

GENERAL ASSEMBLY

TWELFTH SESSION

Official Records

Thursday, 5 December 1957,
at 11.5 a. m.

NEW YORK

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Chairman: Mr. Djatal ABDUH (Iran).

AGENDA ITEM 59

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

1. Mr. PINEAU (France) said that while he did not have sufficient time to refute all the unfounded charges directed against France—in particular with regard to the numbers of its armed forces in Algeria, the scope of the rebellion and the Algerian refugees—he would draw the Committee's attention to the fact that those charges were based mainly on press reports, especially reports in the French Press. That in itself was a tribute to the freedom of expression which reigned in France.

2. The criticism of France expressed in the Committee had often been contradictory. For example, the representative of Tunisia had asserted (914th meeting) that adoption of the loi-cadre (basic law) by the French National Assembly represented a modification of the proposals which France had outlined to the United Nations at its eleventh session (830th and 831st meetings) and on which the resolution adopted at that time (resolution 1012 (XI)) had been based. The fact was that those proposals were identical with those now before the Committee, namely a cease-fire first, then free elections, to be followed by negotiations. The Tunisian representative had severely criticized them at that time (836th meeting) and had now reiterated his objections. It would appear that some delegations were determined to take exception to the French position a priori, unless, of course, France agreed to all their demands.

3. Another example of a contradiction was the fact that the Tunisian-Moroccan offer of good offices made in the Rabat communiqué of 21 November 1957 had avoided the mention of independence as a precondition, whereas the Moroccan representative in the Committee had clearly stated (918th meeting) that only negotiation with the Algerians and recognition of the reality of a national Algeria and of its right to independence could stop the bloodshed. Moreover, it was no secret that the National Liberation Front (FLN) was suggesting in the United Nations corridors that it was prepared to waive the precondition of independence and that the draft resolution being drawn up by certain countries of Africa and Asia would not even mention it. Yet, all the spokesmen of the FLN, in official speeches, were continuing to maintain that they would never negotiate a cease-fire unless France first recognized Algeria's independence.

4. Still another contradictory position had been adopted with regard to the recognition in the loi-cadre of the diversity of population groups in Algeria. Fear had been expressed that the division of the country into regions might create factors which would work against ultimate federation. Yet, those who expressed that fear continued to assert the unity of Algeria. They could not have it both ways: either there was a diversification of the population into groups with specific characteristics and interests, in which case account should be taken of the diversification, or there was not, in which case there was no reason to fear any impairment of Algerian unity.

5. The chief objection to the loi-cadre appeared to be the provision that the Algerian institutions should remain within the framework of the French Republic. It was argued that since that Republic was a unitary State, the loi-cadre could not be of an "evolutionary" nature. On the other hand, he had referred to certain proposals for revision of the French Constitution. He was not able to offer any specific details because only the French Parliament was empowered to adopt amendments to the Constitution. His position would appear contradictory only to those who disregarded Article 2, paragraph 7, of the United Nations Charter. In any case, even within the framework of the French Constitution in its present form, the evolutionary possibilities of the loi-cadre were very broad. It represented a definite improvement over the Statute of 1947, for it established a single electoral college, which would have the effect of eradicating political discrimination between the members of each community. To those who had charged that there were pitfalls in the electoral law applicable to Algeria, he replied that it provided for a system of proportional representation, a system which had been criticized on only one ground—its sometimes exaggeratedly democratic character. Moreover, the community councils, for which the law provided, offered a new guarantee against arbitrary decisions and discrimination between the various communities, between Moslems and Europeans. The law proposed a system which would contribute to the adjustment of relationships in Algeria in a constructive and amicable way. Finally, it was false to assert that France had ever made acceptance of the loi-cadre a precondition for a cease-fire.

6. There were distinct differences between the Algerian case and that of Tunisia and Morocco.

7. First, there had always been a Moroccan State and a Tunisian State, even under the French protectorate, with legitimate sovereigns. In Algeria, on the other hand, the French had exercised sovereignty since 1830. The act of surrender of 1830 ^{1/} had applied only to the

^{1/} Convention entre le Général en chef de l'armée française et Son Altesse le Dey d'Alger, signed before Algiers on 5 July 1830.

city of Algiers and its environs because it was there that the Dey reigned, and not over Algeria, which did not exist as a community, let alone a national entity.

8. Secondly, Tunisia was composed almost entirely of Arab peoples; Morocco was part Arab and part Berber; but in Algeria, there were a number of ethnic groups which had never collaborated politically.

9. Thirdly, Algeria also had the largest European population of the three countries, Europeans whose families had lived there for generations and knew no other home. Any system which did not seek to reconcile the interests of Europeans and non-Europeans would result either in a permanent clash between them or in the exodus of one of the groups. There was a lesson to be learned, in that respect, from the experience of Morocco, and especially of Tunisia. More than 60 per cent of the European inhabitants of Tunisia had already left the country and the exodus was still going on. The Europeans in Algeria were not prepared to remain there without basic guarantees of their security and their interests, and the French Government would never consent to abandoning them.

10. Fourthly, the relations between Algeria and France were quite different from those which France enjoyed with Tunisia and Morocco. There was a close relationship between people in Algeria and people in France; many Europeans had members of their families in Algeria; many Algerian Moslems worked and lived in France and enjoyed the rights of French citizens. The number of Moroccans and Tunisians living in France was comparatively small.

11. Fifthly, France had much closer economic ties with Algeria than with the two former protectorates. Indeed, the economies of the two countries were inextricably linked. In Morocco, on the other hand, the existence of international treaties made the situation very different. His analysis proved that the status of Algeria was unlike the status of any other country; the situation was without precedent in history.

12. The crux of the Algerian problem was the demand for negotiations on the basis of independence before any cease-fire. Actually, the FLN wanted to negotiate before elections because that was the only way it could try to demonstrate that it was the sole and authentic representative of the Algerian people. If France should accept it as such, it could campaign in the elections very much in the manner of candidates in totalitarian régimes. The Syrian representative had suggested (915th meeting) a referendum in Algeria without specifying when it should be held. In any event, the results of a referendum could vary considerably according to the way in which the question requiring the answer "yes" or "no" was put. Shades of opinion would not be reflected, and inasmuch as France was convinced that opinion in Algeria was highly diversified, it could be expressed only by elections. Moreover, if the FLN was certain of overwhelming support, it had nothing to fear from elections. The first of France's proposals was for a cease-fire, not only for humanitarian reasons, but because it was an essential preliminary to free elections. He recalled, in passing, that whereas at the eleventh session, France had suggested Algerian elections to the French National Assembly, it was now proposing elections within the framework of specifically Algerian assemblies, yet it had not been given credit for that step forward.

13. To ask France to waive its proposal for elections and to recognize the FLN as sole spokesman for Algeria was to ask it to recognize terrorism and legalize its use in the name of the United Nations; it was to eliminate all possibility of future elections and all free expression of the popular will. Moreover, as evidence of the division of opinion in Algeria, he quoted a proclamation by an Algerian general who had commanded 3,000 troops fighting the French in the south of the country. The general had declared that his army was now fighting the FLN to free the country from its ruthless domination and to enable the Algerians to decide their future within the context of friendship and close collaboration with France. In the light of those considerations, the order of the French proposals was the only logical and democratic one, in complete conformity with the spirit of the Charter.

14. There should be no ambiguity regarding the right of peoples to self-determination. The possibility of a partition of Algeria, however repugnant it was to France, had to be envisaged as a result of the application of that right. There were two ways of interpreting self-determination: some saw it as a collective right, independent of minority rights and independent of individual rights. Only a totalitarian party, he thought, might be satisfied with collective acceptance based on fear. Others viewed self-determination as an individual right to be exercised freely by each member of the collective group taken not as an abstract entity, but as the sum of the individuals comprising it. That was its meaning in a democracy. There could be no self-determination while there was violence, pressure or even disorder. Elections were intended to select men called upon to make responsible choices. The will of a people was more validly expressed by freely elected representatives than by collective demonstrations in which individuals had not made a reasoned choice.

15. It was naive to believe that the granting of independence to Algeria would restore calm and stability to the country, that the violence of the FLN would be transformed into order, and that there would be no settling of accounts between French and Moslems and among Moslems themselves. Unfortunately, there was a precedent in recent history which showed how accounts were settled in countries which had recently acquired independence. He quoted, in that connexion, the terms of the act concerning national indignity (*loi relative à l'indignité nationale*) promulgated in Tunisia on 19 November 1957, and providing severe penalties for Tunisians who had, prior to 31 July 1954, deliberately aided the French protectorate authorities directly or indirectly. It was to be feared that if France were no longer in Algeria, even more severe reprisals might be taken by the rebels against all those who had trusted France. However, apart from the political aspects of the question, the absence of France from Algeria was certain to have disastrous effects on the country's economic and social situation, and to compromise the chances of an effective and mutually beneficial North African community.

16. Reverting to the question of the Tunisian-Moroccan offer of good offices, he pointed out that if its aim had been only to obtain a cease-fire, the French reaction might have been different. Indeed the official reply of the French Government had clearly indicated that France would favour such a Tunisian-Moroccan initiative.

17. France was making every effort to settle the Algerian problem in accordance with democratic principles. It was not true that it would be content with a military victory. On the contrary, it was precisely because it was gaining that victory that it was redoubling its efforts to achieve a political solution, the only solution it considered to be valid. The French delegation urged the Assembly not to complicate its task by pressing proposals that France could not accept. France considered that it was sufficiently protected by Article 2, paragraph 7, of the Charter not to deem itself bound by any Assembly recommendation contrary to its fundamental sovereign rights. It appealed to the Assembly's reason and common sense. If that appeal went unheeded, France's reaction would be a strong one; the French people were not prepared to give up; they would never allow the sacrifice of their sons to result in the triumph of hatred and violence. The decision of the Assembly, whatever it might be, would not alter the French position or the course of history. However, the Assembly should guard against stirring false hopes which would only result in a prolongation of the conflict; the United Nations would thus assume responsibility for further useless bloodshed.

18. Mr. ZEINEDDINE (Syria), replying to the French representative's remarks on the act of surrender of 5 July 1830, reiterated his delegation's view that the act had been a military, not a political, instrument. No transfer of sovereignty had taken place at all, even in respect of the city of Algiers and its environs. Algerian sovereignty had never been transferred to France in any manner whatsoever; the exercise of that sovereignty had been suppressed, but it continued to reside in the Algerian people just as it had before the French occupation.

19. The French representative had argued that the fact that the Dey had governed only the city of Algiers and its environs was proof that an Algerian national entity had never existed. The fact was, however, that the French Government had concluded more than fifty treaties with Algeria before the occupation, all of which applied to Algeria. Moreover, the Algerian people had not surrendered with the Dey. They had continued the struggle until 1848, had taken it up again, and were still struggling for independence and the free exercise of their sovereignty. The answer to the question of Algeria's status was therefore plain: Algeria was an occupied country. The status of France in Algeria was likewise clear: it was an occupying Power which had been in Algeria for a long time but which had been opposed constantly by the passive and active resistance of the Algerian people.

20. His delegation had suggested that, if France contested the will to independence of the Algerian people, a plebiscite should be held. It had also suggested an international investigation of repression in Algeria. The French Government had rejected both suggestions; it was also opposed to United Nations action on Algeria and to any action outside the United Nations, taken at the request of the latter, such as negotiations between the parties.

21. What, then, was the alternative? According to the French representative, it was to have confidence in France, but the United Nations could not act on the basis of mere confidence. The United Nations Charter was an international treaty to be applied, like any other treaty, through the organs created by the treaty, in the

present case, the General Assembly. Without a positive response on France's part to the attitude and action of the United Nations, it would be difficult for the Organization to leave the matter merely to the good faith of the French Government.

22. The attitude of the French Government clearly remained that a solution was possible only on the basis of unilateral French action. In his delegation's view, that was not the path to a solution; such unilateral action would mean the continuation of the war and a gradual extension of the international friction that the war was causing. It was precisely in order to avoid such a development that the matter had been brought before the United Nations.

23. Although it saw no possibility of such action at present, his delegation hoped that France would in the future make an effort to recognize the realities of the situation and would adopt a different course. That course would be the road to peace.

24. Mr. SLIM (Tunisia), replying to the French representative's reference to the act concerning national indignity promulgated in Tunisia on 19 November 1957, which was destined to deprive of citizenship those who had served against the interests of their country during the French occupation, said that those who had knowingly worked against their country in favour of the maintenance of a foreign occupation had had to be punished—not severely punished, but punished nevertheless. The Act was very different from the similar French law passed after the liberation of France; Tunisia had wished to ensure that the persons to whom the law might be applicable would have every guarantee of justice.

25. He categorically denied the assertion by the French representative that 60 per cent of the European population of Tunisia had already left the country as a result of Tunisia's independence. An official census—which had been conducted by French personnel and could not therefore be accused of tendentiousness—had been held in Tunisia immediately after the establishment of an internally autonomous Government, and its results had shown that the number of European residents of the country was about 60 per cent of the figure previously advanced by the French Government in international discussions of the Tunisian question. The figures quoted by the French representative therefore seemed doubtful as concerned both the number of Frenchmen and the number of Europeans who had left the country, unless it included the several divisions of French soldiers which had been withdrawn.

26. Mr. PINEAU (France), replying to the Tunisian representative, said that the figure he had quoted was based on the number of persons who had returned to France, which was probably not the same as the total number of Europeans who had left Tunisia. It did not include the persons who had returned to Italy and those who had emigrated to South America. French troops had, of course, never been counted as emigrants from Tunisia.

27. The unfriendly comparison made by the Tunisian representative between Tunisians who had co-operated with the French Government, within the framework of a perfectly regular treaty and often in a very modest way, and the Frenchmen who had collaborated with the occupying forces during a cruel war, raised grave apprehensions for the future. He did not know what

Tunisia's feelings were in the matter, but France had recently demonstrated once again its friendship for and confidence in the Governments of both Morocco and Tunisia by its statement that it was ready to agree that they should play a part in the acceptance by the rebels of the French offer of a cease-fire.

28. Mr. SLIM (Tunisia) pointed out that the French Government's reply to the offer made by the King of Morocco and the President of Tunisia unfortunately

dealt only with the question of a cease-fire and not with any discussions of a political character.

29. He wished to assure the French representative that Tunisia, which was a Friend of France, would continue to act so as to consolidate that friendship on the basis of legitimate rights and interests and to seek a rapprochement that would safeguard both the rights of the Algerian people and the interests of France.

The meeting rose at 12.5 p.m.