

LEAGUE OF NATIONS.

Communicated to  
the Council and  
Members of the League.

C.101.M.53.1938.VII.  
Geneva, March 21st, 1938.

COMMUNICATION FROM THE MEXICAN DELEGATION.

Geneva, March 19th, 1938.

(Translation)

To the Secretary-General.

In view of the suppression of Austria as an independent State as the result of armed foreign intervention, and since the Council of the League of Nations has not as yet been convened with a view to the application of Article 10 of the Covenant, which requires the Members of the League to respect and preserve as against external aggression the territorial integrity and political independence of all Members, I have the honour, acting on the instructions of the Mexican Government, to transmit to you the following declarations, and to request you to be good enough to bring them to the knowledge of the States Members of the League.

The political extinction of Austria, in the form and circumstances in which it has taken place, constitutes a serious infringement of the League Covenant and the established principles of international law.

As the result of a coup de force, Austria has ceased to exist as an independent nation. This intervention is a flagrant violation of the Covenant and of the Treaties of Versailles and St. Germain, which declare the independence of Austria to be inalienable. That inalienable independence should have been respected and guaranteed not only by the Great Powers which signed the Geneva Protocol of 1922, and which on that occasion solemnly declared their intention of respecting the political independence, the territorial integrity, and the sovereignty of Austria, but also by the Austrian Government itself, since the Treaty of St. Germain and the Geneva Protocol require Austria, in any case, to obtain the consent of the Council of the League of Nations as regards the maintenance of her independence within her present frontiers as a separate State and absolute mistress of her decisions. Consequently, any convention or resolution the effect of which is to diminish Austria's independence should be regarded as illegal, and, similarly, any action taken by any foreign Government contrary to such principles and obligations should be regarded as arbitrary and inadmissible by the Members of the League.

The fact that the Vienna authorities handed over their powers to the invader is no excuse for the aggressor's action, and the League should not accept the fait accompli without the most vigorous protests or without taking the action provided for by the Articles of the Covenant.

Moreover, the authorities who relinquished executive power are in no sense representative of the Austrian people, who undoubtedly regard the death of their country as a tragedy of evil omen; the very authorities who were obliged to "yield to force" were not acting of their own freewill, since voluntas coacta voluntas non est. Consequently, the States Members of the League should not regard the action and words of those authorities as the free and lawful expression of the will of the nation subjected to military force.

The Mexican Government, which has always upheld the principles of the Covenant and in accordance with its consistent international policy refuses to recognise any conquest made by force, enters the most emphatic protest against the external aggression of which the Austrian Republic has just been the victim. It informs the public opinion of the world that in its view the only means of securing peace and preventing further international outrages such as those that have been committed against Ethiopia, Spain, China, and Austria, is for the nations to carry out the obligations laid upon them by the Covenant, the Treaties they have concluded and the principles of international law. Otherwise it will not be long before the world is overwhelmed by a far worse conflagration than that which it is sought to avoid by attempted action outside the League system.

I have the honour, etc.

(Signed) Isidro FABELA,

Minister.