

agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

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

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

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

*The vote was taken by roll-call.*

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

*For the report :*

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

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

*Voted against the report :* Italy.

*Voted for the report :* Ethiopia.

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

In these circumstances, I declare the report adopted unanimously.

*The report was adopted unanimously.*

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

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

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

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

#### B. REPORT OF THE COUNCIL COMMITTEE.

The PRESIDENT. — The Council has before it the report of the Council Committee<sup>1</sup> which was appointed by it, at its meeting on October 5th,<sup>2</sup> to study the situation and report to the Council.

M. MONTEIRO, Chairman of the Council Committee, read the following report:<sup>1</sup>ncil so

##### “ I.

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

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

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

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

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

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

<sup>1</sup> Document C.417.1935.VII.

<sup>2</sup> See page 1213.

" At the end of the first part of the report, in virtue of Article 15, paragraph 4, of the Covenant, the Committee of the Council referred to the two telegrams despatched on October 3rd by the Italian and Ethiopian Governments respectively announcing the commencement of military operations (Annex 1571, Communication No. V 2 and 3, pages 1603 and 1604).

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

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

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

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

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

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

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

## " II.

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

" (b) The Ethiopian Government requested the Council to examine its dispute with Italy under Article 15 in the first place on March 17th, 1935,<sup>1</sup> with a view to the settlement of the Italo-Ethiopian dispute arising out of the Walwal incident, and subsequently after the submission by the Italian Government on September 4th of the memorandum apprising the Council of Italy's grievances against Ethiopia, which went far beyond the Walwal incident.<sup>2</sup>

" (c) In presenting his Government's memorandum on September 4th, the representative of Italy told the Council that Italy reserved ' full liberty to adopt any measures that may become necessary to ensure the safety of its colonies and to safeguard its own interests'.<sup>3</sup>

" In the observations which the Italian representative made on September 22nd on the subject of the suggestions of the Committee of Five, he said that ' a case like that of Ethiopia cannot be settled by the means provided by the Covenant'.<sup>4</sup>

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

<sup>1</sup> See *Official Journal*, May 1935, page 572.

<sup>2</sup> See page 1133.

<sup>3</sup> See page 1137.

<sup>4</sup> See page 1624.

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

“(f) The Ethiopian Government, at the meeting of the Council on October 5th, invoked Article 16 of the Covenant.<sup>1</sup> Under the terms of that article, ‘should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League . . .’

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

### “ III.

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

The PRESIDENT. — I wish to know the opinion of the members of the Council on this report. I shall accordingly ask each member whether he approves the report and its conclusions. The two parties will be asked for their opinion last.

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

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

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

When, this morning, I received through the Secretary-General the document containing these conclusions, I asked that I should be allowed to state my Government's point of view on the report adopted by the Committee of Six to-morrow, in order that I might have the bare amount of time necessary to get into touch with my Government and to be able to state the Italian point of view.

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

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

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

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

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

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

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

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

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

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

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

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

<sup>1</sup> See page 1213.