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The League of Nations and the Italo-Ethiopian conflict

Byron Walfred Hunt

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THE LEAGUE OF NATIONS AND THE ITALO-EGYPTIAN CONFLICT

by

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The purpose of this thesis is to examine the major test of collective security that came up in the League of Nations. Prior to the Italo-Ethiopian conflict, the League had oscillated between success and failure, but in 1935 the members realized that the continued deterioration of the international situation required the League to take a stand. If it should prove incapable of dealing with this crisis, then the principles of the Covenant would be swept away by political opportunism. The desire that the League should succeed was for the most part a genuine one, but the desire to avert a war and the desire to avert wars are not necessarily the same. And that difference was significant in the League's failure to halt Italy. The machinations of European politics overwhelmed the Covenant, and once again the idealists fell before the politicians.

Deserving or not, the League received a bad name for this failure. In an age when the United Nations has inherited the task of maintaining the peace, the lessons gained from the Italo-Ethiopian conflict retain their validity.

In studying the actions of the League of Nations, one thing stands out. International organizations, as they
have existed, rely as much on a common will to maintain themselves as they do on their constituted authority. If the League failed where the United Nations has not, it was because of the lack of this will in the former, and not because the latter is a better constituted organization. Given the same conditions under which the League operated, there is little evidence that the United Nations would enjoy any more success than its predecessor. In comparing the League of Nations with the United Nations, one significant difference is the degree of a will to succeed among their respective memberships. This was the only innovation in the United Nations actions in Korea, but it was enough to halt an act of aggression.

This thesis then will recount the history of the Italo-Ethiopian conflict as it concerned the League of Nations, and from this certain conclusions will be drawn. Since it is not the intention to recall the history of the entire dispute, but only the actions taken by the League to reach a settlement, many of the outside political considerations will not be discussed. When these had a profound influence on the actions of the League, they will be mentioned, but the inadequacy of sources precluded all but a minimum of interpretation.

The main sources of information consisted of the
various official publications of the League of Nations, such as the Official Journal and the various supplements to it. Documents on International Affairs, published by the Royal Institute of International Affairs, has been a helpful source for material not included in the League of Nations publications, but because this thesis deals primarily with the League, the great bulk of the information comes from the League records.
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CHAPTER I

GENERAL CONSIDERATIONS

The Position of the League of Nations. This study will deal with the manner and degree in which the principle of collective security was followed out and utilized by the League in the Italo-Ethiopian Conflict. Although this was not the first threat to the peace that confronted the League of Nations, it was the first instance in which an attempt was made to implement the use of sanctions after declaring a member of the organization to be an aggressor.

The League was standing on rather shaky foundations before this dispute had arisen, and, as events later showed, this particular incident was largely responsible for even more serious shocks and tremors that contributed to its eventual collapse. As originally envisioned by its founders, all of the leading powers of the world were expected to be members, but by 1935 many of its chairs were vacant. The United States had never accepted the principles of the Covenant, and others who had once subscribed to them were now absent. Germany and Japan had withdrawn, and growing doubts and a lack of faith were causing others to consider
the same step. More than anything else, this was because the League had proved itself to be incapable of dealing effectively with those larger powers who had in one way or another contested the League's prerogatives. This caused a valid concern among many of the small powers and did much to destroy their faith in it.

In 1920 it had been unable to check Poland's seizure of Vilna; in 1923 it had not halted the Italian occupation of Corfu; and even more damning was its failure to take a stand in the Japanese invasion of Manchuria in 1931 and the North China province of Jehol two years later.

This time the League would be dealing with Italy, a state that, very recently at least, had been exercising considerable force within its chambers. It is little wonder that the members were hesitant to grapple with the dispute and risk another failure. They realized, however, that the survival of the Covenant depended on success in treating with the aggressor. It was undoubtedly felt that there might not be another chance should there be failure. Few would have the necessary faith to trust the League to maintain the peace another time.

The Position of Italy. Fascist Italy was well aware of this concern, but seemed to feel from past events that she would not be unduly hindered by the League. Italy,
by courtesy if not in fact, was a great power within the organization. This, combined with the realization that the League was more interested in European affairs than in a backward country in Africa, prompted Mussolini to take the gamble.

Why did Mussolini feel it necessary to extend Italian suzerainty over Ethiopia? It was probably a combination of factors—psychological, economic, and political. These are the usual motives for expansion, and Italy on this occasion felt that these justified her aggression.

The population of Italy was dense, and the expedient method of alleviating this problem seemed to lie in colonialism. By this measure, the talents of the immigrants would not be lost to the mother country. Italy's economic structure was unstable at the time, partly because of world economic conditions, and the transporting of a segment of the population seemed a wise solution. Secondly, if the colonial area should at the same time be a depository of varied resources, an added benefit would accrue.

Thirdly, with this same type of rationalization, Italy saw an added advantage in an acquisitive policy. She

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felt additional territory would enhance her international standing, and she still harbored an unredressed grievance over her small share in the spoils of World War I. Italy had been given to believe, by Great Britain and France, that at the successful conclusion of the war she would be awarded extensive territories in Africa. All Italy had been able to extract, however, were minor boundary adjustments, which had left a definite feeling of resentment over this unfulfilled pledge. But under the leadership of Mussolini, Italy seemed on the verge of correcting what was considered a great injustice.

Lastly, there were two predominant psychological motives. It was felt that what Italy would be doing in the twentieth century would not be greatly different from what Great Britain and France had done in the preceding century. Why should Italy be chastised now for the same behavior recently exhibited by established imperialist powers who had already acquired overseas areas? While arguing that France as recently as 1931 had completed her control over Morocco, the Italians lost sight of the fact that the type of territorial gain they were contemplating was no longer politically acceptable.

The second psychological motive evolved from the past relations between Italy and Ethiopia. At the end of
the nineteenth century, at the time of the first military aggression Italy launched against Ethiopia, the latter had defeated an Italian contingent at Adowa. Mussolini once said that this "wound to the Italian heart" must be healed once and for all.

Relations between Italy and Ethiopia. In the twenties, Italy had tried a policy of friendship to achieve her ends, and, ironically, it had been largely due to Italian support that Ethiopia had been admitted into the League of Nations. In a further attempt to obtain a favored position, Italy had signed a Treaty of Friendship, Conciliation, and Arbitration with Ethiopia in 1928. Preliminary steps were worked out to improve trade between the two countries through the Italian colonies of Eritrea and Italian Somaliland, and Italy felt she would soon enjoy a favored economic position in Ethiopia. There were provisions for road construction and Ethiopian use of a free zone in the Italian port of Asab. But for some reason Ethiopia did not choose to take advantage of these treaty provisions, to the great annoyance of Italy.²

By 1933 a change had occurred in the Italian policy toward Ethiopia. Seeing that economic penetration was going

to be difficult, if not impossible, thereby lessening the chance for political control, Mussolini turned toward the idea of a military conquest. According to his later military commander, de Bono, who headed the invasion of Ethiopia in 1935, by 1933 Mussolini had decided war would be the only successful means of gaining control over Ethiopia. From that time on relations between Ethiopia and Italy began to disintegrate, which caused both to prepare for war. Fearing a military attack on his country by the Italians, Haile Selassie asked for an Italian reaffirmation of the Treaty of Friendship. On September 30, 1934, the two governments issued a joint communique in which both reiterated their promises to cultivate friendly relations as a means of augmenting reciprocal political and economic relations.

In light of the continued Italian military preparations, this proved to be nothing more than a hollow pledge. Mussolini realized the increased difficulty of concealing his military buildup in the two Italian colonies, and some pretext was needed to justify the continuation of this

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The Wal Wal Dispute and Arbitration. His excuse came within two months of the September 30 communique, with the incident at Wal Wal between Italian and Ethiopian troops.

Wal Wal lies in what was a disputed area between Italian Somaliland and the Ethiopian province of Ogaden. Most of the boundary between Ethiopia and the Italian colonies of Eritrea and Somaliland had never been delimited, and border clashes had been frequent. Wal Wal was the sight of a number of wells and, although it was occupied by the Italians, a number of official Italian maps placed the boundary several miles to the east. But the Ethiopian Government had not protested the presence of the Italians, and there had never been trouble in this area.5

This particular incident occurred on December 5, 1935. An Anglo-Ethiopian boundary commission that had been working on the boundary between Ethiopia and British Somaliland had arrived at the area several days earlier. A misunderstanding developed between the Ethiopian troops accompanying the commission and the Italian garrison at the wells, and tempers began to run high on both sides. The British personnel evacuated the area to avoid involvement.

5 WALTERS, P. 626.
but the Ethiopians and Italians began bringing up reinforcements. Finally, on the fifth, the inevitable shot was fired and an earnest battle ensued. The Italians were finally able to push the Ethiopians back, but not until both sides had suffered casualties larger than usually involved in these clashes.

On hearing of the incident, the Italian Government dispatched a protest to Addis Ababa, demanding apologies and compensations. The Italian commander at Wal Wal was to be given a formal apology, the Italian flag was to be saluted, a monetary sum was to be paid to the Italians for loss of life, and the attackers were to be punished.6

The Government at Addis Ababa was not prepared to accept these demands on this occasion because it felt that the area in which the disputes occurred had been in Ethiopian territory. Instead, the Ethiopian Government wished to place the entire matter under the jurisdiction of Article 5 of the Treaty of Friendship, Conciliation, and Arbitration of 1928. By its terms, both countries had agreed to submit any matters that could not be settled by normal diplomatic means to arbitration or conciliation.7

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7Ibid., p. 272.
Such a step did not meet with Italian approval, however, because the Italian Government saw this as the pretext needed to justify its militant plans. On December 14, the Italians officially refused to submit the dispute to the terms of the treaty, insisting that in this particular case there was no question of responsibility. The only solution acceptable to Italy would be for Ethiopia to acknowledge the demands put forth in the Italian protest.\(^8\)

When the Ethiopian Government received this reply, a telegram was immediately dispatched to the Secretary-General of the League of Nations. It called the League's attention to the gravity of the situation and accused the Italians of recent aerial bombardment of Ethiopian land.\(^9\) In the note there was no request for the issue to be placed on the Council's agenda, although such a reservation was made in the event that the dispute could not be settled between Italy and Ethiopia.

The Italian Government then countered by sending its own version of the incident to the League of Nations, and during the next two weeks both governments submitted more detailed reports. The Italians insisted that the

\(^8\)Ibid., pp. 273-74.
\(^9\)Ibid., p. 274.
matter could be settled by direct diplomatic means, but continued to insist that the settlement be on their terms. The Ethiopian Government stated, in a telegram sent to the League on December 31, that it would meet these demands if an arbitration commission should find Ethiopia responsible, but steadfastly refused to give in to any such demands until the matter was submitted to arbitration.\textsuperscript{10}

During this time the Italian Government had increased the tempo of its military preparations, and Haile Selassie decided that the impasse must be broken for the defense of Ethiopia. On January 3, 1935, he requested that the entire issue be placed on the agenda of the League Council, through the provisions of Article 11 of the Covenant.\textsuperscript{11}

It was January 17, however, before the Council placed the item on its agenda, and by the nineteenth, when it came up for discussion, the two governments had agreed to direct negotiations under the provisions of the Treaty of Friendship. In order to keep the League from becoming

\textsuperscript{10} L.F.O.J., June, 1935, p. 727.

\textsuperscript{11} According to this Article, any threat of war was declared a concern of the League, which was to take whatever action it considered necessary in order to maintain the peace. Any member had the right to bring any such matters before the Assembly or the Council. For full text see Appendix, p. 122.
involved in the issue, Italy dropped her demands for apologies and compensations. But soon after these direct talks opened, it became evident that the two sides were not yet ready to reconcile their differences. The Ethiopians insisted that the actual ownership of Wal Wal should be considered in order to determine responsibility, but the Italians were not ready to concede this much. The negotiations resulted in a deadlock which it was to the advantage of Italy to maintain. Thus, as the talks continued, the military buildup in the Italian colonies was carried on. Haile Selassie realized that the Italians were gaining a great advantage, and insisted that the matter must be submitted to arbitration. This was refused by the Italians, who insisted that according to the Treaty of 1928, arbitration would not be used until all direct efforts to reach a settlement had proved futile. As far as they were concerned, this was not yet the case.

Finally, out of patience with the Italians, the Emperor of Ethiopia again turned to the League of Nations, and on March 17 requested that the entire dispute be placed before the Council on the basis of Article 15 of the Covenant. The Italians were charged with continuing their

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12 According to this Article, any dispute between members that was not settled or submitted to arbitration or judicial settlement, was to be submitted to the Council.
mobilization of troops and material in the Italian colonies, while refusing to enter into any sincere negotiations to bring about a settlement of the Wal Wal dispute. Ethiopia, finding herself with no other alternative for her defense, considered it absolutely necessary to ask the Council to investigate the dispute.\textsuperscript{13}

The Italian reply, which came on March 22, denied that the dispatch of troops to the Italian colonies constituted any threat to the peace. Italy was merely taking steps for the defense of these areas. Furthermore, Italy had been making every effort to achieve a just settlement, the reply continued, and had recently put forth fresh proposals. In the event this phase of the negotiations should fail, however, Italy would accede to Ethiopia's request that the matter be submitted to arbitration and cooperate in establishing an arbitration commission. In view of this promise, the Italian Government considered the matter outside of the application of Article 15, and insisted that any attempt to implement that article would be improper.\textsuperscript{14}

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Council was then to attempt to work out a settlement agreeable to both parties. If this was not possible, then the Council was to submit a report to the members recommending what it considered to be just and proper actions. For full text, see Appendix, p. 123.

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\textsuperscript{13}L.N.O.J., May, 1935, p. 572.

\textsuperscript{14}Ibid., pp. 577-78.
Ethiopia's appeal to have the Council consider the dispute was justified in view of the Italian obstructions to the negotiations, but the Council did not honor the request. Unfortunately for Ethiopia, Germany at this time announced her intentions to raise an army by conscription, and the powers in the League were more concerned with that ominous situation than with the Wal Wal dispute. There was little desire to alienate Mussolini by considering the dispute under Article 15, when there was some hope that the two might finally resort to arbitration. At the Stresa Conference, which was called to discuss German rearmament, Great Britain and France remained officially silent on the African issue, which indicated to Mussolini that he would have his way.  

Thus Ethiopia experienced her first defeat in the League, because politics took precedence over the principles of the Covenant. And, even if the smaller powers in the League had desired to see the dispute referred to Article 15, they could have done nothing without the support of either Great Britain or France.

The Government at Addis Ababa was not fooled by the promises in the Italian note of March 22 that Italy would agree to arbitration. On March 29, Haile Selassie dispatched

\[\text{\textsuperscript{15} Walters, p. 632.}\]
another note to the League, in which it was charged that the Italian proposals would be another occasion for delay, during which time the military threat to Ethiopia would be increased. Restating that the League would be Ethiopia's defense from Italian aggression, it was suggested in the note that a time limit of thirty days should be placed on the arrangements to begin arbitration. Then, if the commission for arbitration had not been appointed, the Council of the League would be charged with the responsibility of choosing the arbitrators, arranging the procedure, and defining the limits of the commission. 16

The Council took no action on the suggestions in the Ethiopian note. On April 3, Ethiopia again requested the Council to consider the item during the special session that had been called to examine the German announcement of conscription. Fearing that the Council might honor this request, Baron Aloisi, the Italian delegate, informed the Council that Italy was now ready to agree to arbitration. The Council took note of this announcement, and decided that, since an arbitration commission would at least be established, there was no need for the Council to consider the matter during its special session, but that the matter

might be deferred until the next regular session in May.\textsuperscript{17}

In less than a month the Council received another notification from the Ethiopian Government that no progress was being made. This time there had been no success in setting up the arbitration commission, because Ethiopia wanted the ownership of Wal Wal considered, and because the Italians objected to the foreign nationals selected by Ethiopia as her representatives on the commission. Ethiopia again appealed to the League under the provisions of Article 15.\textsuperscript{18}

The Council then decided to make its own appeal to the two governments to proceed with the arbitration before placing the dispute on the agenda. Anthony Eden, the British representative to the Council, was sent to talk to both sides and was able to gain compromises from both governments on the issues that had caused the delay, as well as an agreement on a time limit for the arbitration.

The Council then passed two resolutions on May 25, one of which incorporated the agreements that Eden had been able to work out with the two governments, with a stipulation that, should the commission be unable to come

\textsuperscript{17}\textit{Ibid.}, p. 550.
up with a settlement by July 25, a fifth arbitrator would be appointed. The other resolution stated that, should no agreement be reached by August 25, the Council would then meet and examine the situation. While this was not completely satisfactory to Ethiopia, since the Council would not be considering her request until August, at least the Council was able to get the Italians to begin arbitration. However this was not the first occasion on which Italy had protested her willingness to work for a settlement, only to delay and obstruct later. Even if a settlement of the Wal Wal issue could have been effected now, there was no reason to believe that the real problem would be solved, for there would remain the animosity between the two countries, as well as the Italian plans for invasion. But the Council's decision did mark a certain victory for Ethiopia, for now it had committed itself in the future, should the commission be unsuccessful.

The arbitration commission began its work on June 25, after having met previously to organize. By July 9 it had reached a deadlock and suspended its meetings indefinitely. The cause of this interruption was the old question of the commission's powers. Both Governments interpreted these to be different, Ethiopia insisting that the

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19 Ibid., p. 640.
commission could consider the treaties relating to the boundaries, and Italy denying it any competence other than the consideration of the frontier disputes since November, 1934. 20 Separate reports submitted to the Council by the Ethiopian arbitrators and the Ethiopian Government indicated that the deadlock could be broken only with the appointment of the fifth member. The Italians would not agree to this because they said the deadlock was due to Ethiopia's demand that the commission exercise more power than it actually did.

The breakdown invoked the Council's decision to consider the matter in such an event, and on July 31 it met in a special session for that purpose. It was becoming increasingly evident that Italy was little interested in reaching any agreement. Mussolini had already turned down a British proposal for a settlement outside of the League in which Ethiopia would relinquish Ogaden to the Italians for territory in British Somaliland. The Members of the League began to realize what Haile Selassie had known for some time, that Italy needed more time before launching an attack, and that all the negotiations had been giving her the needed time. The League knew that a crucial test was

20 Toynbee, p. 157.
coming, and the Council seemed ready to take some action. Aloisi, however, was determined to delay any Council study, and reminded the Council that under the provisions of the Covenant it could not consider a question as long as it was still subject to arbitration. He threatened to boycott the Council if it went ahead, which was enough to persuade the Council to look again to the commission for its hopes of a settlement. 21

Italy now agreed to the appointment of the fifth arbitrator, and the Council instructed the commission to proceed without considering territorial considerations in the arbitration. 22 Thus by agreeing to the inclusion of the added arbitrator, Italy was able to keep the question of the ownership of Wal Wal out of consideration.

Ethiopia's only consolation from this special session was another promise by the Council that in the future it would study the situation. This time it was to be at the September 4 meeting, when, regardless of the outcome of the arbitration, it would take up the examination of the relations between Italy and Ethiopia. 23

22 _Ibid._, p. 967.
23 _Ibid._, p. 967.
After the Council had finished this phase of its work, Pierre Laval, The French Foreign minister, and Eden addressed the meeting. Laval informed the Council that he considered it had once more fulfilled its "great and noble mission" which would cause the supporters of the League to rejoice. He said he realized that only the immediate task had been accomplished, however, and that the serious situation would prompt him in the future to do all in his power to utilize conciliation to bring the two together.24

Eden then announced that such an attempt would be made in the very near future. Italy, France, and Great Britain, as, signatories to the Agreement of 1906 concerning Ethiopia, would soon open negotiations with a view "to facilitating a solution of the differences between Italy and Ethiopia." He would report the outcome of these meetings to the Council at its next session. He firmly hoped, he went on, that by that time their differences would be settled.25

With these developments, the first phase of the dispute was ended. The Council thus far had circumvented the issue, being unwilling to commit itself too deeply.

24 Ibid., p. 969.
25 Ibid., p. 969.
Perhaps this was because its members were not yet completely convinced that the dispute would lead to a war, but probably higher in their thoughts was the ominous threat of an aggressive Germany. This threat to their own safety precluded a wholehearted concern for Ethiopia. In line with this reasoning, Italy was considered too valuable an ally to risk losing because she had already demonstrated her concern for security in Europe. France was particularly protective toward her ever since Laval had had his talks with Mussolini in January of 1935. Closer cooperation than there had been for some time had been now established between France and Italy. Whether or not Italy's African designs were mentioned at that time is still disputed, but it is not inconceivable that Laval did give Mussolini some kind of assurances in light of Laval's later actions.

In any event, Mussolini, through the series of delays he maneuvered, was able to gain the time required for the final preparations for the military invasion of Ethiopia. By prolonging the direct negotiations to the point of Ethiopia's exasperation, time was gained, and, when the League began to become involved, he was able to keep the Council from studying the situation by agreeing to arbitration. This last step made possible further delays, until he was able to gain seven months in which to make ready his
aggression. He used diplomacy to his great advantage and was able to deny to Ethiopia the support of the League during this crucial stage of their relations.
CHAPTER II

THE LEAGUE SEeks A solution

When the Council adjourned on August 3, 1935, hopes for a peaceful settlement were high. Although the Wal Wal incident had not been successfully arbitrated yet, the appointment of the fifth arbitrator was expected to break the deadlock and remove that issue from the relations between Italy and Ethiopia. A second hopeful sedative was the expectation voiced by Eden that the scheduled negotiations between Great Britain, France, and Italy would be able to reconcile the two sides. The general knowledge that Italy was after more than she had publicly stated caused concern, but, if she did not demand too much, perhaps Ethiopia could be coerced into meeting Italy on the latter's ground. Perhaps the British and the French would be able to grant to Ethiopia sufficient compensations to make the entire deal less offensive to Ethiopian sovereignty.

If a settlement in line with the principles of the Covenant was expected, this three-power attempt to settle the question was really a reversion to methods that had gone out of date. It would have been made outside of the League of Nations, and because Ethiopia was a member in
good standing, she should at least have been allowed to participate in the discussions. The fear of another continental war, however, concerned all Europeans, particularly the French, and the recent occurrences in Germany were causing considerable concern. The fear of German militarism had a profound influence on French thinking about the Covenant. Since it had been a part of the Treaty of Versailles, France tended to consider it as one of the guarantees against German aggression. Feeling this way, she was not anxious to see the League become preoccupied in a controversy with Italy, for any long or unsuccessful involvement there might render it ineffective against Germany.

France had a southern frontier and, in the event of a war with Germany, Italy would be a necessary ally to France in any dispute with her historic enemy. Consequently, the spirit of the Covenant was disregarded, and the controversy was transferred from the Council to a small group, with the prospective aggressor, but not the victim, included.¹ As one writer put it, "Haile Selassie was left like the birds in the air, with no one but God to look after him."

Eden had promised to report the outcome of these negotiations to the Council. In accordance with the second

¹Walters, p. 638.
resolution of August 3, 1935, the Council met on September 4 to look into the entire controversy between Italy and Ethiopia. The British representative was the first to speak, and, after his introductory remarks, he reported on the three-power talks that had transpired in Paris on August 16. He said that Italy had refused to list her demands on Ethiopia, but that, in an attempt to reach some agreement, France and Britain had put forth some proposals. 2

By their terms, Ethiopia would have been asked to accept a plan for the complete reorganization of her internal life. This would have been done with the help of foreign advisors, who would have been appointed by the League of Nations. Because France, Great Britain, and Italy held areas contiguous to Ethiopia, these three would have been particularly well suited to supervise such a program. This general plan of reorganization included such things as economic, financial, commercial and constructional development; foreign settlement; modernization of administrative agencies; anti-slavery measures; and frontier and other police services. An attempt was made to give Italy special consideration in the proposals, for Eden said that the collective nature of the assistance to Ethiopia

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in reforming her internal life would not preclude taking into account the special interests of Italy. Furthermore, while the question was not examined, the proposals did not in any way exclude the possibility of a territorial adjustment, although such adjustment would have to be agreeable to Ethiopia. No specific area was mentioned in the scheme. In closing, Eden said that these negotiations had ended in failure, and then he warned that the League must find some settlement, unless the League's authority were to be lessened in future disputes.

Laval followed Eden in addressing the Council and echoed his colleague's account of the failure of the Paris talks. While he took occasion to declare that France recognized the binding character of the Covenant, he returned to the same theme of conciliation that he had emphasized at the Council's meeting on August 3. From the tone of his speech, it was obvious that he laid more emphasis upon his eagerness to play the part of the conciliator, than upon any concern to exercise his influence in upholding the Covenant. Perhaps this was due to a conviction that a settlement outside of the League could be achieved, but on the other hand this desire to side-step the League was probably prompted by the desire to keep Italy placated, which would

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3Ibid., p. 1134.
be much easier to do without having to consider the procedures called for in the League of Nations.

At any rate, the important thing to Laval then was to maintain the so-called Stresa Front, which protested Germany's return to conscription. To do this, Italy must be shown every consideration. In closing, Laval told the Council that he trusted an equitable settlement would be reached that would "insure to Italy the satisfaction which she might legally claim, without failing to recognize the essential rights of Ethiopian sovereignty." He did not define what he called "essential rights".

If hopes for a peaceful settlement were dimmed with the failure of the Paris negotiations just reported on, there was a greater gloom caused by the Italian reaction to the results of the Wal Wal arbitration. After the fifth member had been chosen, and the Council had instructed the arbitrators not to consider territorial questions, an agreement was finally possible. The commission unanimously reported that neither Italy nor Ethiopia could be held responsible for causing the incident, and now fresh hopes bloomed. Might this not be a basis for a rapprochement between Italy and Ethiopia?

\[^4\text{Ibid., p. 1135.}\]
Italy's representative, Aloisi, took the platform on September 4, to give the answer. He informed the members that the Wal Wal settlement was of no great consequence to Italy, who had suffered too long from Ethiopian transgression. To show the world the great outrages Italy had suffered at the hands of Ethiopia, the Italian Government had prepared an indictment which would be presented to the Council. It would show why Italy had been unable to accept the proposals put forth at Paris. It would set forth numerous reasons why Italy felt Ethiopia had systematically violated all the conventional undertakings she had assumed towards Italy and the League of Nations. He promised that the members of the Council would find irrefutable proof of the unfriendly attitude adopted by the Ethiopian Government in the Italian Memorandum that would set forth Italy's grievances. He told them that Italy could no longer continue to place undeserved confidence in the Ethiopian Government, and charged that Italy was forced to consider Ethiopia a barbarous state, no longer justified in claiming membership in the League of Nations or any rights under the Friendship Treaty of 1928. 5

He declared that it had been a mistake ever to

5Tbid., pp. 1135-37.
admit Ethiopia to the League. She had not fulfilled her obligations to put an end to slavery, to halt illegal arms traffic, to curb internal disorder, and to live at peace with her neighbors. It was now impossible for Italy to consider such a state an equal any longer, and by international interpretation of aggression Italy would have had every right to go to war. But Italy had not done that and had shown forbearance instead, only to suffer bloodshed from an enemy "whose bad faith had never been controverted, and that no policy of confidence, no demonstration or treaty of friendship had succeeded in changing her." 6

Aloisi suggested Italy's future course when he said that, in a question such as this that affected the vital interests and security of the Italian colonies, Italy would fail her most elementary duty if she did not cease putting any trust in Ethiopia, and reserve to herself the right of adopting any measures necessary to safeguard her own interests and the security of her African colonies. 7

Those who hoped that the settlement of the Wal Wal incident would lead to better relations between Italy and Ethiopia realized they had been hoping in vain. Aloisi's speech introduced the next phase in the dispute, for this

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6 Ibid., p. 1137.
7 Ibid., p. 1137.
avowal of the Italian Government indicated it was shifting ground and doing all it could to destroy any basis for a settlement. Since the Wal Wal dispute had outlived its usefulness, Italy was turning to a new method of excusing her actions. This attempt to completely discredit Ethiopia in the eyes of the League and the world, if successful, might isolate her from all help in her struggle with Italy, but, even if it did not accomplish this end, it could still be useful. Such an indictment would cause the League to investigate the charges, thereby giving Italy a little more time to prepare for the invasion of Ethiopia, before the Council would take any action on behalf of the intended victim.

M. Jéze, the Ethiopian representative, indicated surprise at the indictment. He reminded the Council that for the past nine months the Government of Ethiopia had constantly affirmed its desire to achieve a peaceful settlement and establish cordial relations with Italy, and, notwithstanding the latest Italian charges, the Ethiopian Government wished to renew that pledge. He recalled the history of the entire dispute, pointing out that Italy, and not Ethiopia, had been the party always reluctant to see any

\textsuperscript{8}Ibid., p. 1137.
improvement in relations. Italy had continually held that Ethiopia had no case, and every time an appeal had been made to the League the Italians had always found excuses for delay. Italy was just stalling for time, and the charges set forth in the memorandum were only a new pretext to excuse unilateral action by Italy. He regretted that time had not allowed Ethiopia to reply to the Italian charges, but, until this could be done, he pleaded with the Council to remember that time did not allow for dilatory measures. The Council's paramount duty was to prevent a war of extermination that could come any day. This should take precedence over any investigation of the charges in the memorandum.9

Perhaps the best answer to the Italian charges was given by Maxim Litvinoff, the Russian delegate. Rising in defense of Ethiopia, he challenged the Italian request for the Council to declare its disinterestedness and to grant the Italian demand for freedom of action. He charged the Italians with inviting the members of the Council to repudiate their international obligations and the Covenant. Italy still threatened Ethiopia even though the Wal Wal settlement eliminated any concrete dispute, and therefore

9Ibid., p. 1142.
the members could not forget the principles of the Covenant and ignore the existence of the threat. That would be a violation in itself of the Covenant, and a further weakening of the League of Nations. Another failure would stimulate conflicts directly affecting Europe, and to fail Ethiopia would be inviting disaster.\textsuperscript{10} Italy's "civilizing action" would not be a justification for war and, unless the Council did all in its power to avert an armed conflict between two members of the League, it would not be accomplishing the raison d'\'être of the League itself.\textsuperscript{11}

There was no tone of appeasement or conciliation in Litvinoff's speech, and to follow such advice must have been a frightening prospect to those who felt that the dispute would best be settled by some agency other than the Council. Litvinoff, however, stood alone in speaking for Ethiopia at that meeting of the Council because the other representatives were not ready to commit their governments to any action unwelcome to Italy.

The memorandum submitted by the Italian Government was a lengthy attempt thoroughly to discredit Ethiopia in the eyes of her fellow nations, complete with pictures.

\textsuperscript{10}\textit{Ibid.}, p. 1142.

\textsuperscript{11}\textit{Ibid.}, p. 1142.
testimonies, and eye witness accounts. It set forth Italy's grievances in great detail. In the first place it charged Ethiopia with failing to carry out treaty agreements with Italy and her obligations to the Covenant; it listed incidents considered by Italy to have been outrages against Italian diplomats, consuls, Italian subjects, and colonies; it presented arguments that Italy must consider Ethiopia incapable of continuing as a member of the League; it charged Ethiopia with continuing to practice slavery; it accused the Ethiopian Government of allowing illegal arms traffic; and it pointed out examples of Ethiopia's failure to perform the duties of League membership. Speaking in Italy's defense, the memorandum stated that for Italy to put an end to such intolerable circumstances would not be a violation of the Covenant, but, on the contrary, Italy would be defending the prestige and good name of the League of Nations.  

Ethiopia's answer to these charges was submitted to the League on September 11, in the form of comments by M. Marcel Griaule, an individual whom the Italian Government had referred to in the memorandum as being a scientific authority on conditions in Ethiopia. He questioned the memorandum's authenticity on various grounds and concluded

\[\text{Ibid., Nov., 1935, pp. 1355-86.}\]
that many of the charges were unfounded.\textsuperscript{13}

However, despite the fact that it was shown subsequently that the memorandum's accusations were inaccurate in a number of respects, the public was greatly influenced at the time. According to Walters, it provided an excellent excuse for the pro-Italian factions, who were urging that the quarrel was a matter that should be settled solely between the two countries, to come to Italy's defense.\textsuperscript{14}

The charges in the memorandum had the further effect of placing Ethiopia in an embarrassing position. It was common knowledge that social evils still existed within the Empire, but no credit had been given to the efforts that Haile Selassie had been making to correct them. Ethiopia was now the accused, and, in the time interval required for Ethiopia to draft the reply submitted on September \textsuperscript{14}, the Italians reaped benefits. Not only was Ethiopia's integrity temporarily in question, but also the Council decided to attempt to find a solution through conciliation, a process that gave Italy more time.

In spite of placing Ethiopia on the defensive within the League of Nations by discrediting her, the Italian

\textsuperscript{13}\textit{Ibid.}, pp. 1583-91.

\textsuperscript{14}\textit{Walters}, p. 64.
Government could still not justifiably declare war. Italy wanted Ethiopia to be expelled from the League, a fact that is evidenced by the speech made by Aloisi as well as by the memorandum. Once denied membership, Italy hoped Ethiopia's defenders would be few. The Italian Government apparently thought that League sentiment would be less damning in an aggression against a non-member, but even in such a case Italy would be violating the Covenant, because of the provisions of Article 17. Ethiopia would certainly have claimed for herself the rights granted in this article to a non-member. In such a case, she would enjoy technical membership during the course of the dispute, and the articles dealing with acts of aggression would be as binding on Italy as if Ethiopia were still a member in good standing. Litvinoff's remarks were a reminder to the members of this condition.  

At the second meeting of the Council on September 5, Jese made a fresh appeal to the Council to take action, again under the provisions of Article 15 of the Covenant.

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15In any dispute between a member and a non-member, or between non-members, those states were invited to accept the obligations of membership, and in that event, the provisions of Articles 12 to 16 were to extend to such states.

16Supra, p. 31.
by which the League was to endeavour to effect settlements of disputes. The means to implement the provisions of Article 15 caused considerable controversy in the Council, with Aloisi and Jeze engaging in bitter arguments. The decision was made on the same day to appoint a committee composed of five of the Council's members to attempt to work out an agreement, but not until the strong Italian protest had been overcome by personal negotiations on the sixth did the committee actually come into existence. At the regular meeting of the Council on September 6 the Committee of Five was charged with undertaking the general examination of the conflict and attempting to find a basis for agreement. Aloisi abstained from voting.

The Committee of Five was composed of the United Kingdom, France, Poland, Spain, and Turkey. It had its first meeting on September 7, 1935, but, before relating its activities from then until September 21, attention must be turned to the Assembly of the League of Nations, which was to open its debate on the ninth.

The world realized that the Council's decision to investigate the dispute through the Committee of Five would

18 Ibid., p. 1145.
launch the League's attempt to bring Italy and Ethiopia together. But there was still uncertainty over what the League of Nations would do in the event Italy invaded Ethiopia, and all expected the Assembly debates to answer this question. Would Italy be told that an act of aggression would be met by sanctions imposed by the League or would hesitancy and indecision prompt Italy to go ahead?

Actual debate began on September 11, with Sir Samuel Hoare, the British Foreign Secretary, making the first speech. Initially, Hoare spoke of the deep attachment the people of Great Britain had to the League of Nations, and stated that all were interested in a settlement.

Then he spoke out for the principles of the Covenant and assured the Assembly that Great Britain would support the League in whatever action it might take. His Government felt that the League and its ideals were the most effective means of maintaining the peace, and for that reason the League must be preserved.

He let it be known, however, that British support of the League would not be unqualified. To dispel any doubts, he insisted that Great Britain would not bear the

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responsibilities and risks alone, and that in such a collective effort to maintain the peace the burden must also be borne collectively. Should the members cooperate in enforcing the Covenant, Great Britain's support would be assured.

Hoare's words did much to dispel fears throughout Europe that the League might not successfully meet the Italian threat, thereby destroying its own effectiveness. It was recognized that the League could never be effective without Great Britain's support, and now this avowal indicated that the League could count on Great Britain. At last one of the big powers had openly committed itself to the League, and courage came to other governments to take the same resolve.

The great remaining doubt was over the speculation of what the French policy would be, and Laval was one of the last to speak. His first remarks were encouraging to all who desired to see the League stand firm. He indicated that France was loyal to the Covenant and would not fail her obligations in this instance. He pictured the League of Nations as a creation of all who desired peace, and said the Covenant was the "international law" of France. France would

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20Ibid., pp. 65-66.
never allow the Covenant to be weakened, so France, like Great Britain, seemed ready to give the League her whole-hearted support.

But beyond this facade intended for public consumption, Laval then went on to discuss Franco-Italian relationships. He reminded the Assembly that on January 7, 1935, he and Mussolini had conducted talks during which the two countries had "reached a final settlement of all...differences." Because Italy's friendship was valued so highly, he had left nothing undone to maintain this friendship. For that reason, he said, he had spared no efforts at conciliation and in the present activities of the Council he would once more have the satisfaction of fulfilling the same duty.

As it later turned out, the significant passages in Laval's speech were not those reaffirming French intentions to carry out the Covenant, but rather those touching on the relationships with Italy. For the third time, Laval publicly pronounced in effect that France would support the League of Nations only after all hopes for a settlement through conciliation were gone, and, to the very end, Laval refused to acknowledge that such a method of settlement would not succeed. With the warm references to Italy, his must have been a very reluctant promise that France would
stand on the side of the League of Nations.

Other representatives continued to speak on behalf of the Covenant. Some of the speeches were almost prophetic, although perhaps judging them now in light of what happened makes them seem so. The speech made by the delegate from Portugal, Senhor Monteiro, deserves comment. He expressed the opinion that collective security was of little value if it did not protect the independence of all nations against conquest or against decisions not freely accepted. He said, "I must say that there is one thing that I loathe even more than war, and that is spoliation by procedure." Certainly Ethiopia's fate was determined in 1936 with spoliation by the procedures of conciliation. There had already been evidence of spoliation of a sort in the advantage Italy had maintained in the world organization, where she had been able to delay formal Council consideration of the dispute, but the greatest spoliation had not yet occurred.

Litvinoff also spoke to the Assembly during this phase of its debate, giving Russian support to any actions that the League might take against Italy. His tone

\[21\text{Ibid.}, p. 71.\]
\[22\text{Ibid.}, pp. 71-73.\]
indicated, however, that he was not completely convinced that, when the showdown came, the same spirit shown in these meetings would still prevail. He said that, if the various governments would fulfill the pledges just given to allow no illegal aggression regardless of the origin or the object, the Assembly then would become a landmark in the League's history.

With the key words, "if" and "they", emphasized, did Litvinoff already know that Great Britain and France had agreed on September 10 that, should sanctions be necessary, their use would be limited to non-military sanctions? In any event, this was the case, as Laval later reported to the Chamber of Deputies. On that date, he and Hoare discussed the entire situation and agreed that their respective governments would not support military sanctions, any naval blockade, closure of the Suez Canal, or any other measure that might lead them into a war with Italy.23

Had the Assembly known of this secret agreement, the newly found faith that the League of Nations would stand against Italy would have been shattered and certainly little importance would have been attributed to the public statements of Hoare and Laval in the Assembly. It was from

23Toynbee, pp. 183-84.
this time in September until the entire issue was settled with the Italian victory that the muddled policy of states in and out of the League became so evident. It was an unrealistic policy because its success depended on neither the League's nor Italy's suffering a defeat, an impossible situation which could end only as it did.

The Italian reply to the debates in the Assembly was made in an official communique issued after the Italian Cabinet meeting on September 11. The Cabinet received the speeches with the greatest calm, since it felt that the French and British positions could not have been different from what they were. Italy was pleased with the cordial words Laval had for the Franco-Italian agreements of 1935, and the friendship between the two countries. The communique went on to say that Italy intended to develop that friendship in the interest of the two countries and European collaboration. This friendship would not be broken by a colonial conflict or by the use of sanctions.

But the threat of sanctions caused the Cabinet some concern, or otherwise there would not have been a warning to the League of Nations that their application would render

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continued Italian membership in the League impossible. As far as the Italian Cabinet was concerned, the Italo-

Ethiopian dispute could never be settled by compromise, and, in view of the efforts and sacrifices already made by Italy and the "irrefutable documentation" in the Italian memorandum, only one solution was possible.  

Had the Italians known of the September 10 agreement between Laval and Hoare, they would have been less concerned, but they were preparing for any eventualities. Military preparation in East Africa was proceeding with greater intensity and war material production was being increased with all possible speed. It was obvious that the Italian Government had decided not to back down no matter what course the Council might take.

The Committee of Five had been meeting since September 7 in what later proved to be another unsuccessful attempt to reconcile the disputants. Eleven days after its first session it had worked out a plan for a settlement which was submitted to Italy and Ethiopia.  

In its report, the Committee stated that it had been guided by an obligation to respect Ethiopian sovereignty and at the same  

\[25\text{Ibid., p. 106.}\]

\[26\text{For complete text of report and plan see L.N.O.J., Nov., 1935, pp. 1621-24.}\]
time maintain good relations between members of the League. Also, it decided to express no opinions on the documents that the two governments had submitted, and to confine itself to the situation which demanded a remedy. The report recalled the conditions upon which Ethiopia was admitted to the League and the obligations she had assumed regarding slavery and arms traffic. At that time, Ethiopia had promised to consider any recommendations that might be made to her by the League concerning these practices.

As recently as September 11, the report continued, the first delegate from Ethiopia told the Assembly that his government would view with gratitude any suggestions proceeding from the League that were calculated to raise the social, economic, and political level of Ethiopia. In view of this and to enable her to live at peace with her neighbors, the Committee of Five had devised a plan that it hoped would be in line with the duties of the League. However this proposed plan of assistance would have to be acceptable to the Ethiopian Government.

Under this plan there were provisions for the reorganization of internal affairs in Ethiopia. Foreign specialists were to organize police services which would be responsible for controlling slavery and arms traffic, policing areas with a predominantly foreign population, insuring security in areas where local police facilities were
inadequate, and maintaining order in frontier areas. Economic reorganization called for foreign participation in the economic development of Ethiopia, placing foreign trade on a basis of reciprocity and allowing foreign assistance in establishing more adequate communication facilities. Financial reorganization provided for assistance in drawing up the budget and supervising expenditures, assessing and collecting revenues, establishing and operating fiscal monopolies, and studying possibilities for loans for internal development. Judicial reorganization made provisions for establishing mixed courts for foreign use and native courts for domestic use.

To carry out this plan, each of the services mentioned would be headed by an individual or a commission responsible to the League of Nations. These would be jointly appointed by the Council and the Emperor, with the remaining staffs to be appointed by the Emperor upon nomination by the Council. The chief advisor or commission of each of the services would report once a year to both the League and the Emperor, and the latter would be authorized to submit reports as he saw fit. No time limit for the duration of the plan was mentioned, but, if continued in use, the Council would review its effectiveness at five year intervals.
Accompanying the plans for reorganization was an offer of territorial adjustments. France and Great Britain proposed to grant Ethiopia concessions from their respective holdings along the Somaliland coast, in return for Ethiopian concession of the areas of Ogaden and Danakil to Italy. Furthermore, the two governments informed the Committee of Five that they would not object to recognizing special economic interests of Italy in Ethiopia, as long as existing rights and treaty agreements were not violated.

This attempted settlement was unlike the one proposed at the Paris negotiations in that Ethiopian administrative agencies would be under League, rather than three-power, supervision, but it was reminiscent of the former proposals as far as territorial exchanges were concerned. This time the area of Danakil had been added to the payment that France and Great Britain were ready to make to buy off Italy. However, the plan did not make Ethiopia a virtual protectorate of Italy, and that was the only settlement Mussolini would accept.

Because Ethiopian sovereignty was left pretty much intact, Haile Selassie was prepared to accept the Committee's plan as a basis for further negotiations. No advantage was ever taken of this concession.

On September 18, Mussolini told a representative of
the Daily Mail that the new proposals were not only unacceptable, but also derisory: 27

The suggestion is apparently made that Italy's need for expansion in East Africa should be met by the cession to her of a couple of deserts - one salt, the other of stone... It looks as if the Committee of the League thinks I am a collector of deserts. I got 110,000 square miles of Saharan desert from the French a little while ago. Do you know how many inhabitants there are in the whole desolate area? Sixty-two.

The official Italian reply was received by the League on September 21. It was a rejection of the plan. The communiqué stated that the Cabinet had examined the proposals and appreciated the efforts, but considered them unacceptable. The Cabinet felt that not enough consideration had been given to the Italian rights and interests in the entire matter. 28

On the 22nd, Aloisi commented more explicitly on the Italian rejection at a meeting of the Council. He justified his government's rejection on the grounds that (1) the Committee had not given full consideration to the charges in the Italian memorandum; (2) immediate action was required to alleviate the condition of the exploited natives in Ethiopia; (3) the proposals did not go far enough to

27 Toynbee, p. 195.

protect Ethiopia's neighbors; (4) in a country where barbarism was accompanied by powerful armament, both the League and Italy must take action; (5) the Covenant was not the means through which a solution could be reached because Ethiopia no longer deserved to demand rights under it; (6) the plan, as conceived by the Committee, did not allow for any control of the Ethiopian army; (7) the suggested territorial changes would allow Ethiopia access to the sea, further magnifying her threat to Italy, and (8) Italy could not put faith in any agreements to be made with Ethiopia, a state which did not honor her treaty obligations.  

With this Italian rejection of the Committee of Five's efforts, the plan never became more than an academic consideration. Since the plan had actually answered the Italian grievances to a great extent, Italy's rejection further indicated that nothing but the complete control of Ethiopia would satisfy her ambitions.

Haile Selassie realized that this position was becoming more desperate, and, in another attempt to get further League support, he announced the creation of a thirty kilometer wide neutral zone along the Italian colonial frontiers. He asked that the League immediately dispatch

\[29\textit{L.N.O.J.}, \text{ Nov.}, 1935, \text{ pp. } 1625-26.\]
observers to this area to ascertain that Ethiopia was not engaging in any aggressive actions.\textsuperscript{30} Events, however, were moving so rapidly that this proposal was never utilized.

The Committee of Five reported to the Council expressing its failure to come up with an acceptable solution on September 21, and two days later the Council met to act under Paragraph 4 of Article 15.\textsuperscript{31} Since the Committee of Five had been unsuccessful, the Council was obligated to publish a report containing its recommendations. For this purpose, the Council resolved itself into the Committee of Thirteen and began its work.

During the interval between September 26 and October 5, when the Committee of Thirteen was at work, potentialities became realities. Ethiopia declared general mobilization on September 28, and the Italian invasion of Ethiopia was launched on October 3. The Secretary-General of the League of Nations was informed by the Government of Ethiopia of the impending hostilities on the second,\textsuperscript{32} and, in a later telegram the next day, the Italian Government

\textsuperscript{30}\textit{Ibid.}, p. 1189.

\textsuperscript{31} For full text see \textit{Appendix}, p. 123

informed the Secretary-General that its military forces had been forced to act in the defense of the Italian colonies.\footnote{Ibid., p. 1603.}

The Italian telegram stated that the Ethiopian mobilization and the creation of the neutral zone, which had been nothing more than a strategic move to prepare an attack against Italy, had forced the Italian High Command in Eritrea to act in defense. With these events the war had begun. Now the League of Nations was faced with the additional problem of open warfare.

The Council, as the Committee of Thirteen, rendered its report on October 5.\footnote{Ibid., pp. 1605-19.} It recounted the entire history of the dispute, particularly as it had effected the League of Nations. It retold the story of Wal Wal and the attempts at arbitration; it discussed Ethiopia's conduct since 1923, and rejected the Italian case in the memorandum in its essential points. It mentioned the Italian refusal to cooperate, and the failure of the Committee of Five. Walters described it as "the judgment of thirteen states that reached conclusions completely unfavorable to the Italian case,"\footnote{Walters, p. 653.} even though most of the thirteen were anxious not
to alienate Italian sentiment.

In that light of the open warfare, the Council recommended that for the time being the violation of the Covenant should be brought to an end, and reserved the right to make subsequent recommendations as to how this would be done.

Italy offered no new line of resistance to the Council's decision. She followed the same line that she had since the middle of September by contending that the Council had not given consideration to the injustices Italy had suffered at the hands of Ethiopia. In neglecting Italy's case, the Council had allowed Ethiopia to come before it as a victim, and "artificial alarmist agitation" had led to the absurd result that the Ethiopian menace to Italy was transformed into an Italian menace to Ethiopia. Italian operations had been quite legitimate in view of the mobilization order. As long as Ethiopia aggressive attitudes were allowed to continue, there could never be a just solution of the dispute.36

The Ethiopian delegate accepted the Council's report, and appealed to it to take action against Italy under the provisions of Article 16 of the Covenant.37 He

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37 Article 16 was the most important Article in the entire scheme of collective security as was envisioned in the Covenant. When a state was declared an aggressor all
contended that Italy had resorted to war in violation of her obligations to the League of Nations, thereby bringing into force Article 16. He requested the Council to declare that Italy had resorted to war within the meaning of the Covenant, that her resort to war had, ipso facto, brought about the consequences of the first paragraph of the Article. He asked the Council to fulfill its obligations evolving out of Article 16 by bringing the hostilities to a close as soon as possible.\(^{38}\)

The Council appointed from its members a Committee of Six to study the latest events and to advise the Council of all the matters involved. This committee had to determine two fundamental questions; did a state of war exist, and, if so, was it in disregard of the Covenant? To determine the answers it considered the events occurring since October 2, and with great speed it reported on October 7.\(^{39}\)

The report called attention to the fact that a


\(^{39}\)\textit{Ibid.}, pp. 1223-25. Members were Great Britain, Chile, Denmark, France, Portugal, and Rumania.
nation did not have the authority to go to war without first having complied with the provisions of Articles 12, 13, and 15. Under these Articles it was the duty of all members of the League of Nations to submit disputes to arbitration, judicial settlement, or Council inquiry, and under Article 12, the members could not resort to war within three months after one of the above provisions had been met. The applicable date in this case was September 4, 1935. The adoption of war by Italy as a means of ending her dispute with Ethiopia was therefore in violation of the Covenant. Italy's charge that she had had to act in self defense was not tenable, because the adoption of internal measures of security by one state did not authorize another state to violate the Covenant. After having examined all the facts of the case, it was the opinion of the Committee of Six that the Italian Government had "resorted to war in disregard of its covenants under Article 12 of the Covenant of the League of Nations."

In the vote in the Council for the adoption of the committee's report, only Italy voted against, but because she was a party to the dispute, the report's unanimous acceptance was not affected. The Council then referred the

\[40\text{For full text of these Articles, see Appendix, pp. 122-23.}\]
report of the Committee of Six to the Assembly, which was to be in session on October 9, two days after the report was accepted by the Council. During this interval of time, the President of the Council urged the members to do all they could to acquaint the delegates in the Assembly with the great task that the League was undertaking.

Once again interest turned to the Assembly, where the recommendations of the Council would be accepted or rejected. As the session opened, Edward Beneš, the President of the Assembly, urged all the members to make known their feelings. The Covenant had left it up to each individual member to determine whether or not Article 16 would become binding, and the general support of all nations was needed if the League were to be successful. Such debate would go a long way in aligning public opinion and assuring each member that it would be sharing in the burden of applying sanctions.

In the three days of debate, fifty of the member nations expressed their intention of applying the provisions of Article 16. Three nations—Austria, Hungary, and Albania—indicated that they would be unable to enforce sanctions because of friendship and economic ties with Italy, and Switzerland declared her neutrality.

These dissensions did not greatly detract from the
moral effect of the verdict, but, due to the unanimity rule in the League of Nations, these nations could have stopped the application of sanctions had their use been put forth in the form of a resolution. To circumvent this possible obstacle, Benes pointed out that the matter of sanctions was for individual members to decide. But to facilitate the implementation of sanctions against Italy by those who desired to do so, the members were invited to set up a coordinating committee that would function to aid their efforts.

Thus, by October 11, 1935 the members of the League had made the decision to use the League of Nations for the purpose for which it was intended. It had finally taken to heart the urgent pleading from one of its members, Ethiopia. At last Article 15 of the Covenant had been invoked, but only after a long costly delay, because Italy was able to execute the invasion before any settlement was reached.

The military invasion greatly complicated the League's task, for favorable Italian prospects for conquest made Mussolini less interested in conciliation. The members were forced now to take the extreme steps of applying sanctions against Italy in honoring their obligations arising from Article 16. The great experiment was now in its initial stage. The world's attention was turned to the
activities in the Co-ordinating Committee, where the experiment was being defined and set up.

While some were doubtful of success, others insisted that there could be no other result if the League was to survive, and, to achieve that end, the cooperation of all members would be necessary. But the speeches of September in the Assembly had seemed to assure this, and the decision to set up the machinery to enforce the necessary measures against Italy was made with no serious misgivings. Disillusionment was yet to come.
CHAPTER III

CONFIDENCE AND SANCTIONS

The creation of the Committee of Co-ordination as the body to deal with the application of sanctions against Italy was a tacit acknowledgment that the constitutional limitations in the Covenant precluded using the existing organs of the League to deal with Italy. Because of the unanimity rule in both the Assembly and the Council, action could easily have been blocked. But by viewing the entire sanctions issue as being a problem for the members to deal with collectively, and not as actions of the League per se, any powers wishing to uphold Article 16 could act regardless of Italy.

Bridging the constitutional question, nevertheless, left the most important issue unanswered. Would the members of the League of Nations be united enough in purpose and exercise the necessary moral courage to deal with one of the larger powers in the organization? Although their past record had been unimpressive, this time there seemed to be strong sentiment for successful united action. Hoare and Laval had given the support of their governments to the undertaking, and the tone of the speeches in the Assembly
in September had shown other governments to be equally anxious for the League to honor the principles of the Covenant. This had done a good deal to create a feeling of confidence as the task of applying sanctions was begun.

In reality, the League was attempting to do two things at once during the next few months: to deal with one of the large powers and to try out the weapon of economic sanctions. The latter was the first attempt at collective action of a non-military nature against one of its members branded as an aggressor. It was uncommon for nations to adopt measures that might impair their own economic well-being in defense of another political entity that was insignificant in world politics. Litvinoff's warning was finally being heeded,¹ and the fear that unchecked aggression in Africa would encourage it in Europe was enough to force the League to go to Ethiopia's side.

The consequences of this fear manifested themselves in strange ways. France was now placed in a dilemma. She found herself faced with the necessity of reconciling her allegiance to the Covenant with her desire to keep Italy in her camp. To what extent could she cooperate in sanctions before alienating Italy, and to what degree could she

¹Supra. p. 31.
let the League fail this time! She might want to use it in Europe under similar circumstances, and a serious defeat now would make it useless later.

The answer was seen in the emasculated sanctions that were finally decided upon. Article 16 called for the severance of trade and financial relations, prohibition of intercourse with the nationals of the Covenant-breaking state, the possible use of arms against the aggressor, and the further possibility of his being expelled from the League. The sanctions that were put into effect, in contrast, were more annoying than they were harmful to Italy, for she was still able to execute the war successfully.

The double objectives of keeping Italy placated and at the same time enforcing Article 16 could not both be fulfilled. The eventual defeat of Ethiopia was foreseen in 1935 by the political machinations that overpowered the will to carry out the Covenant. Political hypocrisy contributed to her defeat equally as much as military reversals.

To understand more easily the procedure followed by the Co-ordination Committee, the resolutions passed by the Assembly in 1921 should be considered. The Covenant had

\[^2\text{L.N.O.J.S.S. 6, pp. 24-26.}\]
envisaged a universal organization, but with the absence of such powers as the United States, Russia, and Germany, members became alarmed over the consequences of a strict interpretation of Article 16. How could they, as members of the League, apply any effective sanctions when an aggressor could easily turn to the markets of these non-members? The resolutions of 1921 were intended to supplement the Covenant when the League was acting under Article 16. The Council was to be given a supervisory role for the entire procedures necessary to impose the sanctions called for in the entire article, not just those of a military nature. It could be assisted by a technical committee in the task of co-ordinating the efforts of the entire membership.

A second significant idea embodied in the resolutions of 1921 was that of the graduated economic and financial sanctions. Resolution 14 stated that, if the application of economic pressure were prolonged, measures of increasing stringency might be taken. The most severe was the cutting off of the food supply of the civilian population, a measure of last resort to be taken only when all other measures had failed. This implied that the enforcement of sanctions was to be a graduated process, rather than an abrupt and definite severance of all relations.
Even though these resolutions were never ratified by the members, their influence can be seen in the type of sanctions that were applied against Italy. The character of the sanctions and their application were not the same as was called for in Article 16 which stipulated the immediate severance of all trade and financial relations.

The resolution of the Assembly inviting members of the League to constitute a co-ordination committee, which was the first step taken to implement sanctions, reads:

The Assembly
Having taken cognizance of the opinions expressed by the members of the Council at the Council's meeting on October 7, 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 the Members of the League, 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.

Just what was the nature of the committee that had been set up? The President of the Assembly, Benes, said that it was neither an Assembly nor a Council organ, but a "conference of States Members meeting to consult together with a view to the application of Article 16." Aloisi raised numerous objections to its existence. If it was not an

\[3\]L.N.O.J.S.S. 138, pp. 113-14.\]
organ of the League, he contended that the governments were taking independent action through it, which was not only a violation of the Covenant, but also contributed to an atmosphere of unrest which was a danger to European peace.\(^4\)

In spite of the Italian objections to the operation of the Co-ordinating Committee, the Assembly never did attempt to define its legal status. In the absence of such a definitive decision, one might say that it possessed the status of an organ of the League of Nations as it was set up by the members of the League of Nations in order to carry out their obligations under the Covenant.\(^5\)

The power of this committee, or conference as it might be called, was fixed by the Assembly resolution of October 10. According to it the Co-ordination Committee was to "consider and facilitate" the co-ordination of measures under Article 16 and, where necessary, "to draw the attention of the Council or the Assembly to situations requiring to be examined by them." These terms were amply broad to permit diverse technical studies being made. The only question which might arise under them was that of the

\[^4\textit{L.N.O.J.S.S.} 150, \text{pp. 336-37.}\]

nature of the action taken by it. In this respect it was made clear on numerous occasions that only recommendations were possible. No binding decisions could be taken.\(^6\)

To make its task easier, the committee used a system of subcommittees throughout the entire sanctions issue. The Co-ordination Committee remained the final judge on any proposed actions, but it delegated the main responsibility for determining action to the Committee of Eighteen. Instead of having to operate within a committee of fifty four members, the primary decisions were made in this smaller body.

The Committee of Eighteen in turn appointed various other subcommittees to aid it in its work. These subcommittees were of two types: the one was concerned with the preparation of proposals and the other dealt with complex technical problems. There were five subcommittees of the first type. These were (1) a drafting committee for Proposal I, (2) a Military Subcommittee, (3) a Financial Subcommittee, (4) an Economic Subcommittee, and (5) a Mutual Support Subcommittee. These were responsible for the five proposals that were eventually passed by the Co-ordination Committee.

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Committee. The subcommittees of the second type were also five in number. These were the (1) Economic Committee, (2) the Legal Committee, (3) the Clearing Agreements Committee, (4) the Contracts Committee and (5) the Petroleum Experts Committee. The nature of the work of these committees is indicated by their titles. Membership on any of these committees was determined by the particular interests of the various members and geographical location.

With these general considerations in mind, the work of the Co-ordination Committee can be examined. At its first meeting on October 11, Augusto de Vasconcellos of Portugal was elected Chairman. The Committee of Eighteen was established to carry out the main work, leaving the Co-ordination Committee to pass on the final recommendations.

At the first meeting of the Committee of Eighteen on the same day, the first steps were taken. The members decided that an arms embargo was the most urgent requirement, and Eden, the British representative, and Couloumdre, the French representative, drew up Proposal I, based on

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7Highley, pp. 94-95.
8Ibid., p. 95.
9For full text, see Appendix, pp. 128-29.
the items included in the United States embargo already in force. Proposal I called for the immediate lifting of the existing embargoes on arms shipments to Ethiopia that individual countries might have passed, and an imposition of an embargo on such shipments to Italy. These measures were to apply to any contracts in the process of execution. The members were further requested to prevent any such shipments that might reach Italy indirectly.

At the second meeting of the Co-ordination Committee on the eleventh, Proposal I was put to vote. Hungary abstained, and Switzerland and Luxembourg refused to violate their neutrality by allowing arms shipments to Ethiopia.

The rapidity with which this proposal was passed is interesting. All this had been done in the first day, and it is worthy of emphasis in view of the fact that the practice in the case of later proposals was less ideal. On the other hand, it is to be noted that this first measure did not have unanimity, in view of the decisions of Hungary, Switzerland, and Luxembourg.

Other actions taken in the first meeting of the Committee of Eighteen included the appointment of the Financial and Military Subcommittees. The former was to prepare a study of financial sanctions; and the latter was to complete the list of arms to be included under Proposal I.
At its meeting on October 12, the Co-ordination Committee, realizing that the ability of states to impose sanctions depended on the passage of appropriate legislation, decided on the policy of setting a future date when each measure would become effective. This would allow those countries in question the necessary time to enact any necessary legislation. Though the members had accepted their obligations under the Covenant, many had not bothered to provide the necessary laws to carry them out.

In another procedural decision the committee decided against communicating its activities to non-members. It concluded that in order to avoid provoking unfavorable opinions, the committee would not take this action until it had a complete plan worked out that could be put into operation. Thus any controversy would be threshed out by the committee alone.10

On the same day, the Committee of Eighteen began its consideration of economic measures to be taken against Italy. Eden suggested that the simplest step would be for the members to cut off all imports from Italy. If this were done, seventy per cent of Italy's export trade would be affected. Such a reduction would cause a strain on her...
economy. Since haste was important, this would constitute some action that could be imposed through existing customs regulations, while the problem of stopping exports of certain items to Italy was being considered.11

But the French delegate, Coulondre, took an opposite stand. He wanted the procedure reversed, first an embargo on exports to Italy, and then the trade strangulation.12 There arose considerable haggling in the committee over this split, which really went to the heart of the problem. Just what would be the nature of the sanctions? Motta of Switzerland summed up the controversy when he said that the sanctions should be as effective as possible, but if the members hoped that the dispute could be settled by conciliation, then the measures should not be irritating to Italy.13

Eden replied that Motta was perhaps correct, but that he felt the measures would be less irritating if they were immediately, rather than gradually, effective. Hoping to keep his proposal from having to go to a subcommittee, Eden contended that the Committee of Eighteen could

11Ibid., p. 37.
12Ibid., p. 37.
13Ibid., p. 42.
easily decide the issue, the Co-ordination Committee could pass it, and it could be put into effect before the French proposal ever left the present body.14

This impasse resulted in an adjournment until October 14. Before returning to the controversy over the economic sanctions, the Committee of Eighteen acted on the proposal submitted by the Financial Subcommittee, which was amended and sent on to the Co-ordination Committee. The latter body passed the financial sanction, or Proposal II, later the same day.15

This second sanction stipulated that all loans to the Italian Government were to cease, as well all banking and other credits. No loans were to be made to or for any public authority, person, or corporation in Italy or her territories. The governments enforcing this financial sanction were to take what steps they could under existing legislation and were to pass any further laws needed so that Proposal II could be put into effect by the last day of October.

After disposing of Proposal II, the Committee of Eighteen returned to the discussion of economic sanctions.

14Ibid., p. 42.
15Ibid., pp. 52, 16. For full text see Appendix, pp. 130-31.
Coulondre's motion to set up a subcommittee to deal with both the French and British suggestions won the day, although Eden never ceased insisting that a subcommittee study was unnecessary for cutting off imports from Italy. With the understanding that his proposal would go into effect in any case by October 13, Eden conceded his point to the French.

The Committee of Eighteen, through the Co-ordination Committee, made certain efforts to facilitate the execution of the provisions for mutual support called for in paragraph 3 of Article 16. In order to minimize loss and inconvenience when acting under Article 16, the members had agreed to "mutually support one another." These provisions were a device to equalize the burden as much as possible and a reassurance that the entire membership would collectively resist any threats aimed at them by an aggressor. As a draft proposal, but not a proposal per se, both committees passed statements reaffirming the idea embodied in paragraph 3.\textsuperscript{16} The Committee of Eighteen established a subcommittee the same day to prepare a formal draft on mutual support, but it was felt that some statement on the subject should be made right away. This would minimize the fear of some nations that they might bear more than their

\textsuperscript{16}\textit{Ibid.}, pp. 15, 54.
share of the burden.

The next action to be taken was on October 16 on the recommendations of the military and legal subcommittees. To make sure that the list of arms placed under embargo would be complete, the Military Subcommittee had been formed. On October 15 it reported on the items it felt should be included under Proposal I. The Committee of Eighteen passed the recommendations on to the Co-ordination Committee in the form of Proposal I A, which was put into immediate effect.17 The other action was acceptance of a legal resolution which called upon the states to make possible any required legislation to fulfill the obligations under Article 16.18

Three days later, the Subcommittee on Economic Measures rendered its report, with draft proposals on the prohibition of importing goods from Italy and the exporting of certain others to Italy. The Subcommittee on Mutual Support submitted its recommendations for that purpose also. In the Committee of Eighteen disagreement arose over the suggested dates when the economic sanctions should become effective. Eden wanted the members to determine this by no later than October 31. He finally won his point. The

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17 Ibid., p. 63. See Appendix, pp. 128-29.
18 Ibid., p. 60.
Committee deleted a paragraph from the Mutual Support recommendation that would have discouraged trade with members or non-members who refused to carry out the proposals designed to stop the Italian aggression. The Committee made this decision because it felt that the terms which had established its jurisdiction would not allow such a recommendation. It would in effect be a punitive action, and only the Council or the Assembly could act in such a case.

After this limited debate, Proposal III, the embargo on receiving Italian imports, Proposal IV, the embargo on the exporting of certain items not included under Proposal I to Italy, and Proposal V, the provisions for mutual support, were passed by the Co-ordination Committee.19

The first of these made illegal all imports from Italy other than silver or gold. Exceptions to this general rule were (1) articles imported from Italy to which processing added more than 25 per cent to their value, (2) goods already en route at the time of the effective date of the enforcement, and (3) the personal belongings of travelers from Italy. The members were to notify the Committee of Co-ordination by October 28 when they could put these sanctions into force.

19Ibid., pp. 20, 24-25. For full text of these proposals see Appendix, pp. 131-35.
Proposal IV added beasts of burden and certain minerals to Proposal I. Governments were to insure that the items contained under this sanction would not be allowed to reach Italy through indirect routes or re-exportation. No goods were to be exempted from this embargo except those already en route. The effective date of this proposal was to be determined by the Co-ordination Committee on October 31.

Proposal V was a detailed reiteration of the earlier draft resolution made in the two committees on mutual support. It was an attempt to increase the trade between the states enforcing sanctions in order to offset the loss of Italian markets, as well as to add stimulus for enforcement. Under its terms, the Committee of Eighteen was to function as an assistance body to consider particular problems of individual states in bringing the second part of the proposal into operation.

Before closing the first session of the Co-ordination Committee on October 19, two more resolutions were passed. Since sanctions were being handled through an unofficial organ of the League of Nations, the Committee of Eighteen was instructed to remain in being. This was probably done to maintain a facade of authority and encouragement, though as much was not admitted. The Co-ordination
Committee also decided that the time had come to notify the non-members officially of the proposed action against Italy. The decision was made to communicate to these governments the recommended sanctions, pertinent documents relating to the entire dispute, the October 7 minutes of the Council, and the October 9-11 minutes of the Assembly. These were the minutes of the meetings that had declared Italy to be an aggressor and that had made the decision to apply sanctions, respectively. In polite words, all non-member governments were invited to notify the committee of any actions they might be taking under the circumstances.\textsuperscript{20}

The fifty two members of the Co-ordination Committee then adjourned, and with some feeling of satisfaction. Within less than two weeks they had been able to agree on five proposals which they hoped would cause Italy to capitulate. But any feeling of self-congratulation should have been accompanied by some pangs of conscience. Notwithstanding the feeling on the part of the members that rapid action had been taken, the action could have been taken even more quickly. The French maneuvers to delay adoption of Proposals III and IV were an indication of unnecessary delays. The very nature of the proposals calls forth another charge

\textsuperscript{20}Ibid., p. 27. See Appendix, pp. 136-37.
that praise should be used with discretion. When the provisions of Article 16 are compared with the decisions taken, the inadequacy of the committee's work is glaring. There was never any consideration in these debates of any military action on the part of the members, and only the delegate from South Africa, and then only once, had the courage to suggest a diplomatic rupture with Italy. This was in the first meeting of the Committee of Eighteen, but the obvious silence which greeted his suggestion quickly encouraged him to forget it.\textsuperscript{21}

An analysis of the measures that were adopted shows that the spirit of complete severance of commercial intercourse was deliberately ignored. The attempt to cripple Mussolini's war potential was a ludicrous one, for there was no prohibition on fuel items nor on two of war's most necessary commodities, steel and iron ore. While a later attempt was made to include these basic items, the Committee would have done well to consider these potentials in its first session. If Eden was correct in stating that final effectiveness depended on immediate effectiveness, the adjournment was premature.

Litvinoff alone spoke out against the feeling of

\textsuperscript{21}Ibid., p. 20.
success. He charged that the measures had not resulted from an exhaustive attempt by the committee to take all the measures it could to stop Italy. He warned the members that the actions taken thus far against Italy should not be considered an adequate precedent for applying Article 16 in future cases. He deplored the hesitancy of some states to adopt the proposed measures because of friendship, economic ties, and kinship—reasons put forth by Hungary, Austria, and Switzerland. He felt that success lay only in the act of universal acknowledgment of obligations, and that universality was not present. 22

But on the other hand was this first session so unsuccessful? It is true that the measures taken were not sufficiently drastic to meet the needs of the hour, but at least some attempt was made. It was unfortunate that more comprehensive measures were not taken at the time when the majority of the members were receptive to the idea of sanctions, but, on the other hand, perhaps as much was obtained as was possible. While the futile hope for conciliation had not seized most of the members yet in October, France was still able to limit the scope of the sanctions from the very first. Lack of universal support may have influenced the

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22 Ibid., p. 27.
decision to limit the sanctions, and, since collective security per se has never been realized universally, the action may represent the most practical optimum that was possible. Had the members of the League later continued in the same direction they had originally taken on October 11, when the decision was made to apply Article 16, perhaps there still would have been time to coerce Italy. Unfortunately the original spirit degenerated into political opportunism in the last months of 1935, and positive actions reverted into meaningless motions.

There is some defense, however. In the first place, the members had no precedent to follow, and the mere fact that they were able to come together and agree on even partial measures was a step forward. Secondly, the technical machinery which was set up to carry forward the members' decisions proved to be workable. There was nothing to indicate that sanctions would not be a feasible method to halt Italy.

From the closing of the first session of the Coordination Committee on October 19 until sanctions were lifted in July of the following year, no further embargoes were adopted. The second session of this body lasted only three days, from October 31 until November 2. It did not meet again until July 6, when it recommended that sanctions be lifted.
During its second session, a report was given by the Chairman on the acceptance of the proposals by the governments of the world. Proposal I, the arms embargo, had been accepted by fifty governments, who had or would soon put it into effect. Forty nine governments were ready to put Proposal II, the financial embargo, into effect; forty eight favorable replies had been received on Proposals III and IV, the economic embargoes; and thirty nine governments had accepted the principle of Proposal V which contained the provisions for mutual support. Because of the slow communication facilities to some areas, this was not considered a complete list. 23

On the basis of these replies, the Committee of Eighteen recommended that the effective dates of application for Proposals II, III, and IV should be November 15, 1935. Although the delay would be of great benefit to Italy, the Committee of Eighteen felt that the additional time was needed to allow states to provide for enforcing legislation. 24 If the members were anxious to proceed with the enforcement of the sanctions, it seems there was no reason to excuse such a long delay for want of national

23ILHCS3, 1b6, p. 7.
24Ibid., p. 8.
authority. Why could not the enforcement have been placed on an "as-soon-as-possible" arrangement? The Co-ordination Committee accepted the recommended date.

Two very interesting speeches were made before the members of the Co-ordination Committee on November 2. The first was made by Laval, who reiterated France's intentions of carrying out the obligations of the Covenant, but, reminiscent of the speech he had made before the Assembly on September 13, he once again emphasized the importance of "conciliation and peaceful settlement." Because he had such great faith that such a settlement could be found, he informed his listeners that France and Great Britain would continue to try to find a basis for negotiation. 25

Hoare followed Laval and told the members that he regretted that such steps had had to be taken against Italy, but that no other course seemed possible. He informed the committee that certain discussions had been going on between France, Great Britain, and Italy, but only of a tentative nature. He went on to assure his listeners that nothing was going to be done behind the League's back, and that any suggestions would have to be agreeable to both the League of Nations and the two parties concerned. 26

25 Ibid., p. 8.
26 Ibid., p. 9.
With these statements, the sanction powers were first informed of the impending Hoare-Laval plan. Once the terms of the plan were made public, the determination to maintain and increase sanctions against Italy began to wane. With these pronouncements of high political officials from the two leading powers in the League, the time was not far away when indecision would rule.

After Hoare and Laval had finished, van Zeeland, the Prime Minister of Belgium, rose to applaud the announcement. He expressed his hope that the committee would give to Hoare and Laval its official mandate to do what they could to end the war. But the Committee of Eighteen was not an official organ of the League, and had been set up for the sole purpose of dealing with sanctions. It could not therefore grant such a license. The committee did not vote on the suggestion, and passed over van Zeeland's request with the Chairman stating that the members gave the efforts their approval.

This expression of hope that an equitable settlement could be reached outside of the League was taken by Laval and Hoare to be a mandate, whether that was the committee's real intention or not. It was not long before

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27Walters believes van Zeeland's actions were according to plan. Walters, p. 664.
these two had made the second attempt to reach an extra-League settlement while the dispute was still under the League's consideration. The fact that Mussolini had scoffed at the proposals made to him on the occasion of the first try did not bother Hoare and Laval. They were ready to risk another attempt in hope that the League would not have to commit itself to a policy of stronger sanctions.

Returning to the work of implementing the enforcement of sanctions, two more resolutions were passed by the Co-ordination Committee on November 2. With reference to Proposal III, the committee decided that any contracts that had been paid in full by October 19 would not be affected by the November 18 date, and that debts owed to members by Italy would remain valid. Also, any countries that experienced extreme hardship due to Italian non-payment of debts would be compensated for such losses through the Mutual Support arrangements in Article 16.

Although the Co-ordination Committee adjourned on the second, the Committee of Eighteen remained in session until November 6. It passed amendments during this time to all of the embargoes except that on arms. To manage the financial embargo more easily, Proposal II A was agreed on.

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The sanctions states were to accept no new Italian lire in the clearing accounts in the countries exporting items to Italy for payment. In order to assure that Italy would have to make payment on goods she had imported, the purchase price paid for Italian goods was placed in a clearing account from which payment would be made on debts owed by Italy. The amendment to the embargo on receiving Italian goods excepted certain items. Some of these included books, newspapers, periodicals, maps, and printed music.

Most significant of the amendments was Proposal IV A. Walter Riddell, the Canadian representative, asked that the list of items under Proposal IV be expanded to include more commodities. He ventured to speak for the entire committee when he said all knew that the present list was not as comprehensive as it should be, particularly because there was no restriction on iron ore, coal, steel or petroleum products. He proposed that, since the Committee of Eighteen was charged with making recommendations to the various governments, it could well consider placing these items under embargo. After examining the possibility, Riddell concluded by saying that the committee could put such embargoes into effect when it felt they would be successful.29

29Ibid., p. 33.
The Economic Subcommittee studied the suggestions, and on the last meeting day the Committee of Eighteen passed Proposal IV A, which included the items in Diddell's suggestion. However, there was no indication when the proposal would become effective. The wording stipulated that the necessary conditions would have to be realized, but no conditions were listed. The conditions in the minds of the committee members were probably these: when would the members who furnished a substantial share of these items be acceptable to such a proposal? To what extent would Great Britain and France support the enforcement of such measures? These were no small problems, and the possibility of denying these basic items to Italy aroused considerable interest and controversy in and out of the League. It is little wonder that the Committee of Eighteen felt it had done all it could for the moment.

Concluding items of business for the committee in this session were the adoption of Proposal IV B and a resolution on excepting contracts that came after the October 19 deadline. The former called on the members to determine the final destination of all goods exported which were restricted by Proposal IV. In the event of an abnormal

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30 Toynbee, pp. 275-76.
increase to neutrals, they were to make sure that Italy was not receiving some portion of them via indirect routes.

The last resolution permitted the execution of any contracts made to buy Italian goods, if these goods were of essential importance to the importing state, or if not less than 20 per cent of the total sums due were paid by October 19.

It can be seen from the general nature of the proposals and recommendations agreed upon in the second session of the committee that the initial momentum was slowing down. Aside from the pending threats of Proposal IV A, Italy's position was no worse than it had been at the end of the first session. Most of the recent measures were aimed primarily at lessening the discomforts of states applying sanctions. Certainly the delay until November 18, before the economic sanctions would take effect, was a break for Italy. Since the resolutions passed in this session dealt mostly with imports, Italy had until the time of the effective date a good opportunity to lay in a future supply of the items that would then be affected. Though Italy's future was dark, it was by no means desperate.

The first Italian reply to the sanctions came on November 11 in a strongly worded protest to all the members applying sanctions. She again charged the members with

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31 Documents on International Affairs, 1935, p. 216.
failing to appreciate the great service Italy was rendering mankind in bringing civilization to Ethiopia. The masses there were greeting Italian troops as their liberators, slaves were being freed, and the people of Ethiopia were placing such faith in Italy that it had now become her great duty to continue the great civilizing service she had begun. After this modest assertion, Italy claimed that sanctions were illegal. Italy had not been accorded her rights under the Covenant, because no vote to impose sanctions had ever been taken in an official League organ. In applying sanctions, the members were acting in an unjust and arbitrary manner.

She finished her protest with a threat of retaliation. She warned that sanctions would be followed by counter-sanctions. She might have to alter the current rates of exchange, but, most important, the entire concept of sanctions and counter-sanctions would have the effect of creating ill feelings that could last long after enforcement had ceased. Her closing threat intimated that, should the unjust policy be continued, Italy would have to consider withdrawing from the League of Nations. By all of this, Italy acknowledged that even the inadequate sanctions had some effect on her economy and public morale.

The Committee of Eighteen had not settled on a definite meeting date when it adjourned on November 6,
although it was understood that the next meeting would be held towards the end of November. In this interlude, attention was turned from the debates on sanctions to the events outside of the League. In the first two months of the war, Italy had not been able to achieve the rapid military victory that she had anticipated. Because of the impending rainy season in Ethiopia, the timetable had to be followed closely, and Mussolini was already behind schedule. He was becoming uneasy over the prospects of strengthened sanctions and decided that he should invest in some insurance. Laval seemed to be the best agent to deal with, so Mussolini moved some of his troops to the French border. Talk was even spread around that the Riviera might be bombed. Walters even wonders if these maneuvers were not taken at the suggestion of Laval so that the task of winning Great Britain's support to his plan might be made easier. Laval was under a good deal of pressure to do Mussolini a service, and, since the oil embargo was the latter's greatest concern at the moment, except victory of course, Laval hit upon a plan that would bring something as good as victory, if accepted. Even if this should not be the case, at least the oil embargo could be delayed for a while longer.

32 Walters, p. 667.
When Vasconcellos decided to call a meeting of the Committee of Eighteen for November 29 to consider the replies and opinions of the governments to the proposed additions in Proposal IV A, Laval made an urgent request that the committee's meeting be delayed until December 12. Hardly being in the position to refuse the wishes of the Head of the French Government, Vasconcellos complied. Thus Laval delivered to Mussolini on one account, and he could now work out the preparations for the second delivery.
CHAPTER IV

THE LEAGUE LOSES ITS WILL

The fact that Laval had managed to have the scheduled meeting of the Committee of Eighteen postponed, the increasing prominence given to a policy of conciliation, and the threats emanating from Rome combined to sound the death knell for any further extension of sanctions. Indecision had at last taken precedence over the will to succeed. The final effort to coerce Italy was made on November 6, 1935, when the Committee of Eighteen approved the principle of the oil sanction. The League might yet win a few battles against Italy, but it had lost the will to gain victory.

The French and British Governments had decided to make another bilateral attempt to reconcile the disputants, and the outcome of the Paris negotiations early in December was the Hoare-Laval Plan,¹ which was officially transmitted to the Governments of Italy and Ethiopia on December 11 and 13, respectively.

The Hoare-Laval plan consisted of two parts. By

¹For full text see Appendix, pp. 141-143.
the first, it authorized an exchange of territories. Italy would have received in essence that territory which she had already conquered and occupied, and Ethiopia would have been compensated by receiving an outlet to the sea, preferably the Italian port of Asab in Eritrea. The second portion of the plan proposed the creation of a zone of economic expansion and settlement in Southern Ethiopia for the benefit of Italy. By the terms of the proposal, Italy would have been able to extend eventual political control over this portion of Ethiopia also. Italy would be acquiring this area under the pretense that "the beast of prey was not devouring his prey when he was devouring it."²

In the notification of the plan that was sent to Italy, the two powers said they would take the necessary steps to submit the plan to the Committee of Five in the event that the Italian Government accepted it as a basis for negotiation. Furthermore, "in that case the meeting of the Committee might modify the object of the meeting of the Committee of Eighteen which is fixed for the same day."³ Thus the two governments held out the promise to Mussolini that if he should accept the plan, they would endeavor to

²Toynbee, p. 301.
prevent the Committee of Eighteen from imposing the oil sanction.

When the Committee of Eighteen assembled on December 12, 1935, the Italian reply had not yet been received. After Laval and Eden had summarized the British and French negotiations, Tytus Komarnicki, the Polish delegate to the committee, outlined a series of arguments perfectly in accord with the Anglo-French communication to Mussolini. He asserted that the members of the Committee of Eighteen were obligated to use discretion and not take any action that might impinge upon the competence of the Council which would have to make a decision on the plan. The committee should do nothing to prejudice the political situation in which the Council would have to work in its efforts to restore peace. Consequently, on December 13, the chairman of the committee issued a statement which, with the tacit assent of all but two of the members, declared that the Committee of Eighteen would not make any fresh decisions at that time for fear of prejudicing the progress of the negotiations in the Council.

The Assembly was also influenced by the desire to refrain from entering into the dispute just then. On

4LN.O.J.S.S. 117, p. 10.
5Ibid., p. 10.
December 12, before his Government had received the text of the plan, the Ethiopian representative requested that the Assembly be convened for a debate on the proposals. The President of the Assembly, however, decided that it would be preferable for the Assembly to await the outcome of the debate in the Council, inasmuch as the Council was the organ to which the dispute had been originally submitted.6

The Council had received the plan on December 13, but was not called into session until December 13. Then it was called to consider the plan because the members of the Committee of Five, other than Eden and Laval, decided that the Committee was not competent to examine such proposals. On the day that the Council met, Hoare resigned. The disclosure of the terms of the plan had caused serious reverberations in Great Britain, and the Government had sacrificed Hoare. This, combined with the opposition of the Ethiopian Government, sealed the fate of the proposals. In any event, the Council decided to postpone any discussion until the two governments had made their official replies. It thanked the authors of the plan and then instructed the Committee of Thirteen to re-examine the entire situation,

"bearing in mind the provisions of the Covenant." 7

The events in the League of Nations, from the announcement of the Hoare-Laval Plan on the tenth to the close of the Council session on the eighteenth, were highly significant in the League's later actions in the dispute. The emphasis had now gone from sanctions to conciliation, a regrettable alteration in the League's policy. Did the Committee of Eighteen really have an obligation to refrain from extending the sanctions to oil, or was the presence of the Hoare-Laval Plan an excuse to avoid angering Mussolini? Nothing in the Covenant would have prevented the Committee of Eighteen from following its initial policy of attempting to bring Italy into line. There was no obligation in Article 16 to return to conciliatory attempts while sanctions were in effect; so, once the members had enforced sanctions, there was no legal reason for returning to conciliation. The reversion was nevertheless made, however unfortunate, and the consequence was an indefinite postponement of the consideration of the oil embargo.

An interim period between December 19, 1935, and February 12, 1936, followed. There was an attempt by a representative of the Holy See to determine a basis for a

7 Ibid., p. 14.
settlement between Italy and Ethiopia, but the latter broke off these discussions. In another effort to initiate the imposition of an oil embargo, the Ethiopian Government forwarded a request to the Council on January 20 for its immediate application. Also included was a request for financial assistance. The Committee of Thirteen reported to the Council on January 22 that no new opportunity had presented itself for a settlement of the dispute between the two parties, which opened the way for a new attempt to put an oil sanction in force. While Ethiopia received some consolation in this, her request for a loan was refused.

The situation having changed at last, the Chairman of the Committee of Eighteen called a meeting for January 22. The Chairman announced that the Committee would deal with several things, namely, a study of replies received from the governments that had sanctions in force and the consideration of Proposal IV A, the proposal that had been passed by the Committee to place an embargo on iron, steel, coal, and petroleum products. The Chairman stated that the conditions did not seem favorable for the application of sanctions to iron, steel, or coal, but that a committee of

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9Ibid., p. 106.
technical experts might be appointed to study the advisability of extending the embargo to petroleum products.

The Committee of Eighteen then passed two resolutions. The first called for the Committee of Experts to make a study of the effectiveness of sanctions, and the second set up the Committee of Experts on Oil.10

On February 1 the Committee of Experts submitted its report concerning the effectiveness of sanctions. The report noted that Proposal I, the arms embargo, had been accepted by fifty two governments, fifty of which had enforced it; Proposal II, the embargo on all loans or credits, had been accepted by fifty two governments, forty eight of which had enforced it; Proposal III, the embargo on the importation of all goods from Italy, had been accepted by fifty governments, forty four of which had enforced it; Proposal IV, the embargo on exportation to Italy of certain items, had been accepted by fifty one governments, forty seven of which had enforced it; and Proposal V, the provision for mutual support, had been accepted by forty six governments. To determine the effectiveness of the sanctions, the Committee of Experts decided to submit a questionnaire to all governments of the world maintaining economic

10L.W.O.J.S.3, 1h8, pp. 7-9.
relations with Italy.\(^{11}\)

The Committee of Experts on Oil was organized and held its first meeting on February 3. It appointed from its members three subcommittees to study the transportation problem, to determine Italian supply, and to investigate the consumption of petroleum products.

The task of the Committee of Experts on Oil was to study the influence such an embargo might have on Italy's ability to meet her requirements for oil. The subcommittees dealt with the problem from February 3 until the time they reported on February 6. The result of these labors was a report that consisted of a general summary and a statistical report to be used by the various governments should the sanction be imposed. The conclusions were briefly these: (1) Italy was capable of carrying two million tons with her own fleet; (2) Germany could augment this tonnage with another 500,000 tons and the United States 200,000 tons; (3) therefore, if the members imposed a transportation embargo, Italy could still cover her requirements.

The methods of imposing an embargo were: (1) prohibit the sale of tankers to Italy and non-members of the League; and (2) ask the members to prohibit their flag vessels from

\(^{11}\)Ibid., p. 29.
entering Italian ports. The general conclusion was that it would be very difficult to stop the oil supply to Italy, but that the embargo, if employed, would raise the cost of petroleum products to Italy a great deal.\footnote{L.H.O.J.3.3, 148, p. 65.}

The Committee of Experts on Oil examined the reports of the subcommittees from the sixth until the twelfth. During this time a report was prepared for the Committee of Eighteen and submitted on February 12. The report noted that Italian oil imports had steadily increased since 1931, but that there was no reason to believe Italy was accumulating stocks prior to 1935. Consumption had probably equaled the total purchases. At that time Italy was considered to have a supply adequate for no longer than two months, and supplies en route would increase this amount to a three month supply. With the exception of the United States, the members were Italy's greatest source of petroleum. It was not known what course the United States would follow in the event of such a sanction, but just limiting her exports to Italy to the pre-1935 level would make the embargo effective. Although Italy might use substitutes for petroleum, it would be difficult to assess this potential. To make an oil embargo absolutely effective, the non-members
would have to comply with the embargo, but with just the members applying the sanction, the cost could be made prohibitive. Should such an embargo be imposed, special care would have to be taken to prevent delivery by possible indirect routes. Instead of taking any action on the conclusions submitted by the oil experts, the Committee of Eighteen sent instructions to the experts to study further the methods of applying the sanction.

The Committee of Eighteen, however, never utilized the conclusions in this second study of the Committee of Experts on Oil. When the Committee of Eighteen met again on March 2 to consider the oil embargo, Etienne Flandin, the successor to Laval, suggested that, before any discussion of Proposal IV A, the oil sanction, came up, a new attempt should be made by the Committee of Thirteen to appeal to the belligerents to stop hostilities. Eden said that his government was ready to support the embargo on oil if other governments would agree, but, since the Committee of Eighteen still had to consider Proposal IV A, he had no objection to Flandin's suggestion.

Had the same spirit of the late months of 1935 still

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13 Ibid., p. 67.
14 L.N.O.J.B.S. 149, p. 12.
animated the Committee of Eighteen, Flandin's suggestion would have met with no acceptance, but the sanctions states had been too disillusioned by recent events to oppose the French. Rather than increase the pressure on Italy to stop the hostilities, the decision was made to ask her to stop.

The Committee of Thirteen met the next day, March 3, and dispatched a telegram to the belligerents directing to them an urgent appeal to open negotiations immediately with a view to ending the hostilities and restoring peace within the framework of the League and the Covenant. For the first time since the war had begun, a definite deadline, March 10, was set for the replies.\textsuperscript{15}

Ethiopia promptly accepted the appeal, "subject to the provisions of the Covenant being respected," and ordered her Permanent Delegate to the League to be at the disposal of the Committee. But before the Italian reply had been received, there occurred the German military reoccupation of the Rhineland on March 7, an event that made any oil embargo politically impossible. France, above all, would never agree because of the disastrous effect such a step would have on relations with Mussolini. The significance of the German action was soon felt, and the meeting of the

\textsuperscript{15}L.N.O.J., April, 1936, p. 395.
Committee of Thirteen which had been scheduled for March 10 was postponed while the Council considered the Franco-German situation. By this time the divergence between France and Great Britain had become pronounced, and it was clear that the former could no longer be counted upon to support any increased pressure on Italy. France deemed Mussolini's friendship more vital than ever now.16

The Committee of Thirteen met again on March 23, but no new decisions were made. There was no acknowledgment of either success or failure in the current program of conciliation. Failure would have removed any excuse for continued postponement of the oil sanction, and success was certainly not possible under the circumstances. But something had to be done, so the Committee decided to return to the method the Council had used to conclude the Wal Wal arbitration by sending this time Madariaga, the chairman of the committee, to the two disputants. He was to attempt to make the necessary arrangement to bring Italy and Ethiopia together to work out a settlement within the provisions of the Covenant.17

Once again Ethiopia expressed her willingness to

16 Higley, pp. 207-8.
cooperate, and this time even the Italians seemed interested. The Italian Government replied to the League on April 2 that a delegate would be sent to Geneva to confer with Madariaga after Easter. In addition, the reply proposed that he visit Rome for an exchange of ideas with Mussolini. The Committee of Thirteen met again on April 8 and decided that the League's representative would not be sent to Rome until conversations had been held in Geneva with the Italian delegate. The League was not yet ready to make its trip to Canossa.

The outcome of the Geneva conversations revealed that the Italians were not willing to work within the Covenant to end the fighting. They would accept either an armistice or peace preliminaries as a means of ending the hostilities, but any negotiation would have to be based on the present military situation. In addition, the Italians stated that only the method of direct negotiation would be acceptable, and, while the Committee of Thirteen would be "kept informed" of the progress, it would not have any official function in the negotiations. Ethiopia naturally refused to enter into any talks under these terms and another impasse ensued. With the failure of this attempt

18 Ibid., pp. 486-87.
19 Ibid., p. 361.
at conciliation, the Committee of Thirteen announced on April 17 that Madariaga's mission had been fulfilled and that the situation with regard to conciliation remained the same as at the time of its January 23rd report, i.e., that the Council remained at the disposal of the parties for the continuance of the work of conciliation.

Eden interpreted the situation as being an opportune time to extend the scope of the sanctions, and suggested to the Council that it should take up such a consideration. Eden, however, stood alone in the Council. In contrast, the delegates of France, Russia, and Argentina expressed their desire to intensify efforts toward conciliation and not further sanctions. The tone of their speeches indicated that the concern over Germany's intentions was greater than their concern for Ethiopia. Paul-Belcour, the French representative in the Assembly, said that, if the League was to meet the present threat in Europe, peace was needed in Ethiopia, and that Italy's cooperation would be necessary to a European settlement.\footnote{\textit{Ibid.}, p. 389.}

Attitudes like this naturally did not favor a strengthened sanctions policy.

The final attempt made by the Council to end the
war was in the form of a resolution that was passed on April 20.\textsuperscript{21} The resolution expressed regret that the last effort made by the Committee of Thirteen had not succeeded, but declared that the continuing of the war under conditions contrary to the Covenant involved the execution of obligations laid upon the members in such a case by the Covenant. A supreme appeal was made to Italy to bring the dispute to a close with the same spirit that the League of Nations could expect from an original member and a permanent member of the Council. Italy's answer was her military victory.

The feeble optimism which inspired this appeal rapidly dwindled. Italian military success was gaining momentum, and on May 2 Haile Selassie was forced to flee. Addis Ababa fell four days later, and on May 9 Mussolini announced that the war was over. An Italian royal decree of the same day placed Ethiopia under Italian sovereignty. On May 10 Haile Selassie informed the Secretary-General from Jerusalem that Ethiopia would no longer resist the Italian armies, and that the decision had been made to put an end to the "most sweeping, the most unjust and the most inhuman war of modern times."\textsuperscript{22}

\textsuperscript{21}Ibid., p. 393.
\textsuperscript{22}L.H.O.J., June, 1935, p. 660.
The Council met in its regular spring session on May 11 confronted with the fait accompli. Aloisi addressed the Council in the opening meeting, stating that, since a state of Ethiopia no longer existed, there was no point in keeping the dispute on its agenda. He even suggested that the Council should not seat the Ethiopian representative. This action the Council would not take and Aloisi withdrew. Permitted to address the Council, the Ethiopian delegate requested that the Council condemn the Italian Government and at last enforce all the provisions of Article 16. While the moment was a tragic one for Ethiopia, he said it would be no less so for the League if it did not make certain that no state would be the victim of ambitious and unscrupulous aggression.\textsuperscript{23} A resolution was placed before the Council to postpone discussion of the situation until the members could have more time to consider the latest Italian steps and to recommend that the members maintain the sanctions against Italy. On May 12 the resolution passed with the provision that the Council would reconvene on June 15 to resume deliberations on the situation.\textsuperscript{24}

But the Council did not meet again until June 30,

\textsuperscript{23}\textit{Ibid.}, pp. 340-41.
\textsuperscript{24}\textit{Ibid.}, p. 540.
and by that time the Italian success had been such that a special meeting of the Assembly had been called. In light of this, the Council washed its hands of the entire situation and left the matter to the Assembly.

The Assembly had been convened at the request of the Argentine Government to study the possibility of lifting sanctions. Even before this the sanction front had been broken by the unilateral actions of Equador on April 4, Haiti and Liberia on June 23, and Poland on June 26, all for the reasons that the de facto situation rendered sanctions useless and that the lifting of sanctions should be the decision of sovereign individual states.25 Public pronouncements in various capitals during the latter part of June had indicated that most governments considered the continuance of sanctions futile. By the time the Assembly met, there was little remaining support for sanctions, although most governments were waiting to see what France and Great Britain would do before committing themselves.

When the Assembly met, the first item of business was not a consideration of the future of sanctions but a consideration of a letter that had been dispatched to Geneva by the Italian Government.26 This particular

letter was the handiwork of the new Italian Minister of Foreign Affairs, Count Ciano. The letter was an attempt to win for Italy a warm invitation to return to the League as a member in good standing. Couched in clever explanations, the Italian side of the entire issue was again presented to the League. It stated that Italy had always been receptive to any attempts that had been made to settle the conflict, and that during March it had withheld military pressure awaiting the outcome of the committee action. After the Negus had fled, the letter continued, Italy found Ethiopia had been left without law and order, and to comply with the wishes of the population she had assumed her responsibility. The entire Italian adventure in Ethiopia had proved that, like other African populations, that of Ethiopia was in need of direction and control. The welcome received by the Italian troops proved how grateful the population was to see law and order restored. The letter informed the League that Italy would be glad to render reports to it concerning the progress Italy was making in its "heavy task" of civilizing Ethiopia.

The letter concluded with an Italian declaration again offering her support and cooperation to the League and its work in settling the grave problems of Europe and the world. The Italian Government could not help but recall,
however, the immediate necessity for the removal

...of such obstacles as have been and are in the way
of international cooperation which Italy sincerely
seeks, and to which she is prepared to give a tangible
contribution for the sake of and maintenance of peace.

The most painful event for the Assembly was the
speech made on its floor by Haile Selassie,27 an urgent
plea to the Assembly to take steps to restore the honor of
Ethiopia and to make sure that such abandonment to an ag-
gressor would never be allowed to happen again. He retold
the story of the delays that had enabled Italy to attack
Ethiopia. He said he thought it impossible that fifty two
nations could be held in check by one aggressor, but be-
cause one nation had been willing to attempt to retain
Italy’s friendship by sacrificing Ethiopia’s independence,
the aggressor had been able to hold out against the League.
His great disappointment now was that the League was talk-
ing of lifting the sanctions against the aggressor, rather
than exercising the leadership necessary for the protection
of small states. It was not the Covenant that needed re-
form, he said, for what good are articles without the will
to enforce them? "It is international morality that is at
stake and not the articles of the Covenant.... I ask again
that the integrity of Ethiopia be restored. What answer

27Ibid., pp. 22-25.
do I take back to my people?"

The Assembly had no answer for Haile Selassie. Only South Africa and New Zealand desired to maintain the sanctions.

On July 1, the threefold question facing the League was defined by Gabriel Turbay, the delegate from Columbia. What would be the fate of the sanctions against Italy, what action would the League take in regard to Italy's annexation of Ethiopia, and should there be a modification of the Covenant? While practically all the speakers deplored and regretted the League's failure to halt the Italians, none was prepared to attempt to rectify the situation. It was then generally considered that the only means to accomplish a rectification would be through military action against Italy, a move that was never given any consideration. That decision already had been made on September 10, 1935, in the agreement made between Hoare and Laval, and the situation in July of 1936 was even less favorable to military sanctions. Since economic sanctions would be useless if continued, the decision was made to lift them.

The logic of this kind of reasoning was questioned by the delegate from South Africa. He asked if the nations that imposed the sanctions made the successful resistance of Ethiopia a condition to the carrying out of their obligations. Arguing that making such a condition was not
compatible with the Covenant, he said that the annexation of Ethiopia by Italy had resulted in the very situation the League was created to prevent, and the obligation to aid the Ethiopia never was greater.28

Fearing that the Assembly was not going to take any initiative on its own, on July 3 the Ethiopian delegate introduced two draft resolutions. One obligated the members to recognize no annexation by force, and the other recommended that the members make available a loan to Ethiopia under the provisions of Article 16.29

At the same meeting, the Assembly authorized its General Committee to draft proposals that would take into account the recommendations that had been made by the various speakers in the session. An attempt was made the next day to pass these proposals prepared by the General Committee before Ethiopia had had an opportunity to examine them. Although Ethiopia was able to prevent this, the General Committee's draft was voted on before action was taken on the Ethiopian delegate's resolutions.

The proposals passed on the evening of July 4.30

28 Ibid., p. 29.
29 Ibid., p. 33.
30 Ibid., p. 66.
The draft in question recommended that the members refrain from recognizing a forcible change of territory, extended an invitation for the members to submit proposals for improving the Covenant, and recommended that the Co-ordination Committee make the necessary arrangements for lifting the sanctions. Ethiopia protested the substitution of recommendations by the General Committee for the resolutions that she had introduced, but hers was the only negative vote.

Since the draft of the General Committee had included the essence of the first Ethiopian draft resolution, the Assembly was spared the discomfort of voting against a resolution definitely invoking a policy of non-recognition. Ethiopia managed to obtain a roll call vote on the second of its resolutions (the international loan), but this was defeated. Ethiopia cast the single affirmative vote, while twenty three voted against the resolution, and twenty five abstained. Mussolini must have been pleased.

The Co-ordination Committee was reassembled on July 6 and recommended that all sanctions against Italy should be lifted on July 15. The members had agreed to pay Italy's price for renewed collaboration in the League.

Thus the task that had been begun with the Assembly's recommendation of October 10, 1935, ended nine months later.
The measures that had been taken against Italy had been in line with Article 16, though political and military sanctions were eliminated for reasons that the committee never tacitly expressed. But the contradictory policy of coercion and conciliation had wrecked the effort, and the League of Nations was due for an agonizing reappraisal of its abilities and goals.

The events described in this chapter mark the most pitiful phase of the entire dispute. The League of Nations, through fear of failure and fear of driving Italy from its membership, found itself unable to act vigorously or effectively.

The disclosure of the Hoare-Laval Plan did much to destroy the will to aid Ethiopia. Great Britain and France, by proposing terms so completely out of line with the Covenant, shattered the spirit of the sanction states. This loss of faith, combined with the diplomatic maneuvering of France and Italy to bring delays, resulted in actions less harmful to Italy.

It was inconceivable that the members could seriously expect Italy to agree to any settlements other than on her own terms after the experiences of 1935. It was as if the members early in 1936 acknowledged that Italy would be victorious, but to save their own faces they
continued the pretense of abiding by the Covenant.

The Council willed the confused situation to the Assembly, but it failed to produce any measures that could undo the realities of the past months. Ethiopia was abandoned to the aggressor, but the effect of this on the members was a desire to forget and not to remedy.
CHAPTER V

CONCLUSIONS

The examination of the policies of the League of Nations in the Italo-Ethiopian Conflict produces two fundamentally different conclusions. One of these concerns the technical considerations of such an experiment, and the other concerns the political influences, operating in and out of the League that so greatly prejudiced its operations. These latter considerations proved to be the decisive factor.

Hoare once admitted to the House of Commons:¹

I have been terrified with the thought—I speak very frankly to the House—that we might lead Abyssinia on to think that the League could do more than it can do, that in the end we should find a terrible moment of disillusionment in which it might be that Abyssinia would be destroyed altogether as an independent State.

Hoare's fears were justified, but in speaking of the League failing a further qualification is necessary. If "members" and "League" are considered synonymous the blame can be placed on the League of Nations, but if "League" denotes the "Covenant", the charge is unjust. It was the

members and not the Covenant who were responsible for Ethiopia's false hopes.

The first charge to be leveled against the members proceeds from their failure to abide by Article 8 of the Covenant, which called on the members to limit their national armaments. Had the ideal of disarmament been realized, the successful maintenance of the peace might have been possible. Blame for this breach, significant as it was, cannot be individually assessed, but the lack of a disarmament agreement was the first step towards a new period of warfare.

The next charge against a member arises from Italy's unilateral violation of Article 10. Once determined to conquer Ethiopia, Italy may have attempted to excuse her actions by degrading Ethiopia, but the fact remains that Italian aggression was another violation of the Covenant. Responsibility on this occasion, however, was a simple matter to determine.

The first occasion within the dispute itself when the members deserve criticism was the Council's decision to delay the application of Article 11. This action had been requested by the Ethiopian Government on January 3, 1935, after the many attempts at direct negotiations with Italy.
had failed. The members seemed ready to take this step when they placed the dispute on the Council's agenda, but political maneuvering by the Italians won a postponement of any discussions until the Council's next session. In defense of the League of Nations it may be said that it was Ethiopia's intention that the provisions of Article 11 were to be employed solely to facilitate the settlement of the Wal Wal incident. Once the two had agreed to pursue further talks, it was no longer incumbent on the Council to give the matter its attention. But the fact remains that a delay was allowed which proved to be an extremely dangerous precedent. Firm determination from the outset might have influenced later Italian actions.

The next occasion which deserves the same type of scrutiny was the failure of the Council to heed Ethiopia's first request for the application of Article 15. After the direct talks, in accord with the January 19 agreement, had proved futile, Ethiopia on March 17 wanted to place the entire dispute before the Council. Ethiopia was not only seeking aid in achieving a settlement of the Wal Wal incident, but, beyond that, she asked that the threat to the

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peace in the military build-up in Africa be examined. The Italians objected on the grounds that Article 15 would be inapplicable because provisions had been made between the two for setting up an arbitration commission. The Italian argument is questionable, because Ethiopia had not invoked Article 15 for the single purpose for which an arbitration commission would be formed, namely the settlement of Wal Wal. Why the Council allowed the Italian objection to stand is not clear. It may have been because the Council had not yet discerned the difference between a settlement of the Wal Wal incident and a settlement of all the issues involved in the strained Italo-Ethiopian relations. In any event, the Council followed its previous precedent and postponed the examination of the relations between the two states.

Had the Council exerted the same efforts to conciliate in the early months of 1935 that it did after September 4, when it finally considered the issue, there might still have been time to save Ethiopia from attack. As it was, the Council's examination came at a time when Mussolini deemed his preparations adequate to add to his East African holdings. As the Fascists realized that the League was reluctant to enter into the dispute, a contempt for it gradually grew to the point that there seemed little to fear from the members. From September onwards, Mussolini
knew he could gain more by war than by complying with proposals for a settlement.

After the hostilities had opened and the Italians had rejected the Committee of Five's basis for agreement, the Assembly took the initiative in implementing the principles of the Covenant. The members' decision to apply sanctions against Italy was a great victory for the League in itself. In the face of former failures, it now intended to deal with one of its most prominent members. The peak of the members' support of the idea of collective security came in October, 1935. Impressed with the obligations they had acknowledged by signing the Covenant, it seemed that the members would not abandon Ethiopia after all. This, however, was but a short-lived reassurance.

It will be recalled that France and Great Britain had made an effort to bring the two sides together outside of the League of Nations in the three-power talks in Paris. Despite the fact that Mussolini had not accepted their benevolent offers, the French at least were determined to keep relations with Mussolini on a cordial level. The impending threat of sanctions caused the French to seek expiations of this sin against Mussolini, but, because they did not want to see the League of Nations crumble, they had
to do something. Laval gave the answer himself:

It was in order not to break with Great Britain and the League that sanctions were applied. It was in order not to break with Italy and provoke a war, at that time practically certain, that sanctions were applied with moderation.

By adopting such a policy, France, a member of the League of Nations, was not following the law of the Covenant, but instead was fulfilling her friendship commitments to Mussolini. M. Paul-Boncour was once shown the notes Laval had taken during the Franco-Italian talks in Rome in January. According to him, Mussolini had been granted economic rights in Ethiopia and had been led to believe also that France would not seriously object if a military expedition were planned and attempted. Thus, diplomacy outside of the League was a consideration that continually influenced actions.

From the time of the Hoare-Laval proposals until sanctions were lifted on July 15, the members continued to violate the spirit of the Covenant by placing the emphasis upon conciliation rather than upon sanctions. Such a policy was not called for in the Covenant. By desiring a negotiated

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settlement, the members were asking rather than forcing Italy to comply with her obligations. The paramount concern was the great problem of peace on the continent, not peace in Ethiopia. The members felt they had to continue conciliation until it had arrived at its goal, a peace in Ethiopia, but not necessarily a just peace.

The members were not thinking clearly when they placed their hopes in a negotiated peace throughout 1936, for there were only two conditions under which Italy would have agreed to negotiate: first, if she was under such pressure to make her feel she had no other course left, or secondly, if her position assured her that a settlement would be on her terms. Only the first condition was compatible with the Covenant; the latter was not. Therefore if the members had exerted the necessary pressure definitely to check Italy or to defeat her, conciliation would have been acceptable and the Covenant would not have been violated. But, as it was, Italy did not have to agree to a negotiated peace unfavorable to her because her position assured her that she could impose the desired settlement on her victim. ⁶

Before conciliation was tried again after Article 16

had been applied, any negotiations to be in the spirit of the Covenant should have come only after the members had convinced Italy that victory was impossible. Diplomatic maneuvering should not have been allowed to weaken the determination to defend Ethiopia. But the premature negotiations so frequent throughout the entire dispute encouraged Italy to continue her aggression and retarded the League's application of pressure on her. One can only conclude that the members should not have attempted any sanctions rather than the ineffective ones they did apply.

On the brighter side are the conclusions drawn from the technical consideration of the League's actions. It was because of political obstacles and not technical ones that the League failed to check Italy. In view of the history of the technical delays in the League's handling of the Sino-Japanese dispute, where the subcommittees and experts used in that instance succumbed to delay, the speed with which this same type of organs operated in the Italo-Ethiopian conflict was remarkable.

The decision declaring that Italy had violated the Covenant was not made by the Council but by the members. Since this was not a judgment forced on the members, it

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7Highley, p. 214.
being a group or decentralized decision instead, the implement-
ing of the sanctions was made easier. In the entire
record of the debates on the decision that Italy had begun
an aggressive war, not one state expressed an opinion to
the contrary. While Albania, Austria, and Hungary an-
nounced that they would not apply sanctions, the moral ef-
fekt of the verdict made it a relatively easy matter to set
up the machinery to co-ordinate the members' efforts. While
this machinery did not operate perfectly, the system was
still able to function adequately. In fact, the speed with
which Proposal I was agreed upon proves that the system was
not at fault in explaining why the remaining Proposals came
forth more slowly. If the machinery did not hold up the
arms embargo, neither should it bear the responsibility of
the alter delays caused by political reasons.

The measures that were recommended were only a por-
tion of those included in Article 16 of the Covenant. Po-
titical and military sanctions were never made a subject
of consideration. When the conference of states met in
the Co-ordination Committee, there were no precedents to
follow, for no attempt had been made to apply Article 16.
The resolutions passed in the Assembly in 1921 had at least
considered such an event and the members naturally were
guided by them. The Resolutions had recognized that there
might be a necessity for exercising some choice as to the type of sanctions to be used as well as the degree in which they were to be applied. Since the League was not a universal organization, the members early decided that only a selective list of items should be placed under an embargo, and thus a system of graduated sanctions came to be used.

The Co-ordination Committee had not labored long before it became aware of the fact that many countries were not prepared to impose sanctions because they lacked the necessary legislation. In some countries this was simply a neglect to have enacted the necessary laws, while in others it evolved from a constitutional problem. Here again responsibility lies with the members concerned, for the Resolutions of 1921 had pointed up this difficulty. All members had been urged to make provisions in their national law to impose Article 16. It was therefore a questionable excuse at best. Certainly, if their own security had been placed in closer danger, the laws would have been forthcoming much more promptly.8

The fact that the proposals did not envision a

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8Highley concluded that inadequate national legislation was not a serious factor in retarding the application of the measures passed. It was for political reasons, for "...to a large extent Government's possessed adequate general powers..." p. 225.
complete system of sanctions has been noted. There was certainly a great discrepancy in the ones passed and the ones called for in Article 16. There was never any thought of going to the extreme of severing all trade and financial relations between the members and Italy or her nationals. Even those items included in Proposals III and IV were exempted if paid for or if en route. Paramount practical interests have more than once been superior to the dictates of international morality! The time lag between the adoption of a proposal and its enforcement also presented an added means to circumvent the most severe effects of these latter proposals.

The final evaluation of this phase of the League’s activities leaves this impression. Italian aggression was not halted because the members were unrealistic. They were not motivated by a desire to defend Ethiopia through strict interpretation of the Covenant, but followed the dual policies of conciliation and coercion. Such an unrealistic approach to the problem could only have ended in the way that it did. There was not the necessary will to abide by the principles of the Covenant. But for that one great shortcoming, Mussolini could have been stopped.
APPENDIX
RELEVANT ARTICLES OF THE LEAGUE COVENANT

Article 10.—The Members of the League undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all Members of the League. In case of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

Article 11.—1. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary-General shall, on the request of any Member of the League, forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article 12.—1. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to inquiry by the Council, and they 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.

2. In any case under this Article, the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article 13.—1. The Members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration or judicial settlement, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement.

2. The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against any Member of the League that complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to
Article 15. - 1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

2. For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

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

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

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

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

8. If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

9. The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute,
provided that such request be made within fourteen days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this Article and of Article 12, relating to the action and powers of the Council, shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

Article 16.—1. 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, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval, or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the representatives of all the other Members of the League represented thereon.

Article 19.—The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration
of international conditions whose continuance might endanger the peace of the world.

Resolutions concerning the Economic Weapon adopted by the League Assembly, October 4, 1921.

1. The resolutions and the proposals for amendments to Article 16 which have been adopted by the Assembly shall, so long as the amendments have not been put in force in the form required by the Covenant, constitute rules for guidance which the Assembly recommends, as a provisional measure, to the Council and to the Members of the League in connection with the application of Article 16.

2. Subject to the special provisions of Article 17, the economic measures referred to in Article 16 shall be applicable only in the specific case referred to in this article.

3. The unilateral action of the defaulting State cannot create a state of war; it merely entitles the other Members of the League to resort to acts of war or to declare themselves in a state of war with the Covenant-breaking State; but it is in accordance with the spirit of the Covenant that the League of Nations should attempt, at least at the outset, to avoid war, and to restore peace by economic pressure.

4. It is the duty of each Member of the League to decide for itself whether a breach of the Covenant has been committed. The fulfilment of their duties under Article 16 is required from Members of the League by the express terms of the Covenant, and they cannot neglect them without breach of their Treaty obligations.

5. All cases of breach of Covenant under Article 16 shall be referred to the Council as a matter of urgency at the request of any Member of the League. Further, if a breach of Covenant be committed, or if there arise a danger of such breach being committed, the Secretary-General shall at once give notice thereof to all the Members of the Council. Upon receipt of such a request by a Member of the League or of such a notice by the Secretary-General, the Council will meet as soon as possible. The Council shall summon representatives of the parties to the conflict and of all States which are neighbors of the defaulting State, or which normally maintain close economic relations with it, or whose co-operation would be especially valuable for

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the application of Article 16.

6. If the Council is of opinion that a State has been guilty of a breach of Covenant, the minutes of the meeting at which that opinion is arrived at shall be immediately sent to all Members of the League, accompanied by a statement of reasons and by an invitation to take action accordingly. The fullest publicity shall be given to this decision.

7. For the purpose of assisting it to enforce Article 16, the Council may, if it thinks fit, be assisted by a technical Committee. This Committee, which will remain in permanent session as soon as the action decided on is taken, may include, if desirable, representatives of the State specially affected.

8. The Council shall recommend the date on which the enforcement of economic pressure, under Article 16, is to be begun, and shall give notice of that date to all the Members of the League.

9. All States must be treated alike as regards the application of the measures of economic pressure, with the following reservations:

(a) It may be necessary to recommend the execution of special measures by certain States.

(b) If it is thought desirable to postpone, wholly or partially, in the case of certain States, the effective application of the economic sanctions laid down in Article 16, such postponement shall not be permitted except in so far as it is desirable for the success of the common plan of action, or reduces to a minimum the losses and embarrassments which may be entailed in the case of certain Members of the League by the application of the sanctions.

10. It is not possible to decide beforehand, and in detail, the various measures of an economic, commercial, and financial nature to be taken in each case where economic pressure is to be applied.

When the case arises, the Council shall recommend to the Members of the League a plan for joint action.

11. The interruption of diplomatic relations may, in the first place, be limited to the withdrawal of the heads of Missions.

12. Consular relations may possibly be maintained.

13. For the purposes of the severance of relations between persons belonging to the Covenant-breaking State and persons belonging to other States Members of the League, the test shall be residence and not nationality.

14. In cases of prolonged application of economic pressure, measures of increasing stringency may be taken.
The cutting-off of the food supplies of the civil population of the defaulting State shall be regarded as an extremely drastic measure which shall only be applied if the other measures available are clearly inadequate.

15. Correspondence and all other methods of communication shall be subjected to special regulations.

16. Humanitarian relations shall be continued.

17. Efforts should be made to arrive at arrangements which would ensure the co-operation of States non-Members of the League in the measures to be taken.

18. In special circumstances and in support of economic measures to be taken, it may become advisable:
   (a) to establish an effective blockade of the seaboard of the Covenant-breaking State;
   (b) to entrust to some Members of the League the execution of the blockade operations.

19. The Council shall urge upon all the States Members of the League that their Governments should take the necessary preparatory measures, above all of a legislative character, to enable them to enforce at short notice the necessary measures of economic pressure.

Resolutions adopted by the Co-ordination Committee, First Session, October 11-19, 1935

(a) Declaration adopted by the Co-ordination Committee on October 14, 1935

MUTUAL SUPPORT

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, it is recognized that any proposals for action under Article 16 are made on the basis of the following provisions of that article:

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures.

2 L.N.O.J.S.S. 117, pp. 11-27.
and that they will mutually support one another in resisting any special measures aimed at one of their number by the Covenant-breaking State.

(b) Resolution adopted by the Co-ordination Committee on October 16, 1935

EXECUTION OF OBLIGATIONS WHICH FLOW FROM ARTICLE 16 OF THE COVENANT

The Committee of Co-ordination,

Considering that it is important to ensure rapid and effective application of the measures which have been and may subsequently be proposed by the committee;

Considering that it rests with each country to apply these measures in accordance with its public law and, in particular, the powers of its Government in regard to execution of treaties;

Calls attention to the fact that the Members of the League, being bound by the obligations which flow from Article 16 of the Covenant, are under a duty to take the necessary steps to enable them to carry out these obligations with all requisite rapidity.

(c) Proposal I, adopted by the Co-ordination Committee on October 11, 1935

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken forthwith:

1. The Governments of the Members of the League of Nations which are enforcing at the moment measures to prohibit or restrict the exportation, re-exportation, or transit of arms, munitions, and implements of war to Ethiopia will annul these measures immediately.

2. The Governments of the Members of the League of Nations will prohibit immediately the exportation, re-exportation, or transit to Italy or Italian possessions of arms, munitions, and implements of war enumerated in the attached list.
3. The Governments of the Members of the League of Nations will take such steps as may be necessary to secure that arms, munitions, and implements of war enumerated in the attached list, exported to countries other than Italy, will not be re-exported directly or indirectly to Italy or to Italian possessions.

4. The measures provided for in paragraph 2 and 3 are to apply to contracts in process of execution.

Each Government is requested to inform the committee through the Secretary-General of the League within the shortest possible time of the measures which it has taken in conformity with the above provisions.

ARTICLES CONSIDERED AS ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Category I.

1. Rifles and carbines and their barrels.
3. Guns, howitzers, and mortars of all calibres, their mountings, barrels, and recoil mechanisms.
4. Ammunition for the arms enumerated under 1 and 2 above; filled and unfilled projectiles for the arms enumerated under 3 above, and prepared propellant charges for these arms.
5. Grenades, bombs, torpedoes, and mines, filled or unfilled, and apparatus for their use or discharge.
6. Tanks, armoured vehicles, and armoured trains. Armor-plate of all kinds.

Category II.

Vessels of war of all kinds, including aircraft-carriers and submarines.

Category III.

1. Aircraft, assembled or dismantled, both heavier and lighter than air, and their propellers or airscrews, fuselages, aerial-gun mounts and frames, hulls, tail units, and under-carriage units.
2. Aircraft-engines.
Category IV.

Revolvers and automatic pistols of a weight in excess of 1 pound 6 ounces (630 grammes) and ammunition therefor.

Category V.

1. Flame-throwers and all other projectors used for chemical or incendiary warfare.
2. Mustard gas, Lewisite, ethyldichlorarsine, methyl dichlorarsine, and all other products destined for chemical or incendiary warfare.
3. Powder for war purposes, and explosives.

(e) Proposal II, adopted by the Co-ordination Committee on October 14, 1935

FINANCIAL MEASURES

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken forthwith:

The Governments of the Members of the League of Nations will forthwith take all measures necessary to render impossible the following operations:

1. All loans to or for the Italian Government and all subscriptions to loans issued in Italy or elsewhere by or for the Italian Government;

2. All banking or other credits to or for the Italian Government and any further execution by advance, overdraft, or otherwise of existing contracts to lend directly or indirectly to the Italian Government;

3. All loans to or for any public authority, person, or corporation in Italian territory and all subscriptions to such loans issued in Italy or elsewhere;

4. All banking or other credits to or for any public authority, person, or corporation in Italian territory and any further execution by advance, overdraft, or otherwise of existing contracts to lend directly or indirectly to such authority, person, or corporation;

5. All issues of shares or other capital flotations for any public authority, person, or corporation in Italian territory and all subscriptions to such issues of shares or
capital flotations in Italy or elsewhere;

6. The Governments will take all measures necessary to render impossible the transactions mentioned in paragraphs 1-5 whether effected directly or through intermediaries of whatsoever nationality.

The Governments are invited to put in operation at once such of the measures recommended as can be enforced without fresh legislation, and to take all practicable steps to secure that the measures recommended are completely put into operation by October 31, 1935. Any Governments which find it impossible to secure the requisite legislation by that date are requested to inform the Committee, through the Secretary-General, of the date by which they expect to be able to do so.

Each Government is requested to inform the Committee, through the Secretary-General of the League, within the shortest possible time of the measures which it has taken in conformity with the above provisions.

(f) Proposal III, adopted by the Co-ordination Committee on October 19, 1935

PROHIBITION OF IMPORTATION OF ITALIAN GOODS

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken:

1. The Governments of the Members of the League of Nations will prohibit the importation into their territories of all goods (other than gold or silver bullion and coin) consigned from or grown, produced, or manufactured in Italy or Italian possessions, from whatever place arriving;

2. Goods grown or produced in Italy or Italian possessions which have been subjected to some process in another country, and goods manufactured partly in Italy or Italian possessions and partly in another country will be considered as falling within the scope of the prohibition unless 25 per cent. or more of the value of the goods at the time when they left the place from which they were last consigned is attributable to processes undergone since the goods last left Italy or Italian possessions;

3. Goods, the subject of existing contracts, will not be excepted from the prohibition;

4. Goods en route at the time of imposition of the prohibition will be excepted from its operation. In giving
effect to this provision Governments may, for convenience of administration, fix an appropriate date, having regard to the normal time necessary for transport from Italy, after which goods will become subject to the prohibition;

5. Personal belongings of travelers from Italy or Italian possessions may also be excepted from its operation.

Having regard to the importance of collective and, so far as possible, simultaneous action in regard to the measures recommended, each Government is requested to inform the Co-ordination Committee, through the Secretary-General, as soon as possible, and not later than October 28, of the date on which it could be ready to bring these measures into operation. The Co-ordination Committee will meet on October 31 for the purpose of fixing, in the light of the replies received, the date of the coming into force of the said measures.

(g) Proposal IV, adopted by the Co-ordination Committee on October 19, 1935

EMBARGO ON CERTAIN EXPORTS TO ITALY

With a view to facilitating for the Governments of the Members of the League of Nations the execution of their obligations under Article 16 of the Covenant, the following measures should be taken:

1. The Governments of the Members of the League of Nations will extend the application of paragraph 2 of Proposal No. 1 of the Co-ordination Committee to the following articles as regards their exportation and re-exportation to Italy and Italian possessions, which will accordingly be prohibited:

(a) Horses, mules, donkeys, camels, and all other transport animals;
(b) Rubber;
(c) Bauxite, aluminium and alumina (aluminium oxide), iron ore, and scrap iron;
   Chromium, manganese, nickel, titanium, tungsten, vanadium, their ores, and ferro-alloys (and also ferro-molybdenum, ferro-silicon, ferro-silico-manganese, and ferro-silico-manganese aluminium);
   Tin and tin-ore.

List (c) above includes all crude forms of the minerals and metals mentioned and their ores, scrap, and alloys;
2. The Governments of the Members of the League of Nations will take such steps as may be necessary to secure that the articles mentioned in paragraph 1 above exported to countries other than Italy or Italian possessions will not be re-exported directly or indirectly to Italy or to Italian possessions;

3. The measures provided for in paragraphs 1 and 2 above are to apply to contracts in course of execution; Goods en route at the time of imposition of the prohibition will be excepted from its operation. In giving effect to this provision Governments may, for convenience of administration, fix an appropriate date, having regard to the normal time necessary for transport to Italy or Italian possessions, after which goods will become subject to the prohibition.

Having regard to the importance of collective and, so far as possible, simultaneous action in regard to the measures recommended, each Government is requested to inform the Co-ordination Committee, through the Secretary-General, as soon as possible, and not later than October 28, of the date on which it could be ready to bring these measures into operation. The Committee of Co-ordination will meet on October 31 for the purpose of fixing, in the light of the replies received, the date of the coming into force of the said measures.

The attention of the Co-ordination Committee has been drawn to the possible extension of the above proposal to a certain number of other articles. It entrusts the Committee of Eighteen with the task of making any suitable proposals to Governments on this subject.

(h) Proposal V, adopted by the Co-ordination Committee on October 19, 1935

ORGANIZATION OF MUTUAL SUPPORT

The Co-ordination Committee draws the special attention of all Governments to their obligations under paragraph 3 of Article 16 of the Covenant, according to which the Members of the League undertake mutually to support one another in the application of the economic and financial measures taken under this article.

I. With a view to carrying these obligations into effect the Governments of the Members of the League of Nations will:

(a) Adopt immediately measures to ensure that no action taken as a result of Article 16 will
deprive any country applying sanctions of such advantages as the commercial agreements concluded by the participating States with Italy afforded it through the operation of the most-favoured-nation clause;

(b) Take appropriate steps with a view to replacing, within the limits of the requirements of their respective countries, imports from Italy by the import of similar products from the participating States;

(c) Be willing, after the application of economic sanctions, to enter into negotiations with any participating country which has sustained a loss, with a view to increasing the sale of goods so as to offset any loss of Italian markets which the application of sanctions may have involved;

(d) In cases in which they have suffered no loss in respect of any given commodity, abstain from demanding the application of any most-favoured-nation clause in the case of any privileges granted under paragraphs (b) and (c) in respect of that commodity.

II. With the above objects, the Governments will, if necessary, with the assistance of the Committee of Eighteen, study, in particular, the possibility of adopting within the limits of their existing obligations, and taking into consideration the annexed opinion of the legal sub-committee of the Co-ordination Committee, the following measures:

(1) The increase by all appropriate measures of their imports in favour of such countries as may have suffered loss of Italian markets on account of the application of sanctions;

(2) In order to facilitate this increase, the taking into consideration of the obligations of mutual support and of the advantages which the trade of certain States Members of the League of Nations, not participating in the sanctions, would obtain from the application of these sanctions, in order to reduce by every appropriate means and to an equitable degree imports coming from these countries;

(3) The promotion, by all means in their power, of business relations between firms interested in the sale of goods in Italian markets which have been lost owing to the application of sanctions and firms normally importing such goods;

(4) Assistance generally in the organization of the
international marketing of goods with a view to offsetting any loss of Italian markets which the application of sanctions may have involved. They will also examine, under the same conditions, the possibility of financial or other measures to supplement the commercial measures in so far as these latter may not ensure sufficient international mutual support.

III. The Co-ordination Committee requests the Committee of Eighteen to afford, if necessary, to the Governments concerned the assistance contemplated at the beginning of Part II of the present proposal.

APPLICATION OF THE MOST-FAVoured-NATION CLAUSE

1. The Legal Sub-Committee has been asked to advise whether a country participating in the sanctions which at present, under the most-favoured-nation clause, benefits by concessions made to Italy under commercial treaties with other States which are participating in the sanctions can continue to do so when the sanctions have resulted in suspension of the concessions made to Italy.

The Sub-Committee is of the following opinion:

The most-favoured-nation clause cannot give a right to continued enjoyment of the advantages in question, since application of most-favoured-nation treatment depends upon the existence of a particular state of things. It is, nevertheless, in conformity with the spirit of Article 16, paragraph 3, of the Covenant that the advantages should continue to be accorded independently of the most-favoured-nation clause, for one could hardly conceive that the States participating in the sanctions, which are under an obligation to support one another mutually, should proceed to render their economic relations with one another more difficult than before.

The Sub-Committee considers that this view might advantageously be expressed in the proposal dealing with economic sanctions by the insertion therein of a provision to the following effect:

'States participating in the sanctions which, in virtue of most-favoured-nation treatment, have up to the present been obtaining from other participating States advantages or benefits accorded by the latter to Italy, of which Italy will be temporarily deprived through the application of sanctions, will continue to enjoy such advantages and concessions on the new ground of the mutual support which
the Members of the League of Nations are bound to afford one another under Article 16, paragraph 3, of the Covenant.

2. The Legal Sub-Committee has been asked to advise whether it is legally maintainable that countries entitled to the benefit of the most-favoured-nation clause would nevertheless not be justified in claiming for themselves the advantages of preferential treatment accorded, temporarily and for the duration of the sanctions only, by one of the participating States to the goods of another participating State whose exports had been specially restricted as the result of the sanctions.

The Sub-Committee is of the following opinion:

The most-favoured-nation clause would not justify the extension of the advantages in question to third States. The reasons are, first, that such advantages would have an exceptional as well as a temporary character and would be the consequence of a special obligation existing between the States concerned in virtue of Article 16, paragraph 3, of the Covenant of the League of Nations, and, secondly, that the most-favoured-nation clause is a provision peculiar to commercial treaties, which are the treaties in which it is found, and, accordingly, is one which must be interpreted as not contemplating economic relations of so exceptional a nature as those which are here under consideration.

(1) Text approved by the Co-ordination Committee on October 19, 1935

COMMUNICATION TO STATES NON-MEMBERS OF THE LEAGUE OF NATIONS

The Chairman of the Committee of Co-ordination of measures to be taken under Article 16 of the Covenant has the honour to transmit herewith to States non-members of the League, in accordance with the decision of the Co-ordination Committee formed as the result of the recommendation adopted by the Assembly on October 10, the principal recent documents in the Italo-Ethiopian dispute, including the minutes of the Council of October 7, the minutes of the Assembly of October 9 to 11, and the recommendations of the Co-ordination Committee.

He is instructed to add that the Governments represented on the Co-ordination Committee would welcome any communication which any non-member State may deem it proper to
make or notification of any action which it may be taken in the circumstances.

Resolutions adopted by the Co-ordination Committee, Second Session, October 31-November 2, 1935

Resolution adopted by the Co-ordination Committee on November 2, 1935

OUTSTANDING CLAIMS

The Members of the League of Nations participating in the measures taken in regard to Italy under Article 16 of the Covenant,

Having regard, in particular, to Proposal III, under which they have agreed to prohibit as from November 18 all imports consigned from Italy or her possessions:

I. Consider that the debts now payable by Italy to them, under clearing agreements or any other arrangements, the payment of which becomes impossible by reason of the aforesaid prohibition, will remain valid at their present value notwithstanding any offers of payment in kind that may be made by Italy or any action that might be taken by her against the creditor States;

II. Recognize:
(a) That, on the discontinuance of the measures taken in regard to Italy under Article 16 of the Covenant, they should support one another in order to ensure that Italy discharges her obligations to the creditor States as she should have done if she had not incurred the application of Article 16 of the Covenant;
(b) Furthermore, that, if in the meantime particularly serious losses are sustained by certain States owing to the suspension by Italy of the payment of the aforesaid debts, the mutual support provided for by paragraph 3 of Article 16 will be specially given in order to make good such losses by all appropriate measures.

The Committee on Mutual Support will draw up a list

of the debts referred to in paragraph I above, and will examine the measures contemplated in paragraph II(b) above.

Resolutions adopted by the Committee of Eighteen, October 31-November 6, 1935

(a) Proposal II(a), adopted by the Committee of Eighteen on November 6, 1935

CLEARING AGREEMENTS

The Committee of Eighteen,

Entrusted by the Co-ordination Committee with the task of following the execution of the proposals submitted to Governments and empowered to make such new proposals as it may think desirable, proposes that the following measures should be taken:

In order to render effective the application of Proposal II(a) and Proposal III, approved by the Committee of Co-ordination, Governments represented on the Co-ordination Committee will—

I. (a) Prohibit, as from November 18, the acceptance of any new deposit of lire into the Italian clearing account in payment for exports to Italy, and, in consequence, (b) Suspend to the extent necessary the operation of any clearing or payments agreement that they may have with Italy by or before November 18;

II. Take, if need be, the necessary steps to ensure that the purchase price of Italian products already imported, or to be imported, in respect of which payment has not yet been made, shall be lodged in a national account, the resources of which will, if necessary, be employed for the settlement of claims arising from their exports.

Each Government is requested to inform the Co-ordination Committee through the Secretary-General of the League, within the shortest possible time, of the measures which it has taken in conformity with the above provisions.

(b) Proposal III(a), adopted by the Committee of Eighteen on November 6, 1935

BOOKS, NEWSPAPERS, &c.

The Committee of Eighteen,

Having been instructed by the Co-ordination Committee to follow the execution of the proposals submitted to Governments, and being empowered to make such further proposals as it may think expedient:

Proposes that, as an exception to Proposal III, the prohibition to import goods consigned from Italy or Italian possessions should not be extended to books, newspapers, and periodicals, maps and cartographical productions, or printed or engraved music.

(c) Proposal IV(a), adopted by the Committee of Eighteen on November 6, 1935

EMBARGO ON CERTAIN EXPORTS TO ITALY

In the execution of the mission entrusted to it under the last paragraph of Proposal IV, the Committee of Eighteen submits to Governments the following proposal:

It is expedient that the measures of embargo provided for in Proposal IV should be extended to the following articles as soon as the conditions necessary to render this extension effective have been realized:

- Petroleum and its derivatives, by-products, and residues;
- Pig-iron; iron and steel (including alloy steels), cast, forged, rolled, drawn, stamped, or pressed;
- Coal (including anthracite and lignite), coke and their agglomerates, as well as fuels derived therefrom.

If the replies received by the Committee to the present proposal and the information at its disposal warrant it, the Committee of Eighteen will propose to Governments a date for bringing into force the measures mentioned above.

(d) Proposal IV(b), adopted by the Committee of Eighteen on November 6, 1935
INDIRECT SUPPLY

The Committee of Eighteen,
Entrusted by the Co-ordination Committee with the task of following the execution of the proposals submitted to Governments and empowered to make such new proposals as it may think desirable, is of opinion that the following measures should be taken:

In order to render effective the provisions of point 2 of Proposal IV, Governments represented on the Co-ordination Committee will take, as regards the export of prohibited products, such measures as are necessary to verify, by all means in their power, the destination of such products.

Those Governments which do not immediately restrict their exports of these articles will keep under constant review the volume and direction of such export. In the event of an abnormal increase in this export, they will immediately take such steps as may be necessary to prevent supplies reaching Italy or Italian possessions by indirect routes.

Each Government is requested to inform the Co-ordination Committee, through the Secretary-General of the League, within the shortest possible time, of the measures which it has taken in conformity with the above provisions.

(e) Resolution adopted by the Committee of Eighteen on November 6, 1935

CONTRACTS IN COURSE OF EXECUTION

The Committee of Eighteen instructs a Sub-Committee consisting of representatives of the United Kingdom, France, Mexico, Poland, Roumania, and the Union of Soviet Socialist Republics to make proposals to the interested Governments on its behalf in regard to those contracts—other than those in respect of which payment had been made in full by October 19, 1935—which might be executed by way of exception to paragraph No. 3 of Proposal III.

In making its proposals, the Sub-Committee will be guided by the following principles:

(a) Exception to be made only in the case of contracts concluded by a State or institution
belonging to a State or entirely subject to its administrative control, or for their account, prior to October 19, 1935, which relate to goods of essential importance to the importing State;

(b) Not less than 20 per cent. of the total sums due under the contract to have been paid by October 19, 1935;

(c) Contracts stipulating for payment in goods, the export of which to Italy is prohibited under Proposal IV, not to have the benefit of the exception in question;

(d) Governments to furnish the Sub-Committee, not later than November 10, with full details of each contract (nature of goods, total sums due, amount paid prior to October 19, 1935, and amount outstanding on November 10, 1935).

The Sub-Committee will draw up, not later than November 12, the final list of contracts in the case of which an exception appears to it to be justified, and will communicate the list forthwith for information to the Governments represented on the Co-ordination Committee.

Outline of an Agreed Settlement of the Italo-Ethiopian Conflict, December 10, 1935

I. Exchange of Territories

The Governments of the United Kingdom and France agree to recommend to His Majesty the Emperor of Ethiopia the acceptance of the following exchanges of territory between Ethiopia and Italy.

(a) Tigre: Cession to Italy of eastern Tigre, approximately limited on the south by the River Cheva and on the west by a line running from north to south, passing between Aksum (on the Ethiopian side) and Adowa (on the Italian side).

(b) Rectification of frontiers between the Danakil country and Eritrea, leaving to the south of the boundary line Aussa and the extent of Eritrea territory necessary to give Ethiopia an outlet to the sea to be defined below.

(c) Rectification of frontiers between the Ogaden and Italian Somaliland. Starting from the tri-junction

\[\text{L.N.O.J., Jan. 1936, pp. 10-41.}\]
point between the frontiers of Ethiopia, Kenya, and Italian Somaliland, the new Italo-Ethiopian frontier would follow a general north-easterly direction, cutting the Wobi Shebaal at Iddidole, leaving Gorahal to the east, Warandab to the west, and meeting the frontier of British Somaliland where it intersects the 45th meridian.

The rights of the tribes of British Somaliland to the use of grazing areas and wells situated in the territories granted to Italy by this delimitation should be guaranteed.

(d) Ethiopia will receive an outlet to the sea with full sovereign rights. It seems that this outlet should be formed preferably by the cession, to which Italy would agree, of the port of Asseb and of a strip of territory giving access to this port along the frontier of French Somaliland.

The United Kingdom and French Governments will endeavour to obtain from the Ethiopian Government guarantees for the fulfilment of the obligations which devolve upon them regarding slavery and arms traffic in the territories acquired by them.

II. Zone of Economic Expansion and Settlement

The United Kingdom and French Governments will use their influence at Addis Ababa and at Geneva to the end that the formation in Southern Ethiopia of a zone of economic expansion and settlement reserved to Italy should be accepted by His Majesty the Emperor and approved by the League of Nations.

The limits of this zone would be: on the east, the rectified frontier between Ethiopia and Italian Somaliland; on the north, the 8th parallel; on the west, the 35th meridian; on the south, the frontier between Ethiopia and Kenya.

Within this zone, which would form an integral part of Ethiopia, Italy would enjoy exclusive economic rights which might be administered by a privileged company or by any other like organization, to which would be recognized subject to the acquired rights of natives and foreigners—the right of ownership of unoccupied territories, the monopoly of the exploitation of mines, forests, &c. This organization would be obliged to contribute to the economic equipment of the country and to devote a portion of its revenues to expenditure of a social character for the benefit of the native population.

The control of the Ethiopian administration in the zone would be exercised, under the sovereignty of the Emperor, by the services of the scheme of assistance drawn up
by the League of Nations. Italy would take a preponderating, but not an exclusive, share in these services, which would be under the direct control of one of the principal advisers attached to the Central Government. The principal adviser in question, who might be of Italian nationality, would be the assistant, for the affairs in question, of the Chief Adviser delegated by the League of Nations to assist the Emperor. The Chief Adviser would not be a subject of one of the Powers bordering on Ethiopia.

The services of the scheme of assistance, in the capital as well as in the reserved zone, would regard it as one of their essential duties to ensure the safety of Italian subjects and the free development of their enterprises.

The Government of the United Kingdom and the French Government will willingly endeavour to ensure that this organization, the details of which must be elaborated by the League of Nations, fully safeguards the interests of Italy in this region.

The foregoing text is the text which was communicated to the Italian Government. Two modifications were introduced into the text communicated to the Ethiopian Government:

1. The first paragraph of Section II was drafted as follows:

'The United Kingdom and French Governments recommend His Majesty the Emperor to accept, and will use their influence to secure the approval of the League of Nations of, the formation in Southern Ethiopia of a zone of economic expansion and settlement reserved to Italy.'

2. A few words were added to the end of the first sentence of the fourth paragraph of the same Section II. These words are as follows:

'The control of the Ethiopian administration in the zone would be exercised, under the sovereignty of the Emperor, by the services of the scheme of assistance drawn up by the League of Nations and already accepted by the Emperor as extending over the whole area of Ethiopian administration.'
Primary Sources

I. Public Documents


II. Private Documents


Secondary Works

I. Books


II. Articles


Zimmern, Alfred E. "The Testing of the League", Foreign Affairs, XIV (April, 1936), 373-86.