

by Mexican Ambassador
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COMMUNICATION ADDRESSED BY MEXICO

TO THE LEAGUE OF NATIONS,

1938 MAR 21 AM 11 11

THROUGH THE MEXICAN DELEGATE.

UNDER SECRETARY OF STATE
MAR 21 1938
MR. WELLES
DIVISION OF

To the Secretary General
of the League of Nations,
G e n e v a .

In view of the extinction of Austria as an independent State by means of a foreign armed intervention, and taking into consideration that up to this date the Council of the League of Nations has not been summoned for the purposes provided for by Article 10 of the Covenant which establishes the obligation of respecting and maintaining against all foreign aggression the territorial integrity and political independence of all Members of the League, under instructions of the Mexican Government I have the honor to send you the following statement with the request that it be communicated to the nations which are members of our Institution:

The manner and the circumstances of the political death of Austria constitute a serious transgression of the Covenant of the League of Nations and of the sacred principles of International Law. Austria has ceased to exist as an independent State by means of foreign aggression which flagrantly

violates our Covenant as well as the Treaty of Versailles St. Germain that consecrates the inalienable independence of Austria. This inalienability should have been respected, not only by the great signatory powers to the Geneva Protocol of 1922 in which it was solemnly declared that they would respect the political independence, the territorial integrity and the sovereignty of Austria, but by the Austrian Government itself, since those Treaties impose the obligation on Austria of at least obtaining the assent of the League Council as to the maintenance of her independence within her present borders as a separate State, master of her decisions (the Permanent Court of International Justice at The Hague. Resolution V, September, 1931). Therefore, any agreement or decision impairing Austrian independence must be considered illegal; likewise, all negotiations by any authorities with any foreign government that are contrary to such principles and obligations must be considered arbitrary and inadmissible by the members of the League of Nations.

The fact that the Vienna authorities turned the national power over to the invader cannot be an excuse in behalf of the aggressor, nor must the League of Nations accept fait accompli without emphatic protests and without reactions as outlined by Articles of the

Covenant. Furthermore, the authorities that abandoned the Executive Power, do not represent the Austrian people who surely contemplate the death of their country as a tragedy; those very same authorities that yielded to force did not act freely, for voluntas coactas voluntas non est. Consequently, the member States of the League of Nations must not consider the words and deeds of those authorities as a free and legal expression of the subjected nation.

The Government of Mexico, ever respectful of the principles of the League Covenant, and consistent with its international policy of never recognizing any conquest accomplished by force, categorically and emphatically protests against the foreign aggression of which the Austrian Republic is a victim, and at the same time declares to the whole world that in its judgement the only manner of attaining peace and of avoiding new international transgressions and outrages, as those in Ethiopia, in Spain, in China and in Austria, is to comply with the obligations outlined in the Covenant, in the signed treaties and in the principles of International Law; otherwise, the world unfortunately will fall in the grip of a much more serious conflagration than the one it is now attempted to avoid outside the League system.