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Chairman: Mr. Djatal ABDOH (Iran).

AGENDA ITEM 59

The question of Algeria (A/3617 and Add.1) (*continued*)

1. Mr. SLIM (Tunisia), noting that some passages in the statement made by the French Minister of Foreign Affairs at the 913th meeting had appeared to call Tunisia's sovereignty into question, said that he would not reply to them for the time being, in order to preserve the dignity of the debate. However, he reserved the right to reply later.

2. He recalled that little more than eight months ago the First Committee had concluded a long and painful debate on the same item. On 15 February 1957, the General Assembly had finally adopted unanimously a resolution (1012 (XI)) in which it expressed the hope that a peaceful, democratic and just solution of the question would be found in conformity with the principles of the Charter of the United Nations. The members of the Assembly had then separated, some of them pessimistic, others optimistic, but all convinced that they had helped to facilitate the solution of a particularly painful question by that compromise resolution, which, they hoped, would open the way to reason and to a clear conception of the principles of the Charter.

3. Unfortunately, the war, with its train of suffering, destruction and loss of human life, had gone on with renewed intensity, and consequently the Algerian question was therefore under discussion once again. He hoped that on the present occasion the First Committee might be able to find a more realistic and effective solution, so that the Assembly would not have to deal with it again.

4. His delegation would approach the question with all the calmness and objectivity needed, for it bore in mind that the Member State most directly concerned, France, was a friend, a country which had given the world much of spiritual value and which, in spite of certain temporary lapses when passion and chauvinism had unfortunately triumphed over reason, nevertheless remained the country of democracy and of the imperishable principles of human rights and of the right of peoples to self-determination.

5. Since 15 February 1957, when the General Assembly had expressed the hope that a peaceful solution would be found, the war in Algeria had increased in intensity. The French forces had been considerably

increased. According to information drawn from various French sources, they now consisted of 580,000 soldiers, 55,000 sailors, 65,000 members of the Compagnies républicaines de sécurité (CRS), gendarmerie and auxiliary police and more than 60,000 civilians organized as an armed militia. The total would thus be about 900,000 men, or one member of the French armed forces for every ten inhabitants. Yet in October 1954, on the eve of the Algerian revolt, there had been only 50,000 soldiers in Algeria.

6. But the special feature of the war was that, owing to its very nature, the most elementary principles of normal welfare had been practically abandoned: namely, the principles of respect for non-combatants and of the humane treatment of prisoners. The victims had been not only the combatants but often also the unarmed civilian population—women, children and old people. It often happened that after an engagement between French troops and a band of fellaghas, the dead and wounded who remained on the field when the fellaghas had withdrawn were simple mountain shepherds. For it was necessary at all costs to be able to mention Algerian losses in the communiqués after each engagement; that was one of the essential elements of the psychological action which the French authorities were conducting in the Algerian war.

7. Moreover, when a bomb thrown by Algerians unfortunately caused damage and casualties, the forces of order, in their hunt for alleged terrorists, indiscriminately carried out what were usually called "acts of reprisal", which, however, did not always affect active members of the revolutionary movement, but whomever chance or misfortune placed in their way.

8. According to the most modest estimates drawn from French sources, the Algerian casualties so far amounted to 45,000 men, a figure to which must be added that of the Algerian wounded, whom their comrades usually evacuated before withdrawing. Moreover, the war was not confined to any one region; it now extended to the whole of Algeria, the area of which was at least three times that of France, even to the Saharan regions of the South, where there had been considerable destruction. What was more, it had pushed beyond the Algerian frontiers and had had grave repercussions in Tunisia itself.

9. It seemed, in fact, that the combing operations and the stationing of French troops in every sector of Algeria had reached a point where the population of the areas or villages affected could no longer endure the situation and took refuge in neighbouring countries as soon as they could do so.

10. Thus tens of thousands of Algerians had sought asylum in Morocco and a considerable number of refugees, mostly women, children and old people, had sought refuge in Tunisia. The Tunisian Government could not but accept those refugees; it had been

obliged to care for them, with the help of humanitarian organizations like the Tunisian Red Crescent, which was affiliated to the International Red Cross, and then to appeal to the Office of the United Nations High Commissioner for Refugees. After an investigation in Tunisia, that body had confirmed the existence of about 50,000 Algerian refugees within the definition laid down in the resolutions of the United Nations on refugees. He wished to emphasize the impartiality with which the United Nations High Commissioner for Refugees had dealt with the question and the humanitarian spirit in which he had requested donations so that he could give aid and succour to the Algerian refugees in Tunisia in conformity with his terms of reference.

11. The entry of those refugees into Tunisia had created other complications. By some inexplicable aberration, the French forces in Algeria had attempted to pursue them on Tunisian soil, thus violating the Tunisian frontier with tanks and artillery, not to mention aerial machine-gunnings. Tunisian civilians as well as soldiers had been killed and wounded, including the Secretary-General of the Tunisian Ministry of Foreign Affairs, who had been on an official mission at the Algerian-Tunisian frontier.

12. Strange theories had then been heard which proceeded no doubt from a new conception of international law. France had invoked an alleged "right of pursuit", which had soon been replaced by another alleged "right of retaliation". In spite of everything, Tunisia had retained enough calm to avoid the worst.

13. In 1956, international opinion had been justly outraged by the terrible repression imposed on the gallant Hungarian people as they sought to assert their dignity and independence. According to the most reliable sources, the Hungarian casualties during that period had not exceeded 27,000 men. The comparison between Algerian and Hungarian losses deserved the concern of the world's conscience, including of course the noble conscience of the French, which had been expressed through the voice of eminent persons and which had been and continued to be justly outraged by Algerian casualties and especially by the methods and the means unfortunately employed in Algeria.

14. The resignation of important persons, including a general and a university dean, and the resignation of high magistrates and leading members of the bar appointed by the French Government as members of the Commission de sauvegarde des droits et des libertés individuels, was one more proof that the war in Algeria was by no means being waged in conformity with the principles of belligerency and of human rights.

15. As regards the solutions proposed by France, he recalled that, at the eleventh session, during the debate in the First Committee, the French representative had presented (831st meeting) a plan which provided for three phases: an unconditional cease-fire; free elections, guaranteed if necessary by the presence of observers from friendly countries; and negotiations with elected representatives on the new structure of Algeria. It was on the basis of that plan that several delegations had then placed their trust in France. Today, hardly nine months later, France was proposing another system in the form of the loi-cadre (basic law).

16. To read the French Press during the discussion

of the first draft of the loi-cadre in the French National Assembly and even during the debate which was now taking place there on a revised version of the draft, one might be tempted to conclude, with some French parliamentarians, that the draft loi-cadre on Algeria had been prepared only to meet the needs of the present debate in the United Nations and that it stood no chance, even if adopted by the National Assembly, of being seriously applied.

17. His delegation did not endorse that opinion because it was convinced of the sincerity and good faith of the French Government, but it did not think that the draft law could lead to any solution of the dispute consonant with the principles of the United Nations Charter, or even that it followed the lines of the plan announced nine months previously.

18. It was immediately apparent from a study of the draft loi-cadre that it was not designed to meet the aspirations of the Algerian people so much as the desire for dominance of the French population of Algeria and the conservative outlook of certain groups in the French Parliament. That was true both of the amended text and of the initial draft. One of the underlying causes of the absurd war which had been going on for more than three years was just that tendency of the French population in Algeria to dominate the Algerian people. That being so, how could there be any hope that the draft law could prove acceptable to the representatives of the Algerian people? In that connexion, the French Government's solicitude in assuring the French population in Algeria that it would lose none of its privileges proved, if such proof were needed, that the idea of Algeria as an integral part of France was pure fiction, and yet that idea was reaffirmed in article 1 of the draft loi-cadre. His delegation had amply demonstrated in its statement at the eleventh session (836th meeting) that the idea was false. The history and development of French policy in Algeria, the international agreements, the former French laws setting up different electoral systems and powers for the Algerians and for the French people in Algeria, all were repugnant to the definition of Algeria as an integral part of France.

19. He pointed out that, until recent years, Algerian representation in the French Parliament was established by law in accordance with the plan which the French representative had explained at the eleventh session; that representative had then said that thirty Algerian elected members of the French National Assembly would negotiate with France. The population of Algeria numbered about one-fifth of that of France, which had more than 500 members of the National Assembly. Considerations of equity alone therefore required that Algeria should have 100 representatives in the National Assembly if, as was still claimed, Algeria was an integral part of France, a unitary republic in which parliamentary representation was in principle proportional.

20. It was that fiction which the Algerians did not accept. After a number of unsuccessful experiments—assimilation, integration and the Statute of 1947—they had come to the conclusion that life within the French system was not compatible with their interests and their dignity. The Algerian people had become conscious of its own individuality as an entity separate from the French people and was convinced that

there could be no sincere and worthwhile friendship between the two parties except in conditions of independence. Consequently, draft laws based on the fiction that Algeria was France could result only in a stiffening of positions and a prolongation of the war. His delegation therefore considered that the draft loi-cadre under discussion would not contribute to restoring peace in Algeria.

21. Comparing the draft law with the system which the French delegation had recommended at the eleventh session of the General Assembly, the Tunisian representative observed that the new draft no longer mentioned negotiations for the preparation of a statute. That statute had already been unilaterally defined by France with no Algerian participation in its preparation. But in February 1957 the French representative had stated (830th and 831st meetings) that election would make possible an equitable political settlement that France stood by its unconditional offer of a cease-fire without making that offer contingent on political preliminaries, and that it did not intend to impose on the Algerian people any solution or any system specified before the negotiations.

22. Thus, several months previously, France had refused to define the future structure of Algeria before first negotiating with the qualified representatives of the Algerian people. It was that undertaking which had gained support among delegations for the French view and had decided them to vote for resolution 1012 (XI). The draft loi-cadre now finally abandoned the idea of negotiations and consequently was a retreat from the system which the French delegation had put forward at the previous session. Such a draft law, by which France assimilated Algeria, could not serve as a basis of negotiations for those who were leading the fight for the independence of Algeria.

23. The Tunisian delegation could not subscribe to the theory that the loi-cadre would promote the development of Algeria on democratic lines. The powers which the loi-cadre conferred on the various organs which would be established in an Algeria divided up into so-called autonomous territories were even more restricted than those conferred on the defunct Algerian Assembly by the Act of 20 September 1947, which had enacted a statute for Algeria which had never been put into practice because it had later been considered incompatible with the maintenance of French dominance in Algeria. Nor must it be forgotten that the proposed development would take place within the French system and would not enable the Algerian people to exercise its legitimate right to decide on its future as it thought best.

24. The new draft, in common with all proposals hitherto submitted by France, was still based on the fiction that Algeria was French and that the French people living there should have guarantees that not only their interests, but their preponderance would be safeguarded. The Algerian people had constantly rejected such proposals, and outbursts of anger, revolt and discontent had continued to rend Algeria, until the people had realized that nothing but independence would enable it to decide freely as to its fate and to base a healthy and fruitful co-operation with France on principles of equality and dignity. That had been the origin of the revolt of November 1954, which had been led at first by a minority, but had soon gained the support of the whole of the Algerian people, inclu-

ding those who had been collaborating with France. He referred to the statement in which Mr. Farès, the last President of the Algerian Assembly, who had been elected to that body in 1951, had advised France to negotiate with the Algerian people and had recognized that only the chiefs of the National Liberation Front (FLN) could undertake valid commitments on behalf of the Algerian people.

25. Unfortunately, France seemed to persist in her out-of-date views and methods of imposing systems of reform by force. On 15 November 1957, the President of Tunisia, Mr. Bourguiba, had said that, even in the impossible hypothesis that the revolt was put down, the loi-cadre could not be applied without the consent of the population concerned and that there was no other solution but to recognize the independence of Algeria and the right of the Algerian people to self-determination.

26. He would now turn to certain points which, not wishing to prolong the discussion, he would not have referred to if the French Minister of Foreign Affairs had not brought them up in his statement at the 913th meeting. The French representative had spoken of crimes and outrages committed against civilians for which Algerian nationalists were held to be responsible. The list was indeed a long one, but who had really committed the outrages? Mr. Slim referred to the wood-gathering detail which nationalist prisoners were compelled to perform and from which many had never returned. All protests, even to the French National Assembly, had been without effect. Similarly, the inquiries demanded by French public opinion concerning certain Algerian personalities who had disappeared or died while in the hands of the auxiliaries of French justice had had no result. His delegation joined with the French delegation in deploring the outrages, by whomsoever committed, but wished to point out that incidents such as that of Farhat Hached, for whose murder Tunisian nationalists had been blamed but who, it was later ascertained, had been murdered by the French police, led to scepticism regarding the responsibility for outrages.

27. In connexion with the tragic war in Algeria, which he would have wished to avoid mentioning, a large responsibility seemed to lie with what the French Government called "pacification". The well-known combing operations which ended in destruction, reprisals and executions, were responsible for a steady exodus of the Algerian population to the Tunisian and Moroccan frontiers. In the view of the French representative, that body of refugees from repression and death would be a threat to Tunisian sovereignty. At the time of the slaughter in Melouza, a number of countries, including Tunisia, had tried to establish the truth about that particularly distasteful affair in order to condemn publicly those responsible for the massacre, whoever they might be. In a letter of 13 June 1957 to the Secretary-General of the United Nations, certain delegations had asked that France should agree to an international inquiry into the affair. Unfortunately, France had not thought fit to heed that demand and had referred to Article 2, paragraph 7, of the Charter, an Article which others had invoked in the previous year to prevent an inquiry ordered by the United Nations from taking place. That refusal had certainly not helped to dissipate the doubts which continued to shroud the Melouza affair and many others.

28. Only when the right of the Algerian people to self-determination was recognized could an agreement between the two parties be reached which would take account of the rights and interests involved. To bring the war to an end, it was therefore necessary to negotiate in accordance with the principles of the Charter. In no case had it been possible to settle a dispute by means of a cease-fire in advance of negotiations on the political conditions for settlement. In the cases of Indonesia, Morocco and Tunisia, the very opposite had in fact happened.

29. As regards the elections proposed by France, the French Government's idea was not to find a sincere mediator with a view to reconciling the Algerian people's right of self-determination with France's interests, but to elect representatives to French local and national assemblies within a previously agreed framework, reaffirming that Algeria was an integral part of France. Nothing was to be gained by claiming that the present leaders of the Algerian people did not represent Algeria. The same arguments had been advanced over Tunisia and Morocco, and when, in the end, the obligations and principles of the Charter had prevailed, it had been recognized, without recourse to elections, that the leaders of the nationalist movements in those countries were genuinely qualified to lead their people back to peace and dignity. Nor could it be said that recognition of the right to self-determination of the Algerian people would lead to anarchy, dissension or partition. The same apprehensions had been expressed at the time of the debates on the Tunisian and Moroccan questions. No one could deny that there was now union, concord and stability in those countries and that they were playing their part in the building of peace and international understanding.

30. Tunisia, which was linked with Algeria and France by enduring interests and sincere and loyal friendship and on whose territory military operations overflowed, could not rest indifferent to the unhappy war which had ravaged Algeria for three years.

31. From the beginning of the conflict, the Tunisian Government had used friendly persuasion in an effort to bring together the two parties for negotiations which could lead to the independence of Algeria while respecting the legitimate interests of France. Those attempts had always been thwarted by manoeuvres which made their failure inevitable. He recalled the interception in October 1956 of the aeroplane which was bringing the Algerian leaders to Tunis, where, with the Tunisian Government's help they were to seek a basis for proposals acceptable to France. Without that regrettable intervention on the part of the French authorities a compromise solution to the problem might have been found.

32. Nevertheless, Tunisia retained confidence in the virtues of negotiation. In his weekly speeches Mr. Bourguiba continually appealed for the reconciliation of the parties. Such was the spirit of conciliation in which Tunisia was trying to settle its differences with France in order that their relations might be based on sincere friendship and fruitful co-operation, and it was in the same spirit that the King of Morocco and the President of the Republic of Tunisia had met on 20 and 21 November 1957 at Rabat, where they had issued a joint statement urgently appealing to the two parties to begin negotiations and offering their good offices to the French Government and to responsible

members of the FLN. That was a sincere offer, solely motivated by a desire to put an end to the absurd war in progress between two peoples which should be working together in friendship and harmony.

33. One of the parties to the dispute, the FLN, had responded to that appeal in its communiqué of 22 November in very promising terms. The Tunisian delegation hoped that the other party would show similar understanding.

34. In conclusion he quoted a passage from a speech made at Tunis on 15 November by the President of the Tunisian Republic, in which Mr. Bourguiba had said that Tunisia wanted to help France to get through a difficult stage, and that if France succeeded in ridding itself of the virus of colonialism, it would be cured of an infection which was undermining its material and moral strength. After an admittedly difficult, but necessary, process of reorientation, it could thus replace the old basis of relations with a new one, to the benefit both of France and of the whole world.

35. Mr. NISOT (Belgium) explained that his delegation's position, as defined by Mr. Paul-Henri Spaak on 30 September 1955 (530th plenary meeting), had not changed. The Algerian question was one that fell essentially within the domestic jurisdiction of France. In Article 2, paragraph 7, the Charter specifically forbade intervention by the United Nations in matters which fell essentially within the domestic jurisdiction of any State. To that rule there was only a single exception, which was explicitly laid down and clearly not applicable in the present instance. Moreover, that prohibition applied to all the organs of the United Nations and to all the Articles of the Charter, whether or not they had to do with the principle of self-determination, which was classed among those relating to human rights.

36. That interpretation was definitely confirmed by the preparatory work at the United Nations Conference on International Organization, held in 1945. At that time France had made an unsuccessful attempt to exclude questions affecting human rights from the general prohibition laid down by Article 2, paragraph 7, when it had submitted an amendment proposing the addition of the following words to the text of that paragraph: "unless the clear violation of essential liberties and of human rights constitutes in itself a threat capable of compromising peace"^{1/} That proposal, made by the French delegation in response to one of those generous impulses characteristic of that country, was rejected by an overwhelming majority. The delegations which had voted against the amendment had done so because they feared that its presence in the Charter might give rise to abuses.

37. Since Article 2, paragraph 7 was in force, France had the right, like any other Member State, to invoke the limitations which that rule imposed on the powers of the United Nations. Indeed, by invoking them, France did a service to the community of States. The Charter had not been intended to abolish the independence of States; on the contrary, it had confirmed the obligation to respect that independence. To tolerate intervention in a matter so essentially within the domestic jurisdiction of a State as the present

^{1/} Documents de la Conférence des Nations Unies sur l'organisation internationale, vol. IV, doc. 2, G/7(o), p. 530.

case would be tantamount to putting an end to the independence of States to depriving them of their statehood.

38. It was noteworthy that a number of those who opposed France today based their attacks, and accusations on the principle of the French amendment. Had that amendment been adopted, it would have opened the door to all kinds of abuses by making it easy to intervene in the affairs of States. That was the very thing that the Conference on International Organization did not wish to sanction in 1945, for it wanted to avoid a situation in which the United Nations could readily be transformed into an instrument of subversion and discord.

39. The Belgian delegation would be guilty of intervention of the kind proscribed by the Charter if it passed judgement on the substance of the present question. It would like, however, to make an appeal to good sense and to reason.

40. In resolution 1012 (XI), the Assembly had expressed the hope that, in a spirit of co-operation, a peaceful, democratic and just solution would be found in conformity with the principles of the Charter. France, in keeping with its duty towards the inter-

national community, had striven to eliminate a focus of disturbance in an area within its own sphere of sovereignty. It could only meet violence by itself having recourse to force. In spite of the efforts which had been made from outside to thwart it, it was now on the point of completely restoring order. At the same time, France had set in motion procedures which, given the spirit of co-operation, should lead to a peaceful, democratic and just solution, as evidenced by the loi-cadre, which was shortly to be put to the vote in the French Parliament. That text provided safeguards for the right of free expression of opinion, in the form of free elections; it provided guarantees for the development of Algerian institutions, the autonomous character of which was specifically recognized by France. Its aim was to provide for the coexistence of communities, with mutual respect for each other's rights. Moreover, whatever had been said, there was no danger to the peace of the world as the facts demonstrated.

41. In those circumstances the prudent course for the Assembly would be to keep to the resolution it had adopted at the eleventh session.

The meeting rose at 12.20 p.m.