

Geneva, September 24th, 1935.

**LEAGUE OF NATIONS**

**DISPUTE BETWEEN ETHIOPIA AND ITALY**

**REQUEST OF THE ETHIOPIAN GOVERNMENT**

**REPORT BY THE COMMITTEE OF FIVE  
TO THE COUNCIL**

[*Translation.*]

At its meeting on September 6th, the Council appointed a Committee "to make a general examination of Italo-Ethiopian relations and to seek for a pacific settlement". As members of this Committee, it appointed the representatives of the United Kingdom, France, Poland, Spain, and Turkey. The Committee set to work immediately. Under the chairmanship of M. DE MADARIAGA (Spain), it held eleven meetings between September 7th and 24th.

At its first meeting, the Committee requested its Chairman to inform the parties that, "conscious of its responsibilities for seeking a pacific settlement of the dispute, it relied upon the Governments concerned to see that nothing was done which might disturb or endanger its work."

The Ethiopian delegation replied that "nobody could appreciate the Committee's recommendation more highly than that delegation".

At the outset of its work, the Committee set up a Sub-Committee under the chairmanship of M. LÓPEZ OLIVÁN to study the documentary material furnished by the Ethiopian and Italian Governments and to submit to it the results of that study.

The Italian Government had communicated a detailed memorandum to the Members of the Council on September 4th. On September 14th, the Ethiopian delegation submitted preliminary observations on this memorandum and announced that its Government reserved the right to forward a full reply based on the study that would be made when the memorandum reached Addis Ababa. The Committee took note of the accusations brought by the Italian Government against Ethiopia, and of the preliminary observations of the Ethiopian delegation. It expressed no opinion on the documents furnished by the two Parties. As an organ of conciliation, the Committee was not called upon to deliver judgment, but to consider a situation and to seek to devise means of remedying it.

The international assistance which Ethiopia, in virtue of her rights under the Covenant, was requesting from the League of Nations seemed to offer a solution which would be acceptable to both Parties: the independence and territorial integrity of Ethiopia would be respected; Italy would have the possibility of resuming, in security, relations with Ethiopia based on good understanding and confident collaboration.

Without pronouncing any opinion on the distinction drawn by the Italian Government between the different parts of the Empire, the Committee, in the plan which it suggested (Annex I), endeavoured to secure greater tranquillity, not merely throughout Ethiopia, where the bearing of arms would be strictly regulated by a more efficient police force, but more particularly in the frontier territories of the Empire, in order to safeguard the neighbouring territories against incursions, especially those whose object is the slave traffic, looting or smuggling. Special measures were also contemplated for the security of agricultural areas where Europeans might be numerous and where the local administration might not be sufficiently developed to provide them with adequate protection. The safety of foreign residents was also to be enhanced by the reorganisation of the mixed courts which try cases between foreigners and Ethiopians.

Ethiopia was at the same time to enjoy effective assistance for the purpose of expediting the modernisation—to which her Emperor attaches great importance—of her administration and institutions.

The Committee's note containing the broad outlines of the proposed scheme of assistance was accompanied by certain information furnished by the representatives of France and the United Kingdom. The Governments of those two countries were prepared to facilitate, by common sacrifices, territorial adjustments between Italy and Ethiopia. They also agreed to recognise a special Italian interest in the economic development of Ethiopia. This declaration on the part of the other two neighbouring Powers was made in order to afford to Italy a further assurance

that her desire to contribute to the economic development of Ethiopia would receive the highest possible degree of satisfaction.

On September 18th, the Chairman of the Committee communicated to the representatives of Ethiopia and Italy the bases of the scheme of assistance and the information furnished by the representatives of France and the United Kingdom.

On September 22nd, the delegate of Italy informed the Chairman of the Committee that the Italian Government's decision on the suggestions submitted to it was contained in the *communiqué* published on the conclusion of the meeting of the Italian Cabinet on the previous day.

This *communiqué* stated that "the Council of Ministers had taken note of the proposals contained in the report of the Five. It had examined them carefully. The Council of Ministers, while appreciating the attempt made by the Five, had decided to consider these proposals as unacceptable, inasmuch as they did not offer a minimum basis sufficient for conclusive realisations which would finally and effectively take into account the rights and the vital interests of Italy."

The delegate of Italy, in a conversation with the Chairman of the Committee of Five, set forth orally certain observations which explained the attitude taken by the Italian Government in regard to the Committee's suggestions.

A summary—approved by the delegate of Italy—of these observations is attached to the present report (Annex 2).

On September 23rd, the Ethiopian delegation informed the Chairman of the Committee "that it is willing to open negotiations immediately on the basis of the suggestions and communications contained in the note submitted to it on behalf of the Committee of Five".

The text of the letter from the Ethiopian delegation is attached to the present report (Annex 3).

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## ANNEX 1.

C.375.M.189.1935.VII.

### TEXT OF THE NOTE HANDED BY THE CHAIRMAN OF THE COMMITTEE OF FIVE TO THE ETHIOPIAN AND ITALIAN REPRESENTATIVES ON SEPTEMBER 18TH, 1935.

[Translation.]

#### I.

1. The Committee, which was instructed "to make a general examination of Italo-Ethiopian relations and to seek a pacific settlement", has endeavoured to find a basis of negotiation. In doing so, it has been guided—

- (i) by the obligation of respecting the independence, territorial integrity and security of all States Members of the League;
- (ii) by the necessity of ensuring good neighbourly relations between the States Members of the League.

The Committee expressed no opinion on the documents furnished by the two Parties and confined itself to the facts of a situation which needs to be remedied.

2. On admission to the League, Ethiopia assumed special obligations regarding certain matters—in particular, slavery and the traffic in arms. She declared herself "ready to furnish the Council with any information which it may require, and to take into consideration any recommendations which the Council may make with regard to the fulfilment of these obligations, in which she recognises that the League of Nations is concerned".

3. In his speech at the plenary meeting of the Assembly on September 11th, 1935, the first delegate of Ethiopia spoke as follows:

"Any suggestion calculated to raise the economic, financial and political level of the nation to which I have the honour to belong, provided it proceeds from the League of Nations and is to be carried out in the actual spirit of the Covenant, will be regarded by Ethiopia as the action of sister nations which have reached a more advanced stage of civilisation and are sincerely desirous of guiding my country in the path of progress. Any proposal of that kind will be welcomed. I am convinced that my country will examine it with the greatest goodwill and with real gratitude."

4. In these circumstances, it appears to be the duty of the League of Nations to offer to extend to the Ethiopian Government collaboration and assistance on a collective international basis, so as to enable the latter resolutely to undertake the wide measure of constructive action necessary, not only to improve the lot of the Ethiopian people and to develop the natural resources of the country, but also to enable the Empire to live in harmony with its neighbours.

In view of the obligation of every Member of the League to respect the independence of the other Members, any plan of assistance should receive the previous consent of the Ethiopian Government.

A general outline of the form which international assistance to Ethiopia with a view to her administrative reform and economic development might take is given below.

## II.

### I. CHARTER OF ASSISTANCE.

Recalling work previously done by the League, the Charter of Assistance will take the form of a protocol recording the acceptance by the Ethiopian Government of a plan of reforms drawn up by the Council of the League.

#### 2. PUBLIC SERVICES REQUIRING REORGANISATION.

##### (1) *Police and Gendarmerie.*

Mission of foreign specialists appointed to organise a corps of police and gendarmerie which will be responsible for:

A. Ensuring the application, throughout the Empire, of existing or future laws for:

(a) Prohibiting and suppressing slavery;

(b) Strictly regulating the carrying of arms by persons not belonging to the regular army or to the police and gendarmerie forces.

B. Policing centres in which Europeans reside (Addis Ababa, Diredawa, Harrar).

C. Ensuring security in agricultural areas where Europeans may be numerous and where the local administration may not be sufficiently developed to provide them with adequate protection.

D. Maintaining order in the frontier territories of the Empire so as to safeguard neighbouring territories against incursions, particularly those whose object is the slave traffic, looting and smuggling.

In the areas referred to under C and D above, the police and gendarmerie mission should participate in general administration to an extent varying according to the standard reached by the local authorities and the nature of the problems to be solved.

##### (2) *Economic Development.*

A. Possibility for foreigners to participate in the economic development of the country (land tenure, mining regulations, exercise of commercial and industrial activities).

B. Foreign trade; economic equality on a basis of reciprocity.

C. Public works and communications.

D. Posts, telegraphs and telephones.

##### (3) *Finance.*

A. Drawing-up of the budget and supervision of State expenditure.

B. Assessment and collection of taxes, fees and dues.

C. Establishment and operation of fiscal monopolies.

D. Studies in connection with the loans which would be required for the development of the country or the carrying out of certain reforms; if necessary, control of pledges assigned to the service of the loans.

##### (4) *Other Public Services.*

A. Justice:

Reorganisation of the mixed courts which try cases between foreigners and Ethiopians.  
Native Justice.

B. Education.

C. Public Health.

### 3. INTERNAL STRUCTURE OF THE ORGANISATION FOR ASSISTANCE.

If their mission is to bring results, the foreign specialists, even where not invested with special administrative powers, must be able to rely on the effective co-operation of the Ethiopian authorities whom they are assisting. Furthermore, if their work is to be effectual, it must be co-ordinated.

It would be expedient to provide a central organism, both to co-ordinate the work of the assistance services and to secure for them the necessary support of the Ethiopian Government. A principal adviser would be placed at the head of each of the four public services or groups of public services mentioned in the previous section.

The principal advisers might either:

(a) Be subordinate to a person who would be both their chief and at the same time the delegate of the League of Nations accredited to the Emperor; or

(b) Form a commission presided over by one of them, who would be the delegate of the League of Nations.

### 4. APPOINTMENT OF STAFF.

The delegate of the League and the principal advisers will be appointed by the Council of the League with the agreement of the Emperor.

The agents other than the principal advisers will be appointed by the Emperor on the nomination of the delegate of the League or with his endorsement, according to the nature and importance of their functions.

### 5. RELATIONS WITH THE LEAGUE.

The delegate or the commission will, whenever necessary and at least once a year, make reports which will be communicated to the Emperor at the same time as they are addressed to the Council of the League.

The Ethiopian Government will submit to the Council any observations it may wish to formulate in regard to these reports.

The reports and observations, if any, will be studied by the Council at the earliest possible date.

### 6. DURATION OF THE PLAN.

As the work of assistance must be long, it would seem unpractical to assign to the plan a relatively brief duration, such as five years. It would, however, be desirable to provide that the plan may be reviewed at the end of five years by the Council of the League, so as to take account of the experience gained during that period.

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The representatives of France and the United Kingdom have informed the Committee of Five that, with a view to contributing to the peaceful settlement of the Italo-Ethiopian dispute, their respective Governments are ready to facilitate territorial adjustments between Italy and Ethiopia by offering, if necessary, certain sacrifices in the region of the Somaliland coast.

In negotiating on this subject, the Governments of the French Republic and of the United Kingdom will take care to obtain from the Ethiopian Government guarantees regarding the execution, in the territories to be acquired by it, of the obligations by which Ethiopia is bound in regard to slavery and to traffic in arms.

The representatives of France and of the United Kingdom have further informed the Committee of Five that their respective Governments, without wishing to impair the existing regime in regard to the treatment of foreigners and in regard to external trade, are prepared to recognise a special Italian interest in the economic development of Ethiopia. Consequently, these Governments will look with favour on the conclusion of economic agreements between Italy and Ethiopia, on condition that the existing rights of French and British nationals and protected persons are respected by the two Parties, and that the recognised interests of France and the United Kingdom under all agreements already in force are safeguarded.

ANNEX 2.

SUMMARY OF THE ORAL OBSERVATIONS OF THE DELEGATE OF ITALY.

[*Translation.*]

September 22nd, 1935.

I. The Committee of Five has not taken into consideration the specific charges brought by the Italian Government against Ethiopia to the effect that the latter has not fulfilled the obligations which she assumed at the time of her joining the League. Nor has it considered whether Ethiopia is still worthy to belong to the League, when she has not fulfilled those obligations and has openly violated others.

The Committee of Five has not paid sufficient attention to the fact that Ethiopia was admitted to the League on certain special and specified conditions, and that she may be regarded as no longer possessing the status of a Member of the League, inasmuch as she no longer fulfils the conditions to which her membership was indissolubly linked.

II. The memorandum submitted by the Italian Government, after denying, for the reasons given above, Ethiopia's right to discuss matters on a footing of equality with the other Members of the League, calls the Council's attention to the true state of what is described as the Ethiopian Empire and to its internal conditions, which are very different from those that should be required for a State's membership of the League.

The Italian Government's memorandum demonstrated the existence of an essential distinction between the countries of the ancient Amhara stock (central plateau) and the outlying areas conquered by Abyssinia in the last fifty years. Through the misgovernment of their rulers, who exploit them without scruple and use them as sources of supply for the slave-trade, those areas have been reduced to a condition which demands immediate and far-reaching intervention for their rescue; the writ of the Negus does not run there.

III. The Italian memorandum, taken as a whole, shows that, if it was to be satisfactorily solved, the Ethiopian problem ought to have been put in the following form:

(1) The Abyssinian State, properly so called, should be placed in such a position that it can do no injury to its neighbours, and its administration should be reformed so as to raise the country to a higher level of civilisation;

(2) The different peoples which are subject to the tyranny of Abyssinia and live on the frontiers of the country under inhuman conditions should be rescued therefrom.

Those peoples must be safeguarded once for all from the misgovernment of a country which is not, and never will be, able to discharge in respect of them the mission incumbent upon a State that contains peoples of different races.

IV. The proposals of the Committee of Five are limited to offering the Abyssinian State, as it now is, an assistance which, though more extensive in certain aspects, does not differ in principle from the assistance that has been offered by the League to other States in temporary difficulties.

In the case of a country where conditions of barbarism are accompanied by a powerful modern armament, international supervision cannot be regarded as a solution answering to the aims that must be pursued both by the League, as a last effort to lift Ethiopia to a higher degree of civilisation, and by Italy, who sees in Ethiopia her special and most dangerous enemy.

V. A case like that of Ethiopia cannot be settled by the means provided by the Covenant, because the Covenant does not contemplate the case of countries which, though unworthy and incapable of participation in the League of Nations, continue to claim the rights and to demand the observance of the obligations that such participation involves.

Indeed, the representative of the Italian Government on the Council of the League foresaw on September 4th that the most laudable efforts made within the scope of the Covenant could not bring about a satisfactory solution, and that it was difficult to find a League solution for the Ethiopian problem.

VI. Had some latitude of judgment and elasticity of application been allowed for, even on the lines of such League principles as are embodied in the institution of mandates, the solution of the problem would have been brought nearer. The Committee of Five, however, has not followed this line and bases its solution on the idea of assistance, which is not adequate in Ethiopia's case.

It is true that this assistance also provides for the organisation of the police and gendarmerie services by the despatch of a mission of foreign specialists. But there have already been enough—indeed too many—of these specialists in Ethiopia. All they have done is to raise the armed forces of Ethiopia to a modern degree of efficiency and consequently to make Ethiopia more dangerous to her neighbours and particularly to Italy.

This is the more serious since, in the proposals of the Committee of Five, the organisation of the army is left quite free of control.

The fact that the Committee's plan leaves the army entirely in the hands of the Government, although control is imposed on that Government in a number of questions of lesser importance, shows that the plan has not been based on practical criteria, taking realities into account.

VII. The Italian reasons based on treaties, historical facts, the defence of the Italian colonies and Italy's mission in Africa have been completely ignored in the Committee's proposals.

The Committee of Five has not borne in mind the peculiar situation of Italy in Ethiopia in consequence of the Tripartite Treaty of 1906 and the previous agreements which form an integral part thereof.

The statements made by the representative of France and the United Kingdom allude to territorial adjustments in favour of Italy in exchange for territorial cessions to Ethiopia in the region of the Somaliland coast.

This seems to be a renewal of the proposal which had already been made, to give to Ethiopia an outlet to the sea.

The Italian Government is forced definitely to oppose these proposals, because it has repeatedly denounced the danger of such a solution, which makes Ethiopia into a maritime Power, thus heightening the real threat that she constitutes to Italy.

The Italian Government has always opposed such a possibility. Italy formerly refused an Ethiopian proposal for the exchange of Ogaden for a territorial outlet to the sea through the Italian Colony of Eritrea. The Italian Government is now all the more bound to refuse a proposal for the cession of an outlet to the sea to Ethiopia through the colonies of other Powers. The mere reference to such a possibility shows that no account has been taken of Italian reasons and the causes that have led to the present conflict, which consists mainly in the fact that Ethiopia constitutes a menace to Italy.

Instead of considering such a proposal, which is not commensurate with the gravity of the situation, the Committee of Five ought to have considered the territorial rights granted to Italy by Article 4, paragraph *b*, of the Tripartite Treaty—*i.e.*, the right to a junction between the Italian Colonies of Eritrea and Somaliland to the west of Addis Ababa.

On the contrary, in the proposals of the Committee of Five, the provisions of the Tripartite Agreement are mentioned only for the purpose of asserting the rights and interests of the other two Powers parties to the Agreement.

VIII. The Governments of France and the United Kingdom recognise that Italy has a special interest in the economic development of Ethiopia. While noting this friendly disposition, Italy observes that the putting of these concessions into effect would remain subordinate to special agreements between Italy and Ethiopia.

But all the reasons that have led to the Italo-Ethiopian conflict and the attitude that Italy finds herself obliged to adopt demonstrate the impossibility of any agreement, even economic, with Ethiopia, in view of that country's incapacity to enter into, and still less to respect, international agreements of any kind whatever.

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ANNEX 3.

C.378.M.190.1935.VII.

REPLY OF THE ETHIOPIAN GOVERNMENT TO THE SUGGESTIONS AND COMMUNICATIONS OF THE COMMITTEE OF FIVE.

[*Translation.*]

Geneva, September 23rd, 1935.

To His Excellency Monsieur de Madariaga,  
Chairman of the Committee of Five.

Sir,

I. The Ethiopian Government has considered with the closest attention the suggestions laid before it by Your Excellency on behalf of the Committee of Five, and the communications which the representatives of France and the United Kingdom requested the Committee to convey to Ethiopia, those suggestions and communications being intended to serve as a basis for negotiations.

The Ethiopian Government declares that it is willing to open negotiations immediately on the basis of those suggestions and communications.

In the present circumstances, in which the very fate of the Ethiopian Empire is at stake, the Ethiopian Government thinks it necessary to explain frankly and fairly the interpretation it has placed on the suggestions and communications conveyed to it by the Committee of Five. It is important that there should be no possibility of doubt's being cast, either during the negotiations or thereafter, on the fundamental principles which will dominate the negotiations and whatever solutions may be reached.

II. The Ethiopian Government observes with the keenest satisfaction the principles that have guided the Committee of Five—principles to which the Ethiopian Government has constantly called attention and by which it is entirely prepared to abide—namely:

- (1) The respect due to the independence, territorial integrity and security of all States Members of the League;
- (2) The necessity for ensuring good relations between the States Members of the League.

III. The Ethiopian Government repeats the declarations that have already been made on its behalf during the present session of the Council and the Assembly, that it is firmly resolved to abide by all the undertakings it gave in 1923, when Ethiopia was admitted to the League, more especially in connection with slavery and the arms traffic. In this connection, it would point out that the arms traffic was the subject of the Paris Convention concluded in 1931 between the United Kingdom, Ethiopia, France and Italy, to ensure the execution in Ethiopia of the provisions of the Geneva Convention of 1925.

IV. The Ethiopian Government confirms the declarations made on its behalf both in the Council and in the Assembly in September 1935 regarding its application for the disinterested collaboration and assistance of the League. It looks upon the suggestions of the Committee of Five as a favourable reply to that application. It thanks the Committee for the scheme it has put forward, which, in the view of the Ethiopian Government, may form a suitable basis for a fruitful discussion upon the nature, objects and machinery of such assistance and collaboration.

It takes note of the fundamental principles laid down by the Committee of Five as underlying the whole system of League collaboration and assistance.

More specifically, the Ethiopian Government agrees with the Committee that:

- (1) The collaboration and assistance of the League in the present circumstances represent the performance of a duty which the League considers it is bound to discharge in consequence of the request freely addressed to it by Ethiopia in the exercise of her full sovereignty;
- (2) The collaboration and assistance of the League are disinterested, and are intended to enable Ethiopia to attack resolutely the constructive work that is necessary, not only to improve the condition of the Ethiopian people and to develop the natural resources of the country, but also to enable the Empire to live in harmony with all its neighbours;
- (3) Consequently, the assistance and collaboration of the League must be collective and international, those characteristics being of the essence of the collaboration and assistance given to Ethiopia by the League.

V. The Ethiopian Government takes note of the vital principle asserted by the Committee of Five, that it is obligatory upon every Member of the League to respect the independence of other Members and that, consequently, any scheme of assistance and collaboration drawn up by the League can only be drawn up at the request of the State to be assisted, and cannot be put into effect until it has been freely discussed by that State and has received the assent of its Government.

The Ethiopian Government declares that it is in perfect agreement with the Committee of Five on this point.

VI. The Ethiopian Government notes with the keenest satisfaction the manner in which these fundamental principles have been applied by the Committee of Five in regard to the nature, objects and machinery of the League's collective international collaboration and assistance. In particular, the Ethiopian Government regards as an essential part of the scheme the formal recognition of the right of the Emperor of Ethiopia to reject at will any adviser who may not possess his full confidence.

VII. The Ethiopian Government agrees with the Committee of Five that the League's collective international work of assistance and collaboration must cover a long period; it is therefore advisable to provide for the possibility of reviewing the scheme at the end of five years. The scheme would be so reviewed under the same conditions and in accordance with the same procedure as it was drawn up—that is to say, by the Council of the League, at the request of Ethiopia—and should receive the assent of the Ethiopian Government before any executive action is taken.

VIII. In the course of the negotiations, which it agrees to enter into as soon as possible, the Ethiopian Government will announce, as the discussion progresses, any changes, additions or deletions which it may wish the Council to make in the Committee of Five's suggestions, affecting the nature, objects and machinery of the League's collective international collaboration and assistance.

IX. The Ethiopian Government has taken note of the declaration made to it through the Committee of Five by the representatives of France and the United Kingdom of their intention, for the purpose of contributing to the peaceful settlement of the Italo-Ethiopian conflict, of facilitating territorial adjustments between Italy and Ethiopia by themselves making, if necessary, certain sacrifices to Ethiopia in the region of the Somali Coast. The Ethiopian Government observes

with satisfaction that this proposal is being made to it, not on behalf of the League, which has no status to propose a territorial change, but solely by France and the United Kingdom, with the single object of contributing to the peaceful settlement of the Italo-Ethiopian conflict. The Ethiopian Government repeats its declaration that it is prepared to negotiate a territorial adjustment on the basis of an exchange, on terms advantageous to all parties concerned.

X. The Ethiopian Government has noted the intention expressed by the Governments of France and the United Kingdom, in their respective relations with Italy, of recognising Italy's special interest in the economic development of Ethiopia, without, however, seeking to interfere with the current regime for the treatment of foreigners and foreign trade. Inasmuch as the expression of this intention solely concerns the relations between France, Italy and the United Kingdom, the Ethiopian Government will merely say that, for its own part, it will execute in the spirit in which they were concluded all existing international treaties concerning the treatment of foreigners and foreign trade in its relations with all the Powers that are entitled to claim the benefit thereof. Should the Ethiopian Government hereafter conclude any economic agreements with Italy, such agreements will scrupulously respect all the rights recognised by treaty as belonging to the nationals or protected persons of all the Powers benefiting by the said treaties.

XI. The Ethiopian Government has frankly and sincerely stated the interpretation it places upon the suggestions and communications that have been made to it. It declares that in this spirit it is prepared to open negotiations immediately, with the firm intention of carrying them to a conclusion which will be fair to all the legitimate interests involved.

(Signed) P. TECLÉ-HAWARIATE.

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