

When, on the 28th September, the Assembly adjourned, the difference between Abyssinia and Italy had not been brought officially before that body. The Council was engaged in preparing a report under paragraph 4, Article 15, of the Covenant. This report, which is the work of a Committee of Thirteen—that is, the members of the Council minus the representative of Italy—is Document C. 411, M. 207. It is a paper of considerable historical importance. It furnishes a history of the dispute from the time (January, 1935) when the difference was brought under the notice of the Council by Abyssinia, through the intervening phases (including the deliberations of the Committee of Five, particulars of whose recommendations I telegraphed to you), down to the outbreak of hostilities early in October.

On the evening of Saturday, 5th October, wireless listeners in London learned that the Assembly had been summoned for the following Wednesday, that the Council had that day considered its report under Article 15, and that on the following Monday the Council would, in all probability, take the gravest decisions.

The Council met on Monday, 7th October, when, after listening to statements by the Italian and Abyssinian representatives, the report was put to the vote. It was accepted by every member with the exception of the Italian member (whose vote would, in any case, not have been counted) and by the representative of Abyssinia.

At its meeting on the previous Saturday the Council had appointed a Committee of Six to study the situation and report thereon. This latter report, which will be found on pages 7, 8, and 9 of the Minutes of the Council (Document A. 78), concludes as follows:—

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

This report having been read, the representative of Italy entered a protest against the speed with which decisions were being taken. The President of the Council said, in reply:—

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

He then put the report to the vote. The members of the Council, other than the representative of Italy, voted for its acceptance. It was likewise accepted by the Abyssinian representative. The representative of Italy stated that he did not approve of its conclusions.

The Council proceedings terminated with a short speech by the President, of which the following is an extract:—

“I take note that fourteen members of the League of Nations represented on the Council consider that we are in presence of a war begun in disregard of the obligations of Article 12 of the Covenant. Accordingly, the report of the Council Committee and the Minutes of the present meeting will be sent to all the members of the League of Nations. As the Assembly stated in its resolution of 4th October, 1921, ‘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 a breach of their treaty obligations.’” (See also Documents C. 340 and C. 418.)

Such was the position when the Assembly met on the evening of Wednesday, 9th October.

The President of the Assembly (M. Benes), after referring to the considerations which had led him to adjourn, and not to close, the Assembly, proposed that the new item (the difference between Abyssinia and Italy) be added to the agenda, and that it be given immediate consideration. This proposal having been adopted, the President stated that from the Council documents submitted to the Assembly three points emerged:—

- (1) The dispute had not ceased to be under the consideration of the Council, and the Assembly did not therefore take the place of the Council.
- (2) The Assembly was not to reconsider the question or intervene in the procedure, under the terms of Article 15, which had taken place in the Council.
- (3) The Assembly had the opportunity of defining its attitude regarding the Council proceedings and was invited to pronounce on the opinions expressed in the Council. The acquiescence of each Government was involved. He did not propose a vote. He would call on those who desired to express a contrary view and on those who desired a record made of their abstention or reservations. But silence of delegations would be interpreted as an indication of the concurrence of their Governments in the opinion expressed by the Council. Explanations regarding practical difficulties which Governments might meet in applying Article 16 of the Covenant should, however, be made not to the Assembly, but to a special body which it was proposed to set up in view of the desire of the Council that the Assembly should be associated with the Council in connection with measures to be taken.

Three members of the Assembly, and three only, all near neighbours of Italy, expressed a contrary view. The delegates of Austria and Hungary in turn addressed the Assembly and stated that their Governments were not able to associate themselves in the conclusions reached by the Council. On a subsequent occasion the Albanian delegate, on behalf of his Government, expressed a similar view.