application to the Swiss request of Article 11, paragraph 2, of the Covenant.

1 Eighty-fourth Session of the Council, Ninth Meeting Minute 3560.
2 Eighty-sixth Session of the Council, Sixth Meeting, Minute 3600.
3 Document C.316.1934.V.
4 The German Government was not represented before the Council and made no reply to the Swiss application.
The report of the Committee was brought before the Council on May 23rd, 1935. Briefly summarised, it was to the effect that, while the application of Article II, paragraph 2, to the case ought not to be rejected ab initio, the Council, in a dispute which did not constitute an immediate danger to peace or a conflict of political interests, but arose out of a pecuniary claim the legal validity of which was contested, could not go beyond an effort at conciliation. The Committee, having explored, in negotiations with the parties, the possibilities of a solution by conciliation, had reached the conclusion that they were not sufficient to justify retaining the case on the Council's agenda, this conclusion being without prejudice to direct conversations which, in view of the terms on which the parties stood with one another, the Committee considered to be always possible.

The Council decided, the Swiss representative dissenting, not to retain the case on its agenda.

IX. DISPUTE BETWEEN ITALY AND ETHIOPIA: APPEAL OF THE ETHIOPIAN GOVERNMENT.

ORIGIN OF THE DISPUTE.

The Government of Ethiopia, on December 14th, 1934, in a communication addressed to the Secretary-General of the League of Nations, stated that on November 23rd, 1934, the Anglo-Ethiopian Commission surveying pasture lands in the Ethiopian province of Ogaden was prevented by Italian military forces from continuing its work upon its arrival at Wal-Wal, situated about 100 kilometres within the same province.

The Ethiopian Government further stated that, on December 5th, 1934, Italian troops with tanks and military aeroplanes had attacked the Ethiopian escort of the Commission and that, despite an immediate protest on the part of the Ethiopian Government on December 6th, 1934, Italian military aeroplanes three days later had bombarded Ado and Gerlogubi in the same province.

The Ethiopian Government added that, on December 9th, 1934, it had submitted a request for arbitration under Article 5 of the Treaty between Italy and Ethiopia of August 2nd, 1928. The Italian Chargé d'Affaires at Addis-Ababa, in a note dated December 11th, 1934, had however demanded an indemnity and moral reparation and, in a note dated December 14th, 1934, he had declared that his Government did not see how the solution of such a question could be submitted to arbitral decision.

The Ethiopian Government, in making its communication to the Secretary-General, stated that its purpose was, in the presence of Italian aggression, to draw the attention of the Council to the gravity of the situation.

The Italian Government, on December 16th, 1934, sent to the Secretary-General a communication stating that the charges brought against Italy by the Ethiopian Government were devoid of all foundation and contending that the responsibility for the incidents at Wal-Wal rested entirely with the Ethiopian Government.

The Italian Government represented that, on November 23rd, the Anglo-Ethiopian Commission had appeared before Wal-Wal, a place belonging to Italian Somaliland and occupied by Italian troops for several years. The Ethiopian Commissioner, in the negotiations which followed, had maintained that Wal-Wal belonged to Ethiopia and that the Ethiopian troops had therefore the right to proceed. The officer commanding the Italian post had replied that he could not permit the Ethiopian troops, numbering some 1,000 effectives, to advance into Italian Somaliland and that the question of the possession of Wal-Wal was for the two Governments to discuss. The Anglo-Ethiopian Commission had thereupon left the zone, but the Ethiopian troops had remained. The Ethiopian commander had rejected the proposal that the lines occupied respectively by the Italian native troops and by the Ethiopian troops should be separated by pickets and, on December 5th, 1934, the Ethiopian troops had made a sudden attack in force on the Italian post without provocation. The Italian post had defended itself in its positions until the arrival of reinforcements, which had enabled it to repulse the aggressors and put them to flight with the assistance of aeroplanes and an armoured car.

The Italian Government had subsequently demanded from the Ethiopian Government apologies from the Governor of Harrar, salute to the Italian flag, punishment of the offenders and compensation for the dead and wounded. Further, in reply to the request that the question should be submitted to arbitration, the Italian Government had replied that, in view of the fact that a sudden and unprovoked attack had been made by Ethiopians on an Italian post, it did not see what question could be submitted to arbitral procedure and it therefore reiterated its demand for reparations and apologies.

The Ethiopian Government in a further communication addressed to the Secretary-General on December 18th, 1934, contended: (1) that the protest made against the provocative attitude and demonstrations of the Italian troops in Ethiopian territory had been made not...
only by the Ethiopian Commissioner on the spot but jointly by the British and Ethiopian Commissioners; (2) that there was Italian aggression, first at Wal-Wal and three days later in the interior of Ogaden, notably at Ado and Gerlogubi; and (3) that Wal-Wal was Ethiopian territory illegally occupied by Italian troops.

The Italian Government, on December 24th, 1934, stated that, on the basis of information received from the Governor of Italian Somaliland, he was able to confirm the statement that the Wal-Wal post had been attacked on December 5th, 1934, suddenly and without provocation. Armed detachments of Ethiopians marching towards the Italian lines had fired on an Italian aeroplane making a reconnaissance flight over the fighting area. The aeroplane had replied and pursued the armed Ethiopians as far as Ado. Gerlogubi had not been bombed. The Italian Government represented that the incident at Wal-Wal was the most recent of a lengthy series of attacks carried out in the past in the frontier zone between Italian Somaliland and Ethiopia by Ethiopian detachments with a view to disputing the legality of the presence of Italian detachments in certain frontier localities.

The Italian Government declared that it was still prepared to resume the work of delimitation of the frontiers between Ethiopia and Italian Somaliland which was begun in 1910 and discontinued owing to difficulties raised by the Ethiopian Government.

The Ethiopian Government, on December 31st, 1934, again maintained that the Italian forces had committed an act of aggression at Wal-Wal and that this incident and the previous incidents were due to a deliberate Italian policy of gradual encroachment. The Ethiopian Government declared that it was prepared to satisfy Italian demands if its responsibility were proved.

The Ethiopian Government, in a communication to the Secretary-General on December 24th, 1934, announced that the Italians were advancing into Ethiopian territory in the direction of Ado and Gerlogubi and had just occupied Afdub in Ethiopian territory.

The Italian Government, in a reply addressed to the Secretary-General on December 28th, 1934, stated that there had been no advance by Italian troops into Ethiopian territory; that Afdub had been garrisoned by Italian troops for several years; that there had been no bombardment at Gerlogubi; that reconnaissance flights of Italian aeroplanes had been necessary owing to the considerable concentration of Ethiopian armed forces in the districts adjacent to Wal-Wal and other places where there were Italian garrisons.

REQUEST BY THE ETHIOPIAN GOVERNMENT FOR THE APPLICATION OF ARTICLE II OF THE COVENANT.

The Ethiopian Government, in a communication addressed to the Secretary-General on January 3rd, 1935, stated that Italian troops massed before Gerlogubi had attacked the Ethiopian garrison there on December 28th, 1934. Two Ethiopians had been killed and two wounded. Italian aircraft were continually flying over Gerlogubi and tanks were in the neighbourhood.

The Ethiopian Government accordingly requested, in application of Article II of the Covenant, that every measure should be taken effectually to safeguard peace.

The Secretary-General forwarded this communication to the Members of the Council, which was due to meet on January 11th, 1935.

The Ethiopian Government, on January 15th, 1935, forwarded to the Secretary-General, for communication to the Council and Members of the League, a memorandum on the incidents at Wal-Wal between November 23rd and December 5th, 1934, in support of its request that the situation should be examined by the League of Nations in accordance with the provisions of Article II, paragraph 2, of the Covenant.

The Secretary-General, on January 19th, 1935, read to the Council, the following two letters: The first, which was from the delegation of the Kingdom of Italy and was dated January 19th, 1935, read as follows:

"The question dealt with in the Ethiopian memorandum has already given rise between the two Governments concerned to an exchange of official communications and to direct negotiations which have not up to the present been suspended.

"It is in conformity with the spirit of the Covenant and with the tradition of the League of Nations to encourage direct negotiations concerning disputes that may arise between two States Members.

"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 Ethiopian 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.

1 Document C.581.M.272.1934.VII.
3 Document C.582.M.273.1934.VII.
6 Document C.49.M.22.1935.VII.
"I accordingly request you to be good enough to submit to the members of the Council at a private meeting the proposal to postpone the discussion of the Ethiopian request."

The second letter, which also bore the date of January 19th, 1935, was from the Ethiopian delegation and read as follows:

"I have the honour to inform you that the Ethiopian Government, finding that the Italian Government, like itself, is desirous of conciliation and is prepared to pursue the settlement of the question which formed the subject of its request, in accordance with the spirit of the Treaty of Amity of August 2nd, 1928, and with Article 5 of the said Treaty, finding further that the Italian Government is prepared to take all expedient measures and to confirm or give all useful instructions for the avoidance of fresh incidents, agrees to the postponement of the discussion of its request to the next session of the Council.

"The Ethiopian Government, like the Italian Government, pledges itself to take all expedient measures and to confirm or give all useful instructions for the avoidance of fresh incidents."

The President of the Council presented the following resolution, which was adopted:

"The Council, taking note of the letters which have been addressed to the Secretary-General by the representative of the Imperial Government of Ethiopia on the one hand and by the representative of the Imperial Government of Ethiopia on the other hand, and in which, prompted by a spirit of conciliation, they declare 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 the said Treaty, and noting that they have pledged themselves to take all expedient measures and to give all useful instructions for the avoidance of fresh incidents, postposes the discussion of the Ethiopian request to the next session."

APPEAL BY THE ETHIOPIAN GOVERNMENT UNDER ARTICLE 15 OF THE COVENANT.

The Ethiopian Government, on March 17th, 1935, communicated to the Secretary-General an appeal under Article 15 of the Covenant stating that, in consequence of mobilisation measures ordered by the Italian Government and the continual despatch of troops and war material to the Italo-Ethiopian frontier, there had arisen between Ethiopia and Italy a dispute which was likely to lead to a rupture.

The Ethiopian Government observed that, in agreeing to a postponement of the consideration of the dispute by the Council on January 19th, it had understood that the dispute would be settled by negotiation or arbitration in accordance with the spirit of the Treaty of Amity of August 2nd, 1928, and in particular with Article 5 of that Treaty, which provided that the two Governments would submit to a procedure of conciliation and arbitration disputes which might arise between them and which could not be settled by ordinary diplomatic methods. The Ethiopian Government had frequently appealed to Article 5 of the Treaty of 1928. It had also had recourse to the good offices of a third Power. Direct negotiations between the two Governments had proved unsuccessful, the good offices of a third Power had been refused by the Italian Government and the Ethiopian Government had vainly demanded arbitration.

The Italian Government had replied by mobilising troops and despatching war material to Ethiopia and Somaliland, a proceeding which was in conflict with the Treaty of 1928 and the Agreement reached at Geneva on January 19th, 1935. The independence of Ethiopia as a Member of the League of Nations was in peril and the Ethiopian Government appealed to the undertaking embodied in Article 10 of the Covenant whereby Members of the League promised to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League.

The Ethiopian Government concluded by requesting the Secretary-General to lay the dispute before the Council with a view to full investigation and consideration pending the arbitration contemplated by the Treaty of 1928 and the Geneva Agreement of January 19th, 1935. It undertook to accept any arbitral award immediately and unreservedly and to act in accordance with the counsels and decisions of the League.

The Italian Government, in a communication addressed to the Secretary-General on March 22nd, 1935, stated that the appeal of Ethiopia under Article 15 of the Covenant was based upon unfounded or incorrect premises. The despatch of Italian troops to the East African colonies had been rendered necessary by military measures taken on a much larger scale by Ethiopia and by the abnormal situation which still existed on the frontiers. The Italian Government had observed the Agreement reached at Geneva on January 19th, 1935. It had proposed the establishment of a zone of mutual respect in the Wal-Wal area with a view to avoiding any further incidents and was endeavouring to reach a settlement in accordance with the provisions of Article 5 of the Treaty of 1928 both by official correspondence and by direct conversations. It did not consider the phase of direct negotiations to be at an end; however, in conformity with the Treaty of 1928, it was prepared to constitute immediately the Commission under that Treaty. The Italian Government, in view of the fact that the dispute was still by agreement subject to the procedure laid down in Article 5 of the Treaty of 1928, contended that Article 15 of the Covenant was not applicable.
The Secretary-General, in communicating the observations of the Italian Government to the Government of Ethiopia, added:

"Being uncertain whether this communication may not influence the attitude of the Ethiopian Government, and as a result the action I may have to take in virtue of Article 15 of the Covenant, I should be grateful to receive any information on the subject which the Ethiopian Government found it possible to send me."

The Ethiopian Government, in a communication addressed to the Secretary-General on March 29th, 1935,4 maintained its appeal under Article 15 of the Covenant. It again represented that the dispute with Italy had entered upon a new phase as a result of the despatch of Italian troops and war material to Ethiopia, the appointment of a military chief of high rank to command them, the official demonstrations which had taken place on their departure and the views expressed by the Italian Press.

The Ethiopian Government strongly protested against any suggestion that the Italian military measures could be described as preparatory defensive action in response to military measures taken by Ethiopia, which had at no time taken any steps calculated to threaten the safety of the Italian colonies.

The Ethiopian Government commented on further incidents which had occurred between January 29th and January 31st, 1935, and submitted an account of negotiations which had taken place for the establishment of a neutral zone in accordance with proposals, made at Geneva by the British and French representatives on the Council, to the effect that the troops of both parties should withdraw in order to avoid further incidents.

The Ethiopian Government affirmed that on February 9th, 1935, it had definitely proposed that the two Governments should take immediate steps to create such a zone between the two parties and that on March 13th, 1935, an agreement had been concluded on the spot by the Italian and Ethiopian delegates. The Ethiopian Government represented that the numerous notes and proposals which it had addressed to the Italian Government in this connection were sufficient proof that it had no aggressive intentions against Italy, but desired consistently to respect the letter and spirit of the Geneva Agreement of January 9th, 1935.

The Ethiopian Government, referring to its endeavours to achieve a settlement in accordance with the provisions of Article 5 of the Treaty of 1928, complained that its negotiations with the Italian Government had hitherto consisted in receiving demands for reparation in accordance with the provisions of Article 5 of the Treaty of 1928, but the Italian Government had hitherto persistently refrained from giving any definite answer to this request.

The Ethiopian Government noted that the Italian Government, in its note to the League of Nations dated March 22nd, 1935, had declared itself in favour of arbitration. The appointment of arbitrators and the drafting of the arbitration agreement would, however, involve delay and this delay must not be used for the continuation of military preparations. It accordingly proposed that a time-limit of thirty days should be fixed by agreement with the Italian Government during which the two Governments would negotiate either at Geneva, Paris or London, as the Italian Government might prefer, on the appointment of arbitrators of their choice, the framing of the arbitration agreement and the determination of all the details of the arbitration procedure. Failing agreement on these matters within the agreed time-limit, the Council of the League should be invited itself to appoint arbitrators and define the questions to be settled, in particular the question of the Italo-Ethiopian frontier and the responsibilities incurred on either side as a result of the recent incidents. It should, moreover, be expressly agreed that, during the period of negotiation and during the arbitration procedure, the two Governments would not make any military preparations or take any step which might reasonably be regarded as such.

The Ethiopian Government in a further communication addressed to the Secretary-General on April 3rd, 1935,6 drew attention to the despatch to Eritrea of 4,000 Egyptian labourers for the construction of roads from Massaua towards Ethiopia. The Ethiopian Government regarded the despatch of these labourers as part of the Italian military preparations and urged that the Council of the League should consider the situation at its forthcoming Extraordinary Session to be held in April 1935.

It was subsequently stated in the Press that Egyptian labourers would not proceed to Eritrea.

The Italian Government, in a note, dated April 4th, 1935,4 replying to the letter of the Ethiopian Government of March 29th, 1935, stated that it disagreed with the views expressed by the Ethiopian Government regarding the manner in which the direct negotiations between the two Governments had so far been conducted. While it did not agree with the Ethiopian Government that the stage of ordinary diplomatic methods referred to in Article 5 of the Italo-Ethiopian Treaty of 1928 were exhausted, it announced that, in accordance with the provisions of that Treaty, it was taking steps to notify the Ethiopian Government direct that it was prepared to make the necessary arrangements with that Government regarding the details of the conduct of the procedure provided for in Article 5 of the Treaty.

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1 Document D.132.M.69.1935.VII.  
2 Document C.148.M.78.1935.VII.  
3 Document G.150.M.84.1935.VII.  
4 Document C.157.M.86.1935.VII.
The Italian Government quoted the text of Article 5:

“Both 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. Notes shall be exchanged by common agreement between the two Governments regarding the manner of appointing arbitrators.”

The Italian Government continued:

“In this connection, by a note dated August 3rd, 1928, His Highness the Heir to the Throne and Regent of the Ethiopian Empire intimated to the Italian Minister at Addis Ababa that the stipulation in Article 5 of the Treaty of Amity was to be understood in the following sense. The Ethiopian Government would choose two arbitrators and the Italian Government two arbitrators: the four arbitrators will settle the dispute by consent. If they are unable to reach an agreement, they will choose a fifth arbitrator by common consent and the dispute shall be settled by a majority vote. By a note dated August 4th, 1928, the Italian Minister at Addis Ababa informed His Imperial Highness the Heir to the Throne and Regent of the Ethiopian Empire that the aforesaid interpretation was that which the Italian Government also gave to Article 5 of the Treaty of Amity.”

The Italian Government stated, in conclusion, that, being prepared to conform to the undertakings into which it had entered, it considered that the procedure of conciliation and arbitration to which the dispute was submitted in accordance with the agreement of January 19th, 1935, of which the Council of the League of Nations had taken note in its resolution of that date, should be applied as fixed by the Conventions in force between the two parties.

**Proposal to Place the Dispute between Ethiopia and Italy upon the Agenda of the Eighty-Fifth (Extraordinary) Session of the Council.**

On April 15th, 1935, the question was raised whether the request of the Ethiopian Government should be placed upon the agenda of the eighty-fifth (extraordinary) session of the Council which opened on that date.

The representative of Italy reminded the Council that, under a resolution adopted by the Council on January 19th, 1935, the two Governments had agreed to seek a settlement of the dispute in conformity with the Treaty of Amity of 1928 between Italy and Ethiopia. That Treaty provided first for direct negotiations by ordinary diplomatic methods and then, if necessary, for a procedure of conciliation and arbitration.

The Italian Government considered that, if direct negotiations were to be regarded as exhausted, the appropriate course was a resort to conciliation and arbitration, and it had accordingly informed the Government of Ethiopia that it was prepared to make the necessary arrangements in accordance with the Treaty of 1928, for that procedure to be applied. It was of opinion that the Ethiopian request, designed to bring before the Council a dispute already exhausted, the appropriate course was a resort to conciliation and arbitration.

The representative of Ethiopia drew attention to the despatch to Africa of Italian troops and war material and to works upon the Italo-Ethiopian frontier which could only be regarded as preparations for an impending military expedition.

The Ethiopian Government had made many proposals for prompt arbitration without avail and now renewed its proposal. The Italian Government, in its most recent notes, while confirming its acceptance of arbitration under the Treaty of 1928, had so far avoided giving a precise reply to the suggestion of the Ethiopian Government that arbitrators should be appointed immediately or within a brief period of time. The Ethiopian Government desired that immediate effect should be given to that proposal. It had already appointed its arbitrators and was prepared to communicate their names upon any date which might be selected. It should be clearly understood in the meantime that either Government would refrain from that time forth throughout the whole period of arbitration from making any military preparations.

The representative of Italy observed that his Government had, in its telegram of March 22nd, 1935, to the Secretary-General, explained the character and scope of the military measures which it had been compelled to take in Italian colonies in East Africa. It fully intended that the conciliation and arbitration procedure stipulated in the Treaty of 1928 should be applied as between the two parties and would make every effort to ensure that this procedure was put into operation as speedily as possible.

The Italian Government could not agree that the procedure stipulated in Article 5 of the Treaty of 1928 should be modified or its application made contingent upon conditions which were not provided for in the Treaty.

The representative of the United Kingdom observed that it would be unfortunate if, when the Council met for its ordinary session in May, the situation remained exactly the same. Would it be possible for the parties to assure the Council that it might safely accept the suggestion of the President on the assumption that the arbitrators on both sides would be appointed and the terms of reference fixed prior to the meeting of the Council in May?

The representative of Ethiopia accepted the proposal to appoint arbitrators on condition that no further military preparations were made. He agreed that the question should be considered at the ordinary session of the Council, emphasising, however, that there should in the meantime be no resort to force.
The representative of France observed that both Governments had undertaken to enter into direct negotiations under the Treaty of 1928. It was to be hoped that these negotiations would be successful and that the Council would never have to deal with the dispute.

The representative of Chile took note of the fact that the parties were prepared to apply the existing Convention in full. He therefore considered it unnecessary that the question should be considered at the extraordinary session.

The representative of Spain was of the same opinion, pointing out that the general policy of Italy gave evidence of a constructive spirit of international peace.

The President of the Council, observing that the two parties had both made perfectly clear declarations as to their pacific intentions and their desire to settle the question in conformity with the Treaty by which they were bound, expressed the view that there was no need to apply any extraordinary procedure to the problem and no reason to place that item on the agenda of the extraordinary session.

The Council decided unanimously that the item should not be placed on the agenda of the extraordinary session.

RESOLUTIONS ADOPTED BY THE COUNCIL ON MAY 25TH, 1935.

The request of the Ethiopian Government was again considered by the Council on May 25th, 1935.

The Ethiopian Government, on May 11th, 1935, had requested the Secretary-General to inform the Council that the Italian Government was mobilising several classes and sending numerous troops and large quantities of war material to Eritrea and Somaliland. The Ethiopian Government further complained of delay in the appointment by the Italian Government of arbitrators and of allegations by the Italian Government to the effect that the Ethiopian Government had ordered a general mobilisation of the army in justification for its own military measures.

The President of the Council had received from the Emperor of Ethiopia, on May 20th, a message asking that the Council should take steps to ensure the execution of the Covenant and to check the military preparations of Italy. The message embodied a protest against the concentration by Italy of troops, military aeroplanes, tanks and war material on the Ethiopian frontier.

The Emperor further stated that Italy had chosen as members of a Committee of Conciliation and Arbitration two of her own citizens and complained that she had restricted the questions to be submitted to the arbitrators in such a way as to provide no solution for the interpretation of the Treaty of May 16th, 1908. The Ethiopian Government had nevertheless communicated to Italy its nomination of two members not of Ethiopian nationality. It had avoided all contact on the frontiers and had consented to the establishment of a provisional neutral zone entirely within Ethiopian territory.

He asked in particular that, unless Italy agreed that the arbitrators should interpret the Treaty of May 16th, 1908, and pronounce on all the incidents which had occurred since September 23rd, 1934, in the neighbourhood of the Somali-Ethiopian frontier, the Council should take up the dispute and make a full enquiry on the basis of Article 15 of the Covenant.

The Ethiopian delegation, on May 22nd, submitted a memorandum reviewing the whole history of the dispute.

The President of the Council, at its meeting on May 25th, 1935, submitted the following resolutions:

"Resolution No. 1.

1) Whereas, at the meeting of the Council in January 1935, the Italian Government and the Ethiopian Government agreed to settle the dispute which has arisen between them as the result of the incident at Wal-Wal on December 5th, 1934, in conformity with Article 5 of the Italo-Ethiopian Treaty of August 2nd, 1928;

2) Whereas, direct negotiations through diplomatic channels having been exhausted, the two parties have nominated their arbitrators as provided for in Article 5 of the above-mentioned Treaty;

3) Whereas, since December 5th, 1934, other incidents have taken place on the Italo-Ethiopian frontier and the two Governments are in agreement in entrusting the settlement of these incidents to the same arbitrators in accordance with Article 5 of the Italo-Ethiopian Treaty;

4) Whereas the Italian Government, in view of the request which has been made to it, makes no objection regarding the nationality of the arbitrators nominated by the Ethiopian Government;

5) Whereas the two Governments agree to fix August 25th next as the date on which the procedure of conciliation and arbitration shall be concluded;

The Council, Requests the Secretary-General of the League of Nations to communicate in the meantime to the Members of the Council all information which may reach him from the two parties, in particular regarding the development of the arbitrators' work."

1 Document C.183.M.101.1935.VII.
2 Document C.220.M.112.1935.VII.
"Resolution No. 2.

"The Council,

"Leaving to the two parties full liberty to settle the dispute in question in accordance with Article 5 of the Italo-Ethiopian Treaty of August 2nd, 1928,

"Decides to meet if, in default of agreement between the four arbitrators for the settlement of the dispute, an understanding shall not have been reached by July 25th between these arbitrators as to the selection of the fifth arbitrator (unless the four arbitrators agree to the extension of this period); the Council also decides to meet to examine the situation if on August 25th the settlement by means of conciliation and arbitration should not have taken place."

The President recalled the terms of Article 5 of the Treaty of Amity, Conciliation and Arbitration, signed at Addis Ababa on August 2nd, 1928:

"Both 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. Notes shall be exchanged by common agreement between the two Governments regarding the manner of appointing arbitrators."

The representative of Ethiopia, in accepting the resolutions, asked the Italian representative whether he agreed that the following interpretation should be attached to them:

"(1) With regard to the mission of the arbitrators, it is agreed that the arbitrators, to whom shall be submitted the whole of the incidents which have occurred on the Italo-Ethiopian frontier and which have not yet been settled, will be required to take into consideration all circumstances likely to affect the solution of the dispute. This, of course, includes the interpretation of treaties and agreements regarding the frontier.

"(2) The demarcation of the Italo-Ethiopian frontier will follow immediately on the decision of the arbitrators, so as to avoid the recurrence of fresh incidents.

"(3) Throughout the whole of the arbitration procedure, including, if that should be necessary, examination by the League Council, the two Powers will observe the undertaking contained in Article 2 and in Article 5 of the 1928 Treaty. May I remind the Council that, by Article 2, the two Powers undertook ‘not to engage, under any pretext, in action calculated to injure or prejudice the independence of the other’. The Italian Government will accordingly abstain from sending to East Africa additional troops and munitions or additional specialists, and will not use, for the preparation of an attack on Ethiopia, the troops, munitions and specialists already sent to East Africa.

"(4) In the second resolution, it is proposed to say that the Council leaves to the two parties ‘full liberty’ to settle the dispute in question in accordance with Article 5 of the Italo-Ethiopian Treaty. The Ethiopian delegation understands that, by the words ‘full liberty’, the Council does not cover the former position and that it is taking no interest in the arbitration procedure. Arbitration will take place in accordance with the 1928 Treaty, but the Council is not dissociating itself from the development of that procedure. That, moreover, is stated in the last paragraph of the first resolution."

The Italian representative observed that the League of Nations was confronted with a dispute which the two parties had, in the month of January, decided to settle on the basis of the Treaty which they had signed in 1928. That Treaty provided for three successive phases of procedure: direct negotiation, conciliation and arbitration.

The Italian Government had appointed arbitrators of Italian nationality, but the Ethiopian Government, contrary to the usual practice, had appointed arbitrators of foreign nationality. Although this might prove inconvenient, as in the first phase the task was one of conciliation and required of the members of the Commission intimate knowledge of the elements of the problem, the Italian Government had agreed to the Ethiopian Government’s nominations in order not to add to the difficulties facing that Government in the choice of its representatives.

The Italian Government was prepared to submit to the Arbitration Commission nominated to deal with the Wal-Wal incident the settlement of the other incidents which had arisen on the Italo-Ethiopian frontier subsequent to December 5th, 1934.

The Italian representative, referring to the Ethiopian request that the arbitrators should be competent to interpret the Treaty of 1908 and to pronounce upon the frontiers between Somaliland and Ethiopia, observed that, even in the event of such a demarcation resulting in the assignment of Wal-Wal to Ethiopia, the Ethiopian aggression at Wal-Wal, where Italian troops had been stationed for several years, would retain its full gravity.

The Italian Government, in regard to the fixing of the frontier line, could only accept the procedure laid down in the Treaty of 1908, in accordance with which an Italo-Ethiopian Commission had begun the work of delimitation in 1910. It would be for the frontier Commission, if necessary, to interpret the provisions of the Treaty of 1908 and to settle the questions arising out of the work of demarcation.

The arbitrators appointed under the Treaty of 1928 must follow the procedure indicated in that Treaty—namely, seek a solution by conciliation.

Meanwhile the Italian Government could not admit that measures for the legitimate defence of its territory should be subject to observations from any quarter whatsoever, or that they should be used in order to alarm and disturb international public opinion. He concluded by asking that the principle of the Covenant should be applied according to which,