LEAGUE OF NATIONS

REPORT ON THE WORK OF THE LEAGUE 1935/36

Part I.

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GENERAL

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NOTE BY THE SECRETARY-GENERAL.

The Annual Report on the Work of the League will, as in previous years, be issued in two parts.

Part I gives an account of the work of the League from the ordinary session of the Assembly held in September 1935 up to the period of the Council and Assembly meetings convened at Geneva on June 26th and 30th respectively.

Part II, to be issued in September 1936, will contain an account of the work of the League from the end of June 1936 up to the seventieth session of the Assembly.
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1.

POLITICAL QUESTIONS.

I. DISPUTE BETWEEN COLOMBIA AND PERU.¹

The instruments of ratification of the Protocol signed by Colombia and Peru at Rio de Janeiro in May 1934 were exchanged at Bogota on September 27th, 1935. The so-called Leticia dispute, which had been submitted to the League by Colombia, was thus brought to an end.

In this connection, the Colombian Government expressed its "appreciation" of the League's "beneficent action on behalf of international harmony", while the Peruvian Government recorded its "gratitude for the effective action of the League in the satisfactory settlement of the dispute".²

II. DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

The Buenos Aires Peace Conference, at which, in addition to Bolivia and Paraguay, the Argentine Republic, Brazil, Chile, Peru, the United States of America and Uruguay are represented, has continued its proceedings since the Assembly's last session.³

The Argentine Foreign Minister, who is President of the Conference, has notified the League of the further agreements ⁴ concluded there.

¹ See previous annual report (document A.6.1935), pages 16 and 17.
Determination of War Responsibilities.

On October 2nd, the Peace Conference took note of the decision setting up an International Commission under the Protocol of June 12th, 1935, to determine the responsibilities of every sort or kind arising out of the war.

The Commission was to be constituted within ninety days and to publish its findings within fifteen months from the date on which it began its work. The latter time-limit was to be open to extension by agreement between the two parties.

The Commission was to consist of three members, appointed as follows: the Governments of Bolivia and Paraguay were each to ask the Government of an American State to appoint a judge from one of its highest courts, while the President of the Commission was to be appointed by the Supreme Court of the United States of America and was to be a member either of that Court or of one of the highest courts of the United States. The Commission’s findings were to be accompanied by a statement of reasons, and adopted by a majority vote. They were to be regarded as having been accepted and to acquire full force if, within thirty days after notification to the Governments of Bolivia and Paraguay, neither of those Governments had intimated that it rejected them. In that case, subject to the possibility of mediation by the six neutral Powers represented at the Buenos Aires Conference, the case was to be examined and decided in the last resort by the Permanent Court of International Justice at The Hague, in conformity with its Statute.

When approving the draft organisation of the International Commission on Responsibilities, the Peruvian delegation renewed in full the declaration it had made at the Peace Conference concerning the incompatibility which, in its opinion, existed between the functions of a mediator and the function of member of the International Commission exercised, directly or indirectly, by the Governments of the mediating States.

Decision declaring the War between Bolivia and Paraguay to be at an End.

On October 25th, 1935, the delegates of the six mediating Powers decided to adopt, at a plenary meeting of the Conference
to be held on the 28th in the presence of the representatives of Bolivia and Paraguay, a resolution in the following terms:

"In consideration of the provisions of the Protocol of Peace of the twelfth day of June, one thousand nine hundred and thirty-five, which stipulates that the war be declared at an end as soon as the measures of security specified in Article III have been carried out;

"Whereas the Neutral Military Commission responsible for superintending the execution of the said measures of security informed the Conference in its reports of October 18th of this year:

"(1) That the demobilisation of the belligerent armies has been completed in the form decided by the said Commission, within ninety days of the date of the fixing of the line of separation between the armies;

"(2) That the military effectives of the armies of Bolivia and Paraguay have been reduced to less than five thousand men;

"(3) That the two parties have fulfilled their obligation not to make new acquisitions of warlike material;

"(4) That the two parties have carried out their undertaking of non-aggression;

"Whereas the said undertaking of non-aggression given by the parties precludes the renewal of hostilities;

"And whereas, finally, the state of war has ceased to exist owing to the final cessation of hostilities and the impossibility of their resumption;

"The Peace Conference decides to declare the war between the Republics of Bolivia and Paraguay at an end."

Appeal to the Governments of Bolivia and Paraguay for a Pacific Settlement of Outstanding Questions.

At the same time, the delegates of the six mediating Powers decided to adopt the following declaration:

"The Peace Conference, in declaring the war between the Republics of Bolivia and Paraguay at an end, in accordance with Article III of the Protocol of June 12th, 1935;

"Whereas, now that the military aspect of the conflict no longer exists, it is the duty of the parties and the mediators to continue to study the questions at issue, the Conference, discharging the functions assigned to it under Article I of the above-mentioned Protocol and convinced that the situation is favourable for the

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final settlement of all differences outstanding between the two countries;

"Decides to make a supreme appeal to the Republics of Bolivia and Paraguay to unite their efforts with those of the mediators in the lofty aim of finding as soon as possible a pacific solution for all the differences still outstanding between the two nations."

Repatriation of Prisoners of War and Agreement to resume Diplomatic Relations.

On January 21st, 1936, the Peace Conference adopted a Declaration and a Protocol.

The Declaration recommended the parties to agree to maintain the measures of security provided for in the Protocol of June 12th, 1935; to take, as soon as possible, such steps as might be necessary for the return of all prisoners; and to arrange for the resumption of diplomatic relations between the two countries.

The Protocol, signed by the plenipotentiaries of Bolivia and Paraguay, gave effect to this Declaration. It was to be submitted for legislative approval to the Congresses of the two countries, and the return of the respective prisoners of war was to begin within thirty days of the date of the last legislative approval of the Protocol. Taking into account the number of prisoners and the expenditure involved, the two Governments had arrived at a compromise whereby Bolivia was to pay Paraguay approximately £132,000 sterling.

This Protocol was approved by the Congresses of both countries on February 8th, 1936.

III. Claim by the Finnish Government against the United Kingdom Government in respect of Finnish Ships used by the United Kingdom Government during the War.¹

On September 13th, 1935, the Council considered a report ² by a Committee consisting of the representatives of Spain, the Argentine Republic and Czechoslovakia, on the question of

¹ For the earlier history of the question, see the previous annual reports, documents A.6.1934, page 32, and A.6.1935, page 21.
² See Official Journal, November 1935, pages 1160 et seq.
whether, having regard to all the circumstances mentioned in the course of the discussion, the Council should continue to apply Article 11, paragraph 2, of the Covenant to the Finnish Government's claim against the United Kingdom Government in respect of Finnish ships used by the latter Government during the war.

The Committee, whose Chairman was M. de Madariaga, observed that it was not in dispute that the Council could deal with the request which the Finnish Government had made in the legitimate exercise of its rights, because, when a question was referred to the Council by a Member of the League under Article 11, no legal limitation could be placed on the Council's jurisdiction on the ground of the nature of the case. In the present case, however, the Council could not erect itself into an international tribunal or take a decision, without arrogating to itself powers of arbitration which were not conferred by Article 11, paragraph 2, of the Covenant. It could only attempt conciliation; but the Committee felt that the discussions that had taken place revealed no basis on which a solution could be recommended. That being so, and desirable though it was that an amicable settlement should be reached in a case between two nations otherwise on such friendly terms, the Committee could only give a negative answer to the question put to it.

Mr. Eden, the United Kingdom representative, accepted the report. M. Holsti, the Finnish representative, spoke against it. M. Munch (Denmark), M. Komarnicki (Poland), and M. Rüstü Aras (Turkey) said that they could agree to the conclusions of the report, since it was not disputed that the Council was entitled to deal with such an application as that made by the Finnish Government.

The question at issue — whether the Council should or should not proceed with the examination of the case — had been stated to be one of procedure, and the Council's decision had therefore to be taken by a majority vote. All the Members — except the Finnish representative, who voted against — accepted the negative conclusion of the report.
IV. SETTLEMENT OF THE ASSYRIANS OF IRAQ.¹

On August 28th, 1935, the French Government forwarded to the Committee of the Council for the Settlement of the Assyrians of Iraq details of the scheme for establishing the Assyrians in the Ghab plain.

This scheme, which was prepared by the services of the French High Commission at Beirut in conjunction with two representatives of the Committee, provided for the reclamation of the Ghab district and the settlement of the Assyrians therein. The district lies in the middle Orontes Valley, where the river forms the boundary between the States of Syria and Latakia. The land is marshy and will have to be drained before it can be used for purposes of settlement. A huge dam, about 2½ kilometres long, is therefore to be built upstream to form a reservoir with a total capacity of 900 million cubic metres. As a result of this work, about 10,000 hectares, 3,000 being marshland and the rest scrub or cultivated land, will be submerged. The marshes of the Ghab on the downstream side of the dam will be drained and irrigated, and thus brought under cultivation. The bed of the river will be deepened and corrected for a distance of 30 kilometres, so as to serve as a general collector, and, at the point where the river leaves the Ghab, a tunnel 900 metres long will be bored through a solid basalt barrier for the discharge of the water. In this way, something like 40,000 hectares of cultivable land will be made available. Of this amount, 15,000 hectares on the left bank of the Orontes will be handed over free of encumbrances for the settlement of the Assyrians, who will eventually acquire ownership on favourable terms.

The cost of these improvements, which were to be completed in about four years, was calculated at 62 million French francs. The actual cost of settling the newcomers in the Ghab is estimated, in the memorandum, at 20,500,000 French francs for 15,000 Assyrians. The total cost of the settlement scheme, including the cost of installing some of the Assyrians provisionally along the Khabur until they can be transferred to the place of

¹ For the previous history of this question, see previous annual reports (documents A.6.1935, pages 22-24, and A.6(a).1936, pages 11 and 12).
their final settlement in the Ghab, has been estimated at 87,660,000 francs.

Of this total, the Committee of the Council could only count for the moment — apart from 22 million French francs promised by the Levant States under French mandate — on a contribution of £125,000 offered by the Government of Iraq as its share in the cost of settling the Assyrians. The United Kingdom Government, however, was prepared to respond to the special appeal addressed to it on July 13th, 1935, by the Committee of the Council and mentioned an independent grant not exceeding £250,000 if the Government of Iraq would give an equal amount and the League of Nations itself were prepared to make up the rest.

As the financial participation of the League is a matter for the Assembly, the Council — to whom its Committee had submitted a report on the situation — decided on September 13th, 1935, to transmit this report to the Assembly.

The Supervisory Commission, consulted beforehand, had said it could not agree that all the expenditure not covered by contributions from outside sources should be borne by the League. It recommended that the total amount of the League’s contribution should be fixed immediately, and proposed a sum of 1,300,000 gold francs. These suggestions were approved by the Assembly.

On September 26th, the Government of Iraq, for its part, announced that it was prepared to increase its contribution pari passu with that of the United Kingdom Government up to an amount not exceeding £250,000.

The situation then, was that the following sums had been promised towards a new, and lower, estimated outlay of 86,000,000 French francs: 22,000,000 French francs from the Levant States under French mandate to be applied to the first stage of the work of preparing the Plain of the Ghab, plus an advance of 6,500,000 French francs recoverable on future payments by the Assyrians, to be applied to the second stage of the work, or a total of 28,500,000 French francs; the contributions from the United Kingdom and Iraq — not to exceed £250,000 each, or about 37,500,000 French francs; and, finally, the League’s contribution of 1,300,000 Swiss francs, equal approximately to 6,500,000 French francs.

As against a total estimated expenditure of 86 million French francs, the available contributions are thus about 72,500,000
French francs. To meet the deficit of 13,500,000 French francs, the Committee of the Council considered the possibility of a credit operation, based mainly on payments to be made by the Assyrians later, for the purchase of their land. The Committee, however, reached the conclusion that this would not be feasible and that the surplus would have to be obtained by an appeal to private charitable organisations. The results of this appeal will not be known for some time. A national organisation to collect funds for the settlement of the Assyrians has been set up in the United Kingdom with the Archbishop of Canterbury as its Chairman. Towards the end of March 1936, this organisation made a national appeal for funds.

The financial side of the question having thus been settled to the extent that steps could be taken to proceed with the scheme, the Committee resumed its work on this subject. On December 18th, 1935, the Council approved the financial regulations for the control of the Fund and the statutes of a Trustee Board which the Committee of the Council had set up in consultation with the High Commissioner.

In accordance with these regulations, the High Commissioner of the French Republic in Syria and the Lebanon exercises financial and administrative supervision over the public works required to make the Ghab Plain cultivable. The actual work of settlement is entrusted to an autonomous body having its headquarters at Beirut and recognised as a legal entity — the “Trustee Board for the Settlement of the Assyrians”, which co-operates with the services of the High Commission. The Trustee Board will assume financial responsibility for the entire settlement operations. Thus, neither the League of Nations nor the High Commissioner will incur any responsibility as a result of these operations. The Trustee Board, co-operating with the High Commission, will arrange for the establishment and administration of the Assyrian colonies. Later on, it will take over the reclaimed land in the Ghab intended for the Assyrians and will be responsible for its administration and allotment.

The Trustee Board consists of three members, one of whom represents and is appointed by the High Commissioner. The Chairman and the third member are appointed by the League Council. As Chairman, the Council chose M. Henri Cuénod, who represented the Nansen Office in China from 1925 to 1935.
The other member appointed by the Council is Dr. Bayard Dodge, President of the Beirut American University, who has kindly consented to act in an honorary capacity. The High Commissioner's representative is Major Duprez, who, in conjunction with the Nansen Office's representative in Syria, has already directed the provisional settlement of the Assyrians along the Khabur. M. Juan de las Bareenas has also taken part in the work for the settlement of the Assyrians, both as a temporary member of the Trustee Board and as deputy for M. Cuénod, representing the League Council on the local committee in Iraq.

The Trustee Board entered on its duties on January 1st, 1936. It has prepared the budget for the settlement operations in 1936, and this budget has been approved by the Committee of the Council. Since then, its time has been largely taken up with the question of leasing land for the provisional settlement of Assyrians in the vicinity of the Ghab pending their future installation in the reclaimed plain.

The programme prepared by the Trustee Board and approved by the Committee of the Council provided for the transfer of 8,500 Assyrians in 1936, the remainder to be transferred in 1937. Of these 8,500 Assyrians, 2,500 — mostly members of the tribes already installed along the Khabur — were to be sent to the Khabur region. The other 6,000 were to be sent to the vicinity of the Ghab, where some of them were to be employed as workmen on the improvement scheme. In the detailed memorandum on the Assyrian settlement plan which the French Government communicated on August 28th, 1935, provision is made for the leasing for five years and for 450,000 francs of an estate of 8,500 hectares in the immediate neighbourhood of the Ghab that would suffice for the temporary settlement of about 20,000 Assyrians, who would engage in cereal-growing and sheep-farming. That estate, however, was no longer available when the Trustee Board wished to lease it, and serious difficulty was encountered in finding in the neighbourhood a sufficient quantity of suitable land at a reasonable price.

In these circumstances, the Committee of the Council thought it desirable, in a letter dated April 9th, 1936, to draw the attention of the French Government to the situation, and to ask it to take steps to overcome the difficulties that had arisen.

As it was impossible to obtain land in the vicinity of the
Ghab for the provisional settlement of the 6,000 Assyrians whose transfer thither had been contemplated, the Trustee Board decided that it could not undertake this transfer, which was due to begin in the month of March.

The Government of Iraq having more than once insisted on the necessity for continuing the transfer of the Assyrians, even in small numbers, on account of the nervousness prevailing among them, the Committee of the Council decided on May 8th to assent to the immediate transfer of 2,500 Assyrians to the Khabur area, notwithstanding the fact that, according to programme, this transfer should have only been made in September 1936. These transfers are now taking place and should be completed before July, by which date the number of Assyrians provisionally settled along the Khabur will be 8,500.

At the request of the Chairman of the Committee, the Turkish Government authorised the transit of groups of Assyrians through Turkish territory without making any charge for the requisite visas.

In the meantime, the final adoption of the plan for the settlement of the Assyrians in Syria at last made it possible for the Committee to consult the Assyrians in Iraq individually. The Committee was thus able to ascertain the exact number of Assyrians who would have to be transferred. Owing to various unforeseen circumstances, the local committee in Iraq was unable to begin this enquiry before the middle of December 1935; by the end of February 1936, it had practically terminated its enquiry among the inhabitants of the plains. It still had, however, to consult a number of Assyrians, mostly indigenous, living in the mountainous districts along the northern frontier of Iraq. Local conditions made it impossible for the Committee to undertake this task before May.

Among the Assyrians living in the towns and villages of the plains there are relatively few who do not desire to emigrate. The number of Assyrians registered during the consultation in December 1935-February 1936 as desirous of leaving Iraq was 11,650. The local committee estimates at 12,350 the number of Assyrian mountaineers who are at present being questioned on the same subject.¹

V. REQUEST OF THE IRAQI GOVERNMENT UNDER ARTICLE 11, PARAGRAPH 2, OF THE COVENANT OF THE LEAGUE OF NATIONS.¹

At the Council's meeting on September 28th, 1935, the Rapporteur, Baron Aloisi (Italy), said that, on September 25th, he had received a letter from the representatives of Iraq and Iran stating that the direct negotiations between their countries were progressing favourably, and that they therefore thought it needless to bring the matter before the Council at that session and would ask for an extension of the time-limit allowed for the direct negotiations.

The Rapporteur expressed his gratification at the satisfactory turn taken by the negotiations and proposed that consideration of the matter be deferred. The Council agreed.

At the joint request of the two parties, who were continuing their direct negotiations, the Council, at its sessions in January and May 1936, again adjourned the question.

VI. ITALO-ETHIOPIAN DISPUTE.

A. Development of the Dispute and Action by the Council.

The Assembly adjourned on October 11th, 1935, after fifty Members of the League had acquiesced in the conclusion of a report approved by fourteen Members of the Council on October 7th. In the eyes of these fifty Members, Italy had "resorted to war in disregard of its covenants under Article 12 of the Covenant of the League of Nations".

Having regard to the obligations of Member States under Article 16, and to the desirability of co-ordinating the action which they might severally contemplate, the Assembly recommended that a Committee be set up consisting of one delegate for each Member of the League (other than the parties) to consider and facilitate such co-ordination.

The work of the Co-ordination Committee and its subsidiary bodies, which was essentially of a technical character, is

¹ For the earlier history of the question, see previous annual report (document A.6.1935, page 32).
described elsewhere, the present chapter being devoted to the development of the dispute and the Council’s action.

Under the terms of Article 11 of the Covenant, the League must, in case of war, take “any action that may be deemed wise and effectual to safeguard the peace of nations”.

At the meeting of the Council held on October 7th, M. Ruiz Guiñazú, representative of the Argentine Republic, who was then President, made it clear that the Council remained at the disposal of the parties with a view to helping them to establish conditions in which hostilities could be stopped. The representative of Ethiopia, M. Teclé-Hawariate, then stated that his Government was at the disposal of the Council to establish those conditions. At the meeting of the Assembly held on October 10th, he repeated that declaration: “The Ethiopian Government”, he said, “is at the disposal of any organ that might be set up by the Council or the Assembly with a view to the immediate cessation of hostilities”. On October 11th, M. Beneš, President of the Assembly, in adjourning the proceedings, expressed the hope that the statement made by the President of the Council on October 7th would be accepted by the two parties in the same spirit of collaboration as had actuated the Council.

Efforts of France and the United Kingdom to bring about an Amicable Settlement.

At the same time, the Governments of France and the United Kingdom, which had been particularly active in seeking to bring about an amicable settlement of the dispute before hostilities broke out, resumed their efforts in that direction.

At the Co-ordination Committee’s meeting on November 2nd, after it had been decided that Proposals III and IV (prohibition of the importation of Italian goods; embargo on certain exports to Italy) should come into force on November 18th, M. Laval, the representative of France, announced that he had initiated certain conversations, though he had never had the slightest

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1 See pages 46 et seq.
2 See Official Journal, November 1935, pages 1217 et seq.
4 See Official Journal, Special Supplement No. 146, pages 7 et seq.
intention of putting the results into final shape outside the League. "It is only within the framework of the League", he said, "that proposals can be examined and decisions reached."

Sir Samuel Hoare, the representative of the United Kingdom, said that it was common talk that, during the past few days, conversations had been taking place between Rome and Paris and London on the possibilities of a speedy and honourable settlement of the controversy. "There is nothing mysterious or sinister about these discussions", he went on; "... we shall constantly act within the framework of the Covenant and take the earliest practicable opportunity of reporting the results of our endeavours to the Council. It is essential to act in the spirit of impartial justice towards the three parties in the controversy — the League, Italy, and Ethiopia."

M. van Zeeland, the representative of Belgium, then made the following suggestion: "Does it not seem right that efforts towards solution should from this moment be placed under the auspices and within the framework of the League itself? Since the responsible leaders of two great countries have already devoted a large part of their time and their talents to this task, why should the League not entrust to them the mission of seeking, under its auspices and control and in the spirit of the Covenant, the elements of a solution which the three parties at issue — the League, Italy, and Ethiopia — might find it possible to accept?"

It was then pointed out by, among others, the Spanish and Polish representatives, M. de Madariaga and M. Komarnicki, that the Co-ordination Committee had no power to confer a mandate upon France and the United Kingdom, and that all it could do was to express a hope; whereupon M. de Vasconcellos, the Chairman of the Committee, observed that the Belgian representative's suggestion was approved by all the Members of the League there represented.

In the meantime, the Committee of Eighteen, one of the Co-ordination Committee's subsidiary bodies, decided, on November 6th, to submit to the Governments a proposal that the embargo on exports to Italy should, if necessary, be extended to three additional commodities — oil, iron, and coal. If, from the replies received by the Committee and the information at its
disposal, such a course seemed advisable, it was to propose a
date for putting this new measure into force.

When the Committee reassembled on December 12th,¹ M. Laval, the French representative, announced that, in the
course of conversations in Paris, France and the United Kingdom
had continued their attempts to devise the basis of an amicable
settlement, and that suggestions had been laid before the Italian
and Ethiopian Governments on the previous day. "We propose",
he said, "to communicate them shortly to the Council of the
League. Our part will then have been played, and it will be for
the League of Nations to settle what is to be done."

Mr. Eden, the United Kingdom representative, also described
what the representatives of the two Governments (M. Laval and
Sir Samuel Hoare) had been seeking to do in Paris. They had,
he said, been endeavouring "to work out proposals that might
be submitted to both sides, and upon which both sides might be
willing to come together to open discussions here in Geneva . . .
The policy of His Majesty’s Government remains to-day what
it has been since the dispute began. Any final settlement must
be acceptable to the League as well as to the two parties in
conflict. In the circumstances, it seems to me that the best
procedure to follow at the present time is to call together the
Council at the earliest practicable moment, in order that a full
statement of the proposals should be made to it."

The Polish delegate, M. Komarnicki, reminded the Committee
that the Polish Government had never departed from its original
line of conduct. "It was", he said, "the right and duty of the
competent organs of the League to determine the significance of
recent events and to examine the situation as a whole." He
considered that the adoption of any new measure by the Com-
mittee of Eighteen might prejudice the action that the Council
of the League, in virtue of its powers, would shortly have to take.

The following day, the Committee of Eighteen adjourned,
in the words of M. de Vasconcellos, its Chairman, "so as not to
run the risk of causing prejudice to the progress of negotiations
or decisions which were represented as likely to lead to a rapid
cessation of hostilities "².

¹ See Official Journal, Special Supplement No. 147, pages 7 et seq.
² See Official Journal, Special Supplement No. 147, pages 10 et seq.
M. Westman, the Swedish representative, said that he had no objection to giving the Council the necessary time in which to meet. "I wish to say", he added, "that I am authorised to collaborate in the work which is the purpose of the present session of the Committee of Eighteen — namely, to co-ordinate the efforts of the Members of the League to restore peace by ensuring respect for the Covenant, thus increasing the general security."

M. Gomez, the Mexican representative, said that November 18th, 1935, had marked the beginning of one of the most important international experiments that the modern world had ventured to undertake in favour of peace. "In the present instance", he said, "the Mexican Government is prepared to vote for the inclusion of oil, iron, and coal in the list of products the export of which to Italy is forbidden." At the same time, he was prepared to conform to the views of the other members of the Committee, should they desire to accord the respite necessary to enable the Council to take a decision. Mexico had no information as to the draft peace proposals adopted as a basis of discussion by France and the United Kingdom, but it was certain, in the light of the statements made by M. Laval and Mr. Eden, that the versions published by the Press went far beyond the reality.

That same day, December 13th, the text of the Franco-British suggestions was communicated to the Members of the Council, who were summoned to meet on December 18th.

_Council Meeting of December 18th, 1935._

When communicating the text of their suggestions to the Council, the United Kingdom and French Governments stated that, on December 10th, they had instructed their representatives at Rome and Addis Ababa to lay them before the Italian and Ethiopian Governments, and that they would send on the replies as soon as they were received.

On December 12th, the Ethiopian Government had stated that, before replying to the proposals which it had received from two Members of the League of Nations, it asked that the

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1 For the text of these suggestions, see _Official Journal_, January 1936, pages 40 _et seq._

2 See _Official Journal_, January 1936, pages 6 _et seq._
Assembly be convened immediately, so that "every Member State should be enabled to express its opinion on the true practical significance of the proposals". As the Council had been summoned for December 18th, and as, under the Covenant, it remained the body to which the dispute had been duly submitted, the President of the Assembly thought it proper to await the result of the Council's deliberations before taking a decision in regard to the Ethiopian request.

Before the Council met on December 18th, the Ethiopian Government, while announcing that it would in due course reply to the Franco-British suggestions, had transmitted to the Council a further note, containing the following passages:

"The Paris suggestions, under the fallacious name of exchange of territory, seek to impose on, or recommend in an imperative manner to, Ethiopia a cession of territory. This constitutes a violation of Article 10. . . .

"The Paris suggestions seek to impose upon Ethiopia or to advise her in an imperative manner to agree to the concession to Italy of economic privileges, with police rights. It is an infringement of Ethiopia's political independence, a violation of Article 10 of the Covenant.

"The Paris suggestions seek to impose upon Ethiopia predominant control by Italy, with the certain aim of entrusting to Italy the administration of the capital and of a large part of the territory. The League of Nations, in consenting to lend itself to such dissimulation, would violate Article 10 of the Covenant."

The Ethiopian Government "was confident that the League would refuse to say that the Paris suggestions were in conformity with the principles of the Covenant".

At the Council meeting on December 18th, Mr. Eden, the United Kingdom representative, said:

"It must be emphasised that the Paris proposals which were put forward last week were not advanced as proposals to be insisted on in any event. They were advanced in order to ascertain what the views of the two parties and of the League might be upon them, and His Majesty's Government recommended them only for this purpose. If, therefore, it transpires that these proposals which are now before you do not satisfy the essential condition of agreement by the two parties and by the League, His Majesty's Government could not continue to recommend or support them. In its view, this particular attempt at conciliation could not then be regarded as having achieved its object, and His Majesty's Government, for its part, would not wish to pursue it further."
The next speaker was M. Laval, the French representative, who said:

"We do not yet know how the parties will welcome our suggestions, and I suppose that, in the meantime, the Council itself will wish to avoid expressing an opinion. In any case, I think it my duty to state forthwith that, if this effort does not secure the consent of all the interested parties, the Council will not be relieved of its duty to explore every avenue and to allow no opportunity to escape with a view to bringing about an honourable and just solution of the present conflict, such as is required both by the interests of peace and by the spirit of the League of Nations."

M. Wolde Maryam, the Ethiopian representative, said that, before replying to the "Paris suggestions", his Government was anxious to give the League an opportunity of hearing its observations on the impression made upon it by those suggestions and the remarks accompanying them. He added that his Government and people did not ask any people in the world to come to Africa and shed their blood in defence of Ethiopia. What Ethiopia asked was that, in mere justice, she should be given facilities to acquire more complete and more up-to-date defensive material than she now possessed.

In a previous note, dated November 1st, the Ethiopian Government had asked the Members of the League of Nations to consider whether financial assistance might not be granted to Ethiopia, in the manner approved by the Assembly at its eleventh session, in 1930.


After the meeting on December 18th, at which the Council had heard the representatives of the United Kingdom, France, and Ethiopia (Italy not being represented), the Members of the Council other than the representatives of the parties — Committee of Thirteen — drew up the following resolution, which was passed on December 19th:

"1. The Council thanks the representatives of France and of the United Kingdom for the communication which they have made to it concerning the suggestions which they have put before the two parties with a view to conciliation.

"2. In view of the preliminary character of these suggestions, as emphasised by the two Powers which took the initiative of
putting them forward, the Council does not consider that it is called upon to express an opinion in regard to them at present.

"3. The Council instructs the Committee of Thirteen, bearing in mind the provisions of the Covenant, to examine the situation as a whole, as it may appear in the light of the information which the Committee may procure."

The Committee of Eighteen, to which this resolution was communicated, considered that the situation had not changed since its meeting on December 13th. It therefore adjourned, after instructing its Committee of Experts to keep itself informed of the application of the sanctions already in force.

**Allegations regarding the Conduct of the War.**

The bombing of Dessie by Italian aircraft on December 6th, which, according to the testimony of several foreign doctors, transmitted by the Ethiopian Government, began with the dropping of bombs on the enclosures of the Red Cross ambulances outside the town, led to a protest from the Ethiopian Government, which also reported the bombing of open towns and villages on previous occasions.

On December 13th, the Italian Government denied that open towns had been bombarded and protested against the improper use of the Red Cross emblem, as observed at Dessie by Italian aeroplanes which had flown over the town the day after the bombardment. On December 17th, it denounced the Ethiopians for using dum-dum bullets, an allegation which was supported by the accredited foreign journalists in Italian Somaliland and by various photographs.

On December 30th, the Ethiopian Government accused the Italian army of having used asphyxiating and poison gases in the Takazze area on the northern front, on December 23rd. On January 1st, a further telegram from Addis Ababa reported that, on December 30th, the Italian army had used poison gas

1 See *Official Journal*, January 1936, pages 29 et seq.; February 1936, pages 241 et seq.

2 The character of one of these witnesses, a so-called Polish doctor, has been impugned by the Italian Government on the basis of information received from Warsaw (document C.156.M.94.1936.VII, *Official Journal*, April 1936 (Part II), page 475). According to a letter from the Latvian representative (see *Official Journal*, June 1936, page 655), this witness had falsely posed as a doctor of medicine of the University of Riga. The Committee of Jurists instructed by the Committee of Thirteen to carry out an enquiry on the basis of the documentary material received (see below) has noted that the character of the other witnesses has not been impugned.
on the southern front and had bombed the Swedish Red Cross ambulance at Melka Dida. In a note dated January 3rd, the Ethiopian Government asked that the appropriate League body should carry out an impartial enquiry into the manner in which hostilities were being conducted by the two belligerent armies in Ethiopian territory. It expressed the view that the proper authority to set on foot such an enquiry would be the Committee of Thirteen.

On January 16th, the Italian Government repeated its allegations regarding the improper use of the Red Cross emblem by the Ethiopians and supplied a collection of documentary evidence regarding the use of dum-dum bullets and "other atrocities (mutilation of corpses, etc.) committed by the Abyssinian troops". "Since", it concluded, "these barbarous acts violate every principle of humanity and law and, in particular, the Rules established in the Geneva Conventions, which require that the wounded, the dead, and prisoners shall be respected, and that no improper use shall be made of the emblem of the Red Cross, they are being reported to the International Committee of the Red Cross for necessary action."

In a further note, dated January 20th, the Ethiopian Government returned to the question of an enquiry, which, it considered, "would now be of less value". "It has been made by the Swedish Government, and its results have been set out in the note of protest sent by that Government to the Italian Government. It now remains for the League of Nations to consider, on the basis of the Swedish enquiry, whether collective intervention is not desirable and whether energetic steps should not be taken to prevent any repetition of such atrocities. The Ethiopian Government denounces the impropriety of any attempt to convert the demand for an enquiry into the atrocities committed by the Italian authorities into a political enquiry.

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1 This incident was the subject of an exchange of notes between the Swedish and Italian Governments. (See documents C.207.M.129.1936.VII (Official Journal, June 1936, page 644) and C.224.M.136.1936.VII (Official Journal, June 1936, page 652).)

2 The Italian communications regarding the use of dum-dum bullets indicated that certain of these were of English manufacture. (See documents C.7.M.6.1936.VII (Official Journal, January 1936, page 37) and C.63.M.22.1936.VII (Official Journal, February 1936, page 244).) In a communication dated February 6th, the United Kingdom Government reported the results of its enquiries on this subject. The bullets in question had been supplied long before the war for hunting in Africa (document C.86.M.31.1936.VII, Official Journal, February 1936, page 244).
in preparation for a violation of Ethiopia’s independence and integrity.”

Report of the Committee of Thirteen, January 23rd, 1936.1

After considering these various documents, the Committee of Thirteen concluded that the Ethiopian Government did not press its request for an enquiry by the appropriate League authority, with which, in the circumstances, it did not therefore feel called upon to comply.

With regard to the Ethiopian Government’s repeated request for financial assistance, the Committee pointed out that the Convention for Financial Assistance had not come into force, and expressed the view that “there appeared to be no possibility of providing for the organisation of financial assistance at that moment”.

Giving its view of the situation existing at that date, the Committee of Thirteen went on:

“When, on December 19th, 1935, the Council instructed the Committee to examine the situation as a whole, it had primarily in view the necessity for putting an end to the war, a question which has been the constant preoccupation of the Members of the League of Nations since last October. In accordance with their international undertakings, they have concerted economic and financial measures, being animated by an earnest desire to re-establish a just peace as speedily as possible. They have always been resolved to neglect no opportunities of facilitating and hastening a settlement of the dispute through an agreement between the parties within the framework of the Covenant. The Committee of Thirteen, for its part, declares that, if such an opportunity had existed to-day, it would have at once submitted suggestions to the Council. It will not fail to do so, should more favourable circumstances arise. At present, it can only decide to watch the situation carefully, in accordance with the mandate which it received from the Council on December 19th.”

This report of the Committee of Thirteen was approved by the Council; the Italian representative abstained from voting.

Reconsideration of the Question of the Extension of the Embargo to Oil.

The Franco-British suggestions of December having failed of their purpose, the Council came to the conclusion that nothing

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1 See Official Journal, February 1936, page 106.
could be done to hasten the settlement of the dispute by agreement between the parties within the framework of the Covenant. The Committee of Eighteen therefore resumed its sittings and examined the question of extending the embargo to oil, which had been left pending since the previous November. On January 22nd, a Committee of Experts was set up to report on the probable efficacy of such a measure, and completed its enquiries by February 12th. The Committee of Eighteen was summoned for March 2nd.

Appeal by the Committee of Thirteen to the Two Parties, March 3rd, 1936.

The report of the experts was not examined by the Committee of Eighteen. The French representative, M. Flandin, pointed out, on March 2nd, that the Committee of Eighteen had always worked in close connection with the Committee of Thirteen, and that the latter, in its report of January 23rd, had once more affirmed its determination not to neglect any opportunity of facilitating and hastening the settlement of the dispute by agreement between the parties within the framework of the Covenant. More than a month had passed since that meeting. The French delegation thought it would be desirable for the Committee of Thirteen to meet again to consider the possibility of making another urgent appeal to the belligerents to put an end to the war.

The United Kingdom representative, Mr. Eden, while agreeing to a meeting of the Committee of Thirteen for the following day, said: "His Majesty's Government are prepared to accept any decision to which this Committee may come; but I must make it clear that, having considered the findings of the experts' report, His Majesty's Government are in favour of the imposition of an oil embargo by the Members of the League and are prepared to join in the early application of such a sanction if the other principal supplying and transporting States which are Members of the League of Nations are prepared to do likewise."

The Committee of Thirteen, which met on March 3rd, sent to the Ethiopian and Italian Governments the following appeal:

"The Committee of Thirteen,

"Acting in virtue of the mandate given to it by the Council in its resolution of December 19th:
Addresses to both belligerents an urgent appeal for the immediate opening of negotiations in the framework of the League of Nations and in the spirit of the Covenant, with a view to the prompt cessation of hostilities and the definite restoration of peace; "The Committee of Thirteen will meet on March 10th to take cognisance of the replies of the two Governments." \(^1\)

On the following day, March 4th, the Committee of Eighteen decided, in its turn, to adjourn for a week.

Replies of the Two Parties to the Appeal of the Committee of Thirteen.

The Ethiopian Government replied on March 5th to the Committee's appeal. It "agreed to the opening of negotiations, subject to the provisions of the Covenant being respected". It noted that the Committee of Thirteen's proposal was made, and that the negotiations would be conducted, in the spirit of the Covenant and within the framework of the League of Nations.

On March 8th, the Italian Government, "in response to the appeal which had been addressed to it, agreed, in principle, to the opening of negotiations concerning the settlement of the conflict". \(^1\)

Meeting of the Committee of Thirteen in London on March 23rd, 1936.

Meanwhile, the Council had been summoned to a special session in London. The Committee of Thirteen met at the end of that session. It noted the replies of the Ethiopian and Italian Governments and requested its Chairman, assisted by the Secretary-General, "to get into touch with the two parties and to take such steps as may be called for in order that the Committee may be able, as soon as possible, to bring the two parties together, and, within the framework of the League of Nations and in the spirit of the Covenant, to bring about the prompt cessation of hostilities and the final restoration of peace".

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\(^1\) See *Official Journal*, April 1936 (Part II), page 395.
The Committee of Thirteen also noted that, whereas no new allegation had been received from either party between the last days of January and the end of February concerning breaches by the other side of the Conventions on the conduct of war, mutual accusations were now again being made.

On February 28th, the Italian Government submitted evidence in confirmation of its previous reports on the torturing and slaughtering of Italian prisoners, the outrages committed on the wounded and the dead, and cases of the abuse of the Red Cross emblem. It also reported that an army chaplain had been killed and that army stretcher-bearers had been put to death. These accusations were followed by three telegrams from the Ethiopian Government reporting successive bombardments of the British Red Cross ambulance near Quoram.  

On March 21st, the Ethiopian Government repeated its accusation regarding the use of asphyxiating and poisonous gases. "Italy", it said, "is raining down mustard gas on inhabited centres."  

Although, as regards the other accusations, the Italian Government, like the Ethiopian Government, had sent denials or observations concerning its adversary's charges, it did not reply, in its various notes on the conduct of the war, to the allegations made by Ethiopia since the end of December as to the use of asphyxiating or poisonous gases by the Italian army. The use of these gases was prohibited by the Protocol of June 17th, 1925, and among the Powers that signed it were Italy and Ethiopia. In a letter dated March 23rd, M. de Madariaga, Chairman of the Committee of Thirteen, drew the Italian Government's attention to the Ethiopian Government's allegations concerning the use of asphyxiating gases, adding that the Committee would be happy to receive any observations which the Italian Government might wish to make in this connection.

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1 According to the British Government's communication of April 15th (see *Official Journal*, April 1936 (Part II), page 480), the ambulance was bombarded by Italian aircraft on March 3rd, 4th, 5th and 6th. The British and Italian Governments exchanged notes on this subject (see *Official Journal*, April 1936 (Part II), page 480, and June 1936, page 651).

2 See *Official Journal*, April 1936 (Part II), page 456.
Efforts of the Chairman of the Committee of Thirteen and of the Secretary-General to obtain Information from the Parties.

The Chairman of the Committee of Thirteen and the Secretary-General took steps as soon as possible to obtain information from the two parties, as requested in the resolution adopted by the Committee on March 23rd. The Ethiopian delegation was at their disposal. Recalling that its Government had accepted the Committee's appeal in the very terms in which it had been issued, it asked that the Italian Government, which had accepted this appeal “in principle”, should give the assurance that it intended to negotiate “within the framework of the League of Nations and in the spirit of the Covenant”.

It further appeared from informal conversations with the Italian Ambassador in London, who was representing his Government at the special session of the Council, that the proper procedure for the Chairman of the Committee of Thirteen was to communicate direct with the Italian Government and to ask it to appoint a delegate. In a letter dated March 27th, the Chairman of the Committee informed the Italian Government of his desire to meet a delegate appointed by it at Geneva as soon as possible. M. de Madariaga received a reply at Madrid on April 2nd, stating that the Italian Government was prepared to send a representative to Geneva immediately after Easter (April 12th) for the purpose of a first exchange of ideas as to the procedure to be followed with regard to the conversations desired by the Chairman of the Committee of Thirteen. As, moreover, the method of initiating contacts for the purposes of these conversations was an important and delicate question, it was thought convenient and desirable that the Chairman of the Committee of Thirteen should have a first exchange of ideas of a general character with the Head of the Government at Rome.¹

Meeting of the Committee of Thirteen, April 8th, 1936.

M. de Madariaga summoned a meeting of the Committee of Thirteen for April 8th. The Committee expressed the wish that the conversations between the Chairman, assisted by the Secretary-General, and the delegates of the two parties should

take place immediately after Easter. The Ethiopian delegation was already at Geneva at the Chairman's disposal. The Italian Government was informed that the Committee regarded it as of the highest importance that contact should be made immediately after Easter with the delegate whom that Government was prepared to send, since the Committee had decided to meet again on April 16th. As to the invitation that M. de Madariaga had received to go to Rome, the Committee agreed with its Chairman that it was undesirable to come to any decision on the point until after the conversations that were to take place at Geneva.

Conversations of the Chairman and the Secretary-General with the Ethiopian and Italian Delegations.

Pending the arrival of the representative of Italy, the Chairman, assisted by the Secretary-General, had a further interview with the Ethiopian delegation.

Recalling the terms of the invitation which the Committee of Thirteen addressed to the two parties on March 3rd with a view to negotiations "within the framework of the League of Nations and in the spirit of the Covenant",¹ that delegation stated that Ethiopia did not agree to negotiate direct with Italy. "The essential point", it said, "is to put an end immediately to the Italian manoeuvre by compelling the Government at Rome to state forthwith, clearly and openly, what are its warlike aims . . . The Ethiopian delegation affirms that it is indifferent to the procedure to be followed. It is concerned only with the substance. It refuses energetically, on behalf of its Government, to lend itself to any dilatory procedure. It earnestly requests that the Committee of Thirteen should take note of the refusal or silence of the Italian Government, and that the Committee of Eighteen should be called upon to decide."

The representative of Italy arrived at Geneva on April 15th. He proposed that direct negotiations should be opened between the two delegations for the signature of preliminaries of peace. He suggested that these negotiations, which "could only be based on the situation existing after six months of military operations", should take place at Ouchy. When asked for his views as to the manner in which the Committee of Thirteen

¹ See Official Journal, April 1936 (Part II), page 395.
might be informed of the conversations which he had suggested, the Italian representative said that the Committee might take cognisance of the results as and when they were obtained and might remain at the disposal of the two delegations to afford any co-operation they might think desirable.

On being informed of the Italian proposals, the Ethiopian representative maintained his point of view.¹ “The Ethiopian delegation”, he said, “earnestly requests the Committee of Thirteen to find that the Rome Government has not agreed to negotiate within the framework of the League of Nations and in the spirit of the Covenant, in order that the application of all the provisions of Article 16 of the Covenant may be no longer delayed”.

The effort made since March 3rd had therefore failed. The Committee, recalling the terms of the report approved by the Council on January 23rd, noted once more, in its report of April 18th, that no opportunity existed “of facilitating and hastening the settlement of the dispute through an agreement between the parties within the framework of the Covenant”.

New Examination of the Question of Breaches of the International Rules on the Conduct of War.

The Committee of Thirteen, resuming on April 9th the examination of the accusations concerning breaches of the international rules on the conduct of war, noted the Italian Government’s reply to M. de Madariaga’s letter of March 23rd, which had suggested that that Government should submit observations on the allegations made by Ethiopia concerning the use of asphyxiating, poisonous, and similar gases.

The Italian Government said in its reply of April 3rd ² that “while it is anxious to establish the truth regarding the facts of which a tendentious version is put forward in the Ethiopian statements, it feels bound, first of all, to make every reservation regarding the competence of the Committee of Thirteen to deal with the questions referred to in the communication from the Chairman of the Committee of Thirteen”. It further asked whether “the Ethiopian Government’s attention had been drawn

¹ See Official Journal, April 1936 (Part II), page 362.
to the Italian Government's charges relating to the use by Ethiopia of methods of warfare forbidden by international rules and to the atrocities practised on prisoners and non-combatant Italian civilians, and whether that Government had been requested to put forward such observations as it might desire to make on the subject ".

While noting that the transmission to both Governments of the charges made by the other Government had in each case furnished them with an opportunity of submitting observations, the Committee of Thirteen addressed an appeal on April 9th to the two parties in the following terms:¹

"The Committee of Thirteen, having taken note of the communications sent by the Ethiopian and Italian Governments to the Secretary-General in regard to various cases of failure to observe the international agreements relating to the conduct of warfare, and voicing the emotion felt in this matter by public opinion, addresses an urgent appeal to both belligerents to take all measures necessary to prevent any failure to observe the said Conventions or the principles of international law.

"The Committee hopes to receive from the Powers to which it is making this appeal assurances calculated to allay the public feeling it has thus voiced."

On April 11th, the Italian Government replied as follows:

"The Royal Government notes that the denunciation of the Abyssinian atrocities which it sent, together with confirmatory documents, as early as December 17th, 1935, and later by its notes dated December 21st, 1935, and January 18th, February 28th and March 9th, 1936, will be fully investigated by competent bodies. The observance of the laws of war has been and is the constant rule of the Italian army, and the Royal Government desires by the present communication to give a full assurance on that point. The observance of these laws must be bilateral. The Italian military authorities cannot do otherwise than punish every inhuman atrocity committed by its adversary in contempt of every principle of law and morality."

The Ethiopian Government's reply, which was also dated April 11th, reads as follows:

"In her struggle against the aggressor, Ethiopia has strictly conformed to the international agreements regulating the conduct of warfare, despite flagrant and systematic acts of violation on

¹ See Official Journal, April 1936 (Part II), page 363.
the part of Italy. Ethiopia has even refrained from all measures of reprisal against these violations. It is possible, however, that in isolated cases individuals have reacted against the inhuman methods employed by the Italians. The Ethiopian Government has taken all steps to impose severe punishment for any such lapses."

**Question of the Enquiry into Breaches of International Conventions regarding the Conduct of War and the Principles of International Law.**

On January 3rd, the Ethiopian Government, as has already been stated, had asked that an enquiry might be carried out by the competent organs of the League, and had expressed the opinion that the Committee of Thirteen was the competent authority. The Ethiopian Government quoted the terms of the resolution of December 19th, 1935, under which the Council "instructed the Committee, bearing in mind the provisions of the Covenant, to examine the situation as a whole as it may appear in the light of the information which the Committee may procure". Moreover, the Italian Government, in denouncing on January 16th a number of "atrocities", stated that they were being reported to the International Red Cross Committee for necessary action, because these "barbarous acts" violated in particular "the rules established in the Geneva Conventions".

In his letter to the Italian Government of March 23rd, the Chairman of the Committee of Thirteen recalled this communication of January 16th. "In connection", he said, "with violations of the Geneva Conventions concluded under the auspices of the Red Cross, the Committee noted that when, on January 16th, your Government alleged abuses of the Red Cross emblem and various atrocities, it intimated that they were being 'reported to the International Red Cross Committee for necessary action'. The provisions of the aforesaid Geneva Conventions would seem to apply likewise to the bombing of Red Cross ambulances which the Ethiopian Government has reported."

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1 See *Official Journal*, February 1936, page 240.
In its reply of April 3rd, in which it made "every reservation regarding the competence of the Committee of Thirteen to deal with the questions contained" in M. de Madariaga’s letter of March 23rd, the Italian Government also stated its views on the competence of the International Red Cross Committee as regards an enquiry. "There seems no justification for the view", it said, "that charges made by the Italian Government to the League of Nations — for example, those relating to the use by the Ethiopians of dum-dum bullets and to the atrocities practised on prisoners and non-combatant Italian civilians — could be considered as requiring no further action on the ground that they were brought at the same time to the attention of the International Red Cross Committee. As a matter of fact, since the procedure contemplated in Article 30 of the Geneva Convention of July 27th, 1929, relates only to violations of rules laid down in that Convention itself, the charges of the Italian Government to which I have just referred and which relate to violations of other Conventions and rules of a humanitarian character could not normally be examined in any enquiry which the International Red Cross Committee might set on foot and, in fact, are not at the present time the object of any study on the part of that Committee."

The Committee of Thirteen decided on April 8th to ask the International Red Cross Committee whether it could furnish the Committee of Thirteen with any information in its possession as to infringements of international Conventions.

The International Red Cross Committee refused to communicate this documentary material.  

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2 Article 30 of the Geneva Convention for the Amelioration of the Conditions of the Wounded and Sick in Armies in the Field: "On the request of a belligerent, an enquiry shall be instituted in a manner to be decided between the interested parties concerning any alleged violation of the Convention; when such violation has been established, the belligerent shall put an end to and repress it as promptly as possible."

3 The correspondence between the Committee of Thirteen and the International Red Cross Committee was published in documents C.150.M.88.1936.VII, C.176.M.112.1936.VII (Annex 1), C.184.M.118.1936.VII, and C.248.M.144.1936.VII. (See Official Journal, April 1936 (Part II), pages 461 and 364; June 1936, pages 578 and 657.) The International Red Cross Committee has not been able to undertake the enquiry requested by the Ethiopian and Italian Governments in regard to the allegations made on either side concerning violations of the Geneva Convention. The details of this enquiry should be fixed in agreement between the parties concerned: the Italian Government only had stated the possible conditions under which it thought an enquiry could be opened.
The Committee of Thirteen, having taken the advice of a Committee of Jurists, considered that in the present case the Council, being seized of the dispute in all its aspects, possessed in virtue of its general competence the power to undertake enquiries, on the basis of the documentary material, into the application of Conventions concerning the conduct of war.¹ The competence of the Committee of Thirteen is determined, as has already been observed, by the Council's decision of December 19th, 1935. In virtue of the instructions it received on that date, the Committee of Thirteen could undertake enquiries on the basis of the documentary material, taking account of the fact that "when, on December 19th, the Council instructed the Committee to examine the situation as a whole, it had primarily in view the necessity for putting an end to the war" (report of the Committee of Thirteen, dated January 23rd, 1936). By an enquiry on the basis of the documentary material was to be understood an enquiry in which information and explanations are collected and examined and the resultant conclusions are stated, but which did not include deciding questions of fact which continued to be contested or on which the documents did not throw sufficient light.

The Committee of Jurists appointed by the Committee of Thirteen was therefore asked to analyse the documents concerning the conduct of the war that had been submitted to the Secretary-General of the League up to April 16th, 1936.

These documents contained principally charges brought by one or other belligerent, and refutations of some of those charges by its adversary. The United Kingdom Government also submitted a note on the allegations concerning the use of poison gas by the Italian army.

The jurists' analysis was communicated to the Ethiopian and Italian Governments on April 18th.

The Committee of Thirteen noted, moreover, that the Italian Government's reply to the appeal of April 9th to the two parties (this reply has been reproduced in extenso above)² concluded with the following statement: "The Italian military authorities cannot do otherwise than punish every inhuman atrocity committed by its adversary in contempt of every

¹ Document C.176.M.112.1936.VII. (See Official Journal, April 1936 (Part II), page 363.)
² See page 35.
principle of law and of morality”. With reference to this passage, the Committee expressed the opinion that such an observation could not justify the use of asphyxiating, poisonous or other gases, which is prohibited by the Protocol of June 17th, 1925. It decided, further, to remind the Italian Government, which had supplied details regarding, among other matters, the bombing of ambulances, of the desirability of also supplying particulars on the allegations concerning the use of asphyxiating gases.

**Council Meeting of April 20th, 1936.**

The Council met on April 20th to acquaint itself with the results of the Committee of Thirteen's work.

The representative of Italy, Baron Aloisi, said that the responsibility for any failure of the procedure of conciliation could in no way be placed to his Government's charge. The latter had proposed, for the establishment of the preliminaries of peace, direct negotiations outside Geneva between the two parties, who would undertake to supply information to the League of Nations at every decisive stage. Such a procedure did not mean, as the Ethiopian delegate affirmed, the rejection of the "framework of the League of Nations and the spirit of the Covenant". It was, he added, the Ethiopian delegation which, "on its own admission, is responsible for having come to Geneva with a predetermined decision not to negotiate". On April 13th, before the Italian delegation's arrival, it had said to the Chairman of the Committee of Thirteen, among other things: "The Ethiopian delegation earnestly requests that the Committee of Thirteen should take note of the refusal or silence of the Italian Government, and that the Committee of Eighteen should be called upon to decide." The Ethiopian delegation's one and only intention was therefore to have the failure of the negotiations placed on record.

Going on to the question of the conduct of the war, the Italian representative, while reserving his Government's full freedom as regards its reply to the Committee's letter of April 18th, made certain observations as a member of the Council. In his opinion, the Council's resolution of December 19th, 1935, only

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1 See *Official Journal*, April 1936 (Part II), pages 358 et seq.
2 See *Official Journal*, April 1936 (Part II), page 374.
authorised the Committee to study the situation with a view to seeking a settlement of the dispute by means of conciliation. "It would be extremely dangerous," he said, "for the Committee of Thirteen to take other tasks upon itself".

Moreover, in the letter it had just sent to the Italian Government, the Committee of Thirteen had expressed the opinion that the use of the chemical weapon could not be justified "even for the punishment of inhuman acts of atrocity committed by an adversary in contempt of law and of morality".\(^1\) By that statement, the Committee of Thirteen had bestowed upon itself the power of settling, outside any rule of procedure, an extremely serious question of law. It had set itself up as a judge "giving an interpretation of perhaps the most delicate and complex point covered by the Protocol of June 17th, 1925, which contained no provision prohibiting, in derogation of the general principles, the exercise of the right of reprisal for atrocities such as those of which the Italian soldiers had been the victims."\(^2\)

The Ethiopian representative confirmed the message sent by his Sovereign to the Secretary-General on April 17th.\(^3\) "The Italian Government," said the Emperor of Ethiopia, "has so little intention of negotiating within the framework of the League of Nations and in the spirit of the Covenant that it refuses all competence to the League and to the Committee of Thirteen, first by insisting upon direct negotiations, secondly by refusing to negotiate at Geneva, and thirdly by refusing to communicate its peace proposals until it is satisfied that the principles of the Covenant will not be respected . . . Despite the good-will of the States Members of the League, the sanctions that have been applied have proved ineffectual, and the time that has been allowed to elapse without the imposition of additional sanctions has enabled the enemy to pursue with impunity his aggression and his flagrant violations of the laws of war . . . Relying upon the Covenant, Ethiopia firmly and formally invokes the rights that the Covenant confers upon her, and appeals to all

\(^1\) See *Official Journal*, April 1936 (Part II), page 373.

\(^2\) In its note of April 30th, 1936 (see *Official Journal*, June 1936, page 580), the Italian Government confirmed the view taken by its representative on the Council. In its opinion, the question of violations of the different Conventions and rules on the conduct of war must be considered as a whole, and the truth should be investigated in a uniform manner through a body competent to carry out tasks of this kind, which might be the International Red Cross.

\(^3\) See *Official Journal*, April 1936 (Part II), page 403.