

less, to repeat the declaration which it has already made. It is at the disposal of any organ that might be set up by the Council or the Assembly with a view to the immediate suspension of hostilities.

It is prepared to conclude an honourable peace. But let no one misinterpret my words or read into them a meaning which they do not possess! The Ethiopian Government is impelled, in all loyalty, to proclaim that, as the victim of an unjust war, it is resolved to defend its independence and its integrity to the death, and that—however long that war may last—it will never yield to force. It will not accept any condition that offers a premium to its aggressor. To do so would be a challenge to international morality.

**78. — DISPUTE BETWEEN ETHIOPIA AND ITALY: CO-ORDINATION OF MEASURES UNDER ARTICLE 16 OF THE COVENANT OF THE LEAGUE OF NATIONS: ADOPTION OF THE REVISED TEXT OF THE RECOMMENDATION PRESENTED BY THE GENERAL COMMITTEE OF THE ASSEMBLY.**

**The President :**

*Translation :* The list of speakers being exhausted, I will now revert to the question to which I referred at the beginning of this meeting—namely, the General Committee's proposal.

At the opening of our proceedings, I read to the Assembly, on behalf of the General Committee, a draft text concerning the constitution of the Committee of Co-ordination.

I should like to make the character of that text clear. It is not a resolution of the Assembly, in the strict sense of the word, but an invitation addressed by the Assembly to the States Members of the League.

I intimated to delegations that, in order that they might be enabled to take their decision with all the facts before them, the text of this draft would be translated and circulated during the present meeting, so that I could call upon them to express their views this evening.

The draft text has now been circulated in document A.79 1935, and all the delegations have thus had an opportunity of considering it during this meeting. It now remains for me to ask the delegations to express their views.

If any delegations wish to make observations or statements on the subject of this text, I will call upon them to speak; otherwise, I shall consider that the text is adopted.

**Baron Aloisi (Italy) :**

*Translation :* May I be permitted to make a few brief remarks on the text which is before the Assembly.

In the first place, no decision has as yet been taken by any competent organ of the League of Nations to the effect that a case covered by Article 16 has arisen. The conclusion of the Committee of Six has not been the subject of any decision, as such, on the part of the Council. It will be seen from the Minutes of the meeting of October 7th<sup>1</sup> that the President merely made the following statement :

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

<sup>1</sup> See Minutes of the seventh meeting of the eighty-ninth session of the Council.

Nor has the Assembly taken any decision on this point. There is nothing in the Covenant to justify the assumption that the fact of fourteen Members, including Ethiopia, having concurred in their judgment of a given situation and the further fact of other Members having associated themselves more or less openly with that opinion suffice to commit the League, as such, to any action, even though action were confined to co-ordinating the measures to be taken by States Members individually.

In the second place, the Committee which it is proposed to set up cannot, in consequence, be regarded as in any sense an organ of the League. In reality, as the President himself has just explained, it is merely a conference of certain States with the object of concerting upon the measures which they propose to take on their own responsibility.

Although the President has said that the proposal is not in the nature of a resolution, I wish to state that I shall vote against the draft text.

**The President :**

*Translation :* I have two observations to offer, as President, arising out of the statements made by our colleague, the delegate of Italy, concerning the voting on the text in question.

It must be made clear that no organ of the League has power to decide, in such a way as to bind all the Members, that one of them has violated the Covenant. That obligation derives directly from the Covenant, and must be observed by Members of the League in virtue of the respect due to treaties. This was in fact placed on record by the fourteen Members of the Council at the meeting on October 7th, and is recorded in the Minutes which have been transmitted to us and which I have laid before you. That is my answer to the first remark.

As regards any doubts concerning the vote upon the text in question, I think that our Italian colleague would be entirely in the right if that text constituted a formal resolution of the Assembly. In that case, the question of a majority vote or unanimity vote would arise. I was anxious to make it clear at the outset that, in the present case, this is not a resolution, in the strict sense of the word, but an invitation addressed by the Assembly to the States Members.

Nevertheless, to dispel any doubts that might still remain, and to ensure that everything shall be quite in order, if it is felt that difficulties might arise in connection with the voting, partial satisfaction might be given by substituting for the word “invites” (third paragraph of the text) the word “recommends”. All doubts and difficulties of form would thus be removed.

**M. de Velies (Hungary) :**

*Translation :* The Hungarian delegation, having made known yesterday its views on the question before us, will refrain from taking up a definite position in regard to the proposal under discussion.

**M. Pflügl (Austria) :**

*Translation :* I associate myself with the Hungarian delegate's statement.

**The President :**

*Translation :* If there are no further observations, I shall now take a vote on the revised text of the General Committee's proposal, which read as follows :

“ The Assembly,

“ Having taken cognisance of the opinions expressed by the Members of the Council at the Council's meeting of October 7th, 1935 ;

"Taking into consideration the obligations which rest upon the Members of the League in virtue of Article 16 of the Covenant and the desirability of co-ordination of the measures which they may severally contemplate :

"Recommends that Members of the League of Nations, other than the parties, should set up a Committee, composed of one delegate, assisted by experts, for each Member, to consider and facilitate the co-ordination of such measures and, if necessary, draw the attention of the Council or the Assembly to the situations requiring to be examined by them."

To avoid any misunderstanding, as certain Members of the Assembly have called attention to the point, I should like to make it clear that, where the text of the proposal refers to "one delegate for each Member", the usual practice will of course hold, and the delegate may be assisted by a substitute delegate.

If there are no observations, I shall take note of the fact that the draft text is adopted unanimously, except for one adverse vote and two abstentions.

*The draft text was adopted.*

## SEVENTEENTH PLENARY MEETING

Friday, October 11th, 1935, at 12 noon.

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79. — STATEMENTS BY THE DELEGATIONS IN CONNECTION WITH THE DOCUMENTS TRANSMITTED TO THE PRESIDENT OF THE ASSEMBLY BY THE PRESIDENT OF THE COUNCIL AND RELATING TO THE DISPUTE BETWEEN ETHIOPIA AND ITALY (*continuation*).

#### The President :

*Translation :* The agenda of this meeting includes the close of the discussion on the documents transmitted to the Assembly, and also several communications from the President of the Council and statements by the President of the Assembly.

I have convened this meeting of the Assembly in order to make it quite clear, as I stated yesterday when the question of procedure was under discussion, that every delegation at the Assembly can speak if it so desires.

Another delegate has asked to speak, and I now call upon him : M. Frasheri, first delegate of Albania, will address the Assembly.

#### M. Frasheri (Albania) :

*Translation :* I am instructed by my Government to make the following statement to the Assembly :

The Albanian Government remains faithful to the Covenant of the League of Nations and highly appreciates the importance attached to the observance of the Covenant ; but, in view of its political relations as determined by a treaty of alliance with Italy and of the capital importance of the economic relations existing between the two allied countries, the Albanian Government regrets that it cannot endorse the decision reached by the Assembly with regard to the application of sanctions against Italy.

#### The President :

*Translation :* The Assembly will take due note of the declaration of the delegate of Albania.

No other delegation having asked to speak, I shall consider the discussion on the communication of the President of the Council to the President of the Assembly closed.

### 80. — STATEMENT BY THE PRESIDENT ON THE ACTION OF THE COUNCIL.

#### The President :

*Translation :* Following on the statement made yesterday morning by our Italian colleague, Baron Aloisi, several members of the Assembly have asked me, as President of the Assembly, for explanations concerning certain points in that statement. My position as President of the Assembly prevents me from going into the substance of the matter in dispute ; I shall confine myself to placing on record one or two definite points in the plenary meeting. There is no question of disputing anybody's views, but merely of noting certain facts, the sole object being to show that the organs of the League of Nations have loyally endeavoured, in the presence of this conflict, to fulfil their mission towards the two parties to the dispute in accordance with the provisions of the Covenant.

All the Members of the League, without exception, have been able to become acquainted with the documents relating to the dispute. Of these documents the most important are :

1. The memorandum by the Italian Government, dated September 4th, 1935. (Document C.340.M.171.1935.VII.)
2. The preliminary observations on that memorandum communicated by the Ethiopian Government. (Document C.358.M.183.1935.VII.)
3. The report submitted to the Council by the Committee of Five on September 26th. (Document C.379.M.191.1935.VII.)
4. The report unanimously adopted by the Council, on October 7th, under Article 15, paragraph 4, of the Covenant. (Document C.411(1).M.207(1).1935.VII.)
5. The Minutes of the meeting of the Council held on October 7th (seventh meeting of the eighty-ninth session, document A.78.1935.VII), which include the report submitted by the representative of Portugal on behalf of the Council Committee.