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Chairman: Mr. F. VAN LANGENHOVE (Belgium).

**The Tunisian question (A/2405 and Add.I,  
A/C.1/L.64) (*continued*)**  
[Item 56]\*

1. Mr. CHANDA (India) realized that everything that could be said concerning the Tunisian question had already been said during the debate on the Moroccan question. But those arguments could well be repeated, for the challenge posed to the United Nations by the principle of self-determination had to be faced again and again until that principle was universally realized. It was surprising that the competence of the General Assembly should have been put in issue again, seeing that it had not only examined the problem the year before but had also adopted resolution 611 (VII). No new argument had been adduced to cast any doubt on that competence. France and Tunisia were sovereign States bound by treaties, and no part of the affairs of a sovereign State could fall essentially within the jurisdiction of another State, still less within its domestic jurisdiction. Article 2, paragraph 7, of the Charter was therefore not applicable. Furthermore, even when a question covered by a treaty was within the domestic jurisdiction of a signatory State, the act of accession by that State placed the question outside its domestic jurisdiction. That was an additional reason why Article 2, paragraph 7, could not be invoked in connexion with the Tunisian question.

2. It had been claimed that the United Nations was not competent to deal with the revision of treaties concluded between France and Tunisia. However, the United Nations was empowered by Article 103 of the Charter to draw the attention of its Members to the interpretation of an international treaty in a manner inconsistent with the Charter. It had also been maintained that an appeal by Tunisia to the United Nations could only be heard if it were presented by France. That argument was unconvincing because not only had the treaties between France and Tunisia been imposed by force but France had disregarded them. Furthermore, even if those treaties were valid Tunisia could appeal to the United Nations, because the present questions were not connected with the external affairs of Tunisia but were administrative problems within Tunisia's competence under the treaties themselves.

In addition it was not reasonable to maintain that complaints of the violations of a treaty could only be considered if made by the party accused of the violation. For all those reasons the General Assembly was entitled to consider the question of Tunisia.

3. To the Tunisian people the manner in which the United Nations applied the principle of self-determination must appear both inconsistent and ironic.

4. The Tunisian nation was one of those which had contributed to victory in the Second World War in order that others might receive their freedom. When the people of Tunisia compared their fate with those who had been on the side of the vanquished, they could not help observing that Libya was now independent, that Eritrea was federated with Ethiopia, and that Italian Somaliland would achieve independence within ten years. The United Nations had taken a praiseworthy part in settling the question of the former Italian colonies in accordance with the wishes of the people and their right to self-determination. However, when rights similar to those which had been granted to the former Italian colonies, which were far less advanced, were claimed for Tunisia and Morocco, certain delegations maintained that consideration of such claims was dangerous and that insistence on them would undermine the very foundations of the United Nations. The logic of such reasoning was incomprehensible. It was neither inconsistent nor unconstructive to maintain that rights justly granted to vanquished nations should not be denied to the victors.

5. The forcible deposition by the French authorities of the Chenik cabinet in March 1952 had made the examination of the question by the United Nations even more urgent. After failing to have the question placed on the agenda of the Security Council, the Arab and Asian delegations had succeeded in having it placed on the agenda of the General Assembly's seventh session. A resolution had been adopted (611 (VII)) which envisaged negotiations between France and Tunisia with the specific aim of self-government for the Tunisian people in accordance with the provisions of the Charter. Unfortunately the confidence expressed by the General Assembly in the French Government had not been justified by events. On 5 December 1952 Farhat Hached, a Tunisian labour leader, had been assassinated by terrorists. His death had caused deep indignation in the trade-union movement everywhere. Mr. Meaney, President of the American Federation of Labor, had stated that the French Government's colonial policy was largely if not wholly responsible for that cruel blow against free labour in Tunis, and that the system of terror and repression in Tunisia was not merely a French domestic problem. Mr. Reuther, President of the Congress of Industrial Organizations, had stated that the French Government should be held responsible for the assassination be-

\* Indicates the item number on the agenda of the General Assembly.

cause it had refused to understand the nature of the popular and socialist movements in the Middle East and had strongly opposed any negotiations with nationalist groups in Tunisia which openly supported the cause of democracy and the free world.

6. On 20 December 1952 the Bey of Tunis, confronted with a virtual ultimatum by the Resident-General, had to sign a so-called reform programme which he had opposed for a long time. The programme had been referred to an assembly of forty leading Tunisians who had reached the unanimous conclusion that the reforms proposed infringed Tunisian sovereignty, legalized the maintenance of the French administration, and made no contribution towards the democratizing of Tunisian institutions. The Bey had therefore stated on 9 September 1952 that he was unable to accept those reforms. His subsequent acquiescence, in consequence of the policy which found expression in the murder of Farhat Hached, the repression in Casablanca, and the intensification of French repressive measures in Tunisia, needed no further explanation.

7. The situation had not improved when the so-called reforms were introduced. On 19 March 1953 fourteen Asian and African States had called the General Assembly's attention to the intensification of French repressive measures (A/2371). Those States stated, in conclusion, that legal negotiations could not take place until the leaders of the Tunisian people were set free and normal civil liberties were restored. Nevertheless, the French authorities had held elections in April when the lawful members of the Tunisian Government were in prison or exile and when all the leading nationalists were under arrest and the political and economic organizations of the country had decided to boycott the elections. The electoral rolls had been restricted to those likely to be favourable to the French. A very small number of electors had registered. Therefore it was impossible to maintain that a reform programme condemned by public opinion, imposed on the Bey by force, boycotted by the majority of the people, and applied in order to continue a system of repression, constituted an improvement in Franco-Tunisian relations or a step in the direction of independence.

8. Martial law had become a characteristic and permanent feature of life in Tunisia. The threat to peace was as menacing as ever; the right of the Tunisian people to self-determination was no closer to realization than it had been a year before. Furthermore, the lack of concern shown by the United Nations at the deposition of the Sultan of Morocco was likely to encourage extreme elements and to lead to ever greater repression in Tunisia. The situation had been ably summarized by the International Confederation of Free Trade Unions which had pointed out, in a message sent to the General Assembly, that in North Africa colonial practices were being carried on with renewed vigour, freedom of expression was almost non-existent, many trade-union leaders had been banished and many Tunisians had been summarily executed. In the same message the International Confederation of Free Trade Unions had expressed its anxiety at a fresh outbreak of arbitrary practices and had stated that the struggle of the Tunisian people was an expression of that people's desire to bring about the establishment of a democratic régime in Tunisia based on the recognition of Tunisian sovereignty. The Confederation had therefore requested the United Nations to set up a good offices committee with a view to arriving at a just and rapid settlement

of the Franco-Tunisian and Franco-Moroccan conflicts, thus avoiding trouble in Tunisia and Morocco which might become a threat to peace.

9. If the Franco-Tunisian problem were not settled in accordance with the principles of the Charter, the Tunisian people would be driven to desperation. French policy in Tunisia was contrary not only to the basic interests of the Tunisian people but also to the best interests of France; it could lead only to increased tension between peoples. Without criticizing France for what it had done in Tunisia in the past, he felt that the principle of foreign rule which had placed France in a position of radical conflict with the aspirations of the Tunisian people must be criticized and rejected. For that reason he hoped that France would realize its mistake and that the United Nations would one day see a free Tunisia take its place in the world community by France's side. In that hope the Indian delegation, with other Asian States, had submitted draft resolution A/C.1/L.64. That draft resolution provided for the restoration of Franco-Tunisian relations on an equal footing and the exercise by the Tunisian people of the right to self-determination. It recommended, for the achievement of those objectives, the re-establishment of civil liberties and negotiations between the French Government and a government elected by the will of the people. The draft resolution established the basic rights of the Tunisian people and suggested the proper procedure for their implementation.

10. Sheikh JABBAR (Saudi Arabia) recalled that during the general debate in the Assembly several delegations had welcomed the apparent relaxation in the tension between the USSR and the western Powers. This lessening of the tension between East and West, however, was only a partial step towards peace, as it was unfortunately true that other parts of the world were subject to discriminatory measures which had nothing to do with the Kremlin. But whenever the sufferings of peoples living under a colonial system were raised and methods of solving it were suggested, the western Powers either put up scarecrows or resorted to legal acrobatics in an attempt to distort the meaning of the provisions of Article 2, paragraph 7, of the Charter. The General Assembly had on two successive occasions decided to examine the Tunisian question. The competence of the Assembly had therefore been clearly established. It was furthermore ironic to note that the Assembly was dealing with the question because certain Powers had objected to its examination by the Security Council. Yet the very same Powers who had wished to circumvent the veto with the "uniting for peace" resolution (377 (V)) were now opposed to any action at all in respect of Tunisia.

11. Whenever the question of Morocco or Tunisia was raised in the United Nations, France and its supporters claimed that the Organization lacked competence. Instead of coping with the problem, France had always preferred to stay away from the debates. It might be wondered whether the United Nations could fulfil its functions if, each time a question was discussed, the States concerned stayed away from the debates and thereby paralysed the efforts made by the Organization to achieve a peaceful solution. The absence of France was therefore to be regretted as it made a satisfactory settlement more difficult.

12. France's claim that the Organization was precluded from dealing with the question by Article 2,

paragraph 7 of the Charter would have been understandable if Tunisia had been an integral part of France and if its inhabitants had belonged to the same ethnical groups as the French and if they had been incited to revolt by a rebel in the pay of a foreign Power with the aim of overthrowing the French Government. However, everyone knew that Tunisia was separated from France by the whole breadth of the Mediterranean, that its inhabitants had no ethnical links with the French, and that their language, religion and traditions were entirely different. If Franco-Tunisian relations had been very good, it only then could have been said that the Powers which had asked for that question to be placed on the agenda had no right to intervene. But relations between France and Tunisia were bad; and, moreover, the Asian and African States which had submitted the question to the Assembly had no territorial or economic interest in Tunisia, which clearly showed that they could not be accused of attempting to intervene in the domestic affairs of France.

13. Some delegations thought that nothing should be done to anger France. It was hardly necessary on that account to continue to allow three or four million Tunisians who desired the liberation of their country to be terrorized by the French. Clearly there could be no real international co-operation if no steps were taken to end the subjugation of the dependent peoples of Asia and Africa. If the colonial Powers had stayed on in India, Pakistan, Syria, Lebanon, Indonesia and elsewhere, the domination of those countries by foreign Powers might well have led to sanguinary conflicts and exhausting wars.

14. The General Assembly at its seventh session had adopted resolution 611 (VII). That resolution, which at the request of the Latin-American delegations had been very moderately worded, had been designed to enable the parties to enter into negotiations. Nevertheless, France had defied the United Nations by carrying on its policy of oppression with increasing ruthlessness. The history of French colonialism in Tunisia and the reasons for which it was tenaciously clinging to that country could not be ignored.

15. Everyone was familiar with what had happened between France and Tunisia in 1881 and 1883. It was less well known however that, according to Mr. Broadley, correspondent of the *London Times*, in his book *The Last Punic War—Tunis Past and Present*, the alleged justification for the French military intervention in Tunisia had merely arisen from a quarrel between an Algerian and a Tunisian concerning the ownership of a cow. In addition, the Bey of Tunis had said in his message of 5 May 1881 to the Foreign Ministers of Great Britain and other Powers, published in a Yellow Book<sup>1</sup> that the French, after having given the assurance that their only intention was to punish the Kroumir tribe for alleged acts of brigandage on the Algerian frontier, had occupied the town of Kef, were moving on Beja and had entered the port of Bizerta. In the same message the Bey had again called upon the consular representative in Tunis to testify to his efforts to give satisfaction to the French Government in the matter of the Kroumirs. A letter from the British Foreign Secretary, Lord Granville, to Lord Lyons

published in the same Yellow Book<sup>2</sup> showed that the English had understood perfectly, despite the denials of the French Government, that the aim of the French had not been to punish a few unruly Arab tribes but to establish a régime on the lines of a protectorate.

16. After the occupation of Tunisia had become an accomplished fact, the Treaty of Bardo had been imposed on the Bey. That treaty and the Convention of La Marsa had subsequently been violated both in letter and spirit by the French Government. The most flagrant violations of the Treaty of 1881 could be summed up as follows: (1) the usurpation of the legislative power of the Bey in favour of the French Resident-General under a decree issued by the President of the French Republic on 1 November 1884; (2) the establishment of direct French government in Tunisia; (3) the maintenance of the military occupation of Tunisia; (4) the deposition of the sovereign, Mohammed el Moncef Bey, for being too independent; (5) the attempt to set up a Franco-Italian condominium over Tunisia in 1940 in order to purchase Italian neutrality; (6) the overthrow by force of the legal Government of Tunisia on 26 March 1952 and the forcing of the Bey, by violence, to sign a programme of so-called reforms.

17. A horde of French immigrants had settled in Tunisia, clanning together in separate communities and cornering the richest regions of the country with no regard for Tunisia's interests. Little by little Tunisia, like all colonial possessions, had become increasingly important to the French for three fundamental reasons: (1) it was rich in cheaply-produced raw materials and provided an export market for French industry; (2) its geographical position gave it obvious strategic value; (3) it brought into play national pride, which favoured chauvinism and served as a cohesive element. That was why France was so sensitive to any mention of Tunisia in the United Nations.

18. Even assuming that the Treaty of Bardo and the La Marsa Convention had been useful to Tunisia at the time they were signed, no one could deduce from that premise that France's subsequent record in Tunisia had been so clean that the United Nations would commit sacrilege if it proposed to study the development of Franco-Tunisian relations in the light of those treaties and of the French attitude. But the strife, turmoil, rebellion and bloodshed were also facts which showed that France and Tunisia were far from enjoying good relations.

19. Between 1943 and 1953 thousands of Tunisians had been killed or arrested. In January and February 1952 the French, under the pretext of searching for arms, had carried out systematic mopping-up operations marked by the looting of villages, acts of violence against the inhabitants, the desecration of religious objects and the torture of prisoners by all sorts of methods—beating, whipping, hanging by feet or by one hand, suffocation under water, or strangulation by means of a rubber inner-tube wrapped around the waist and gradually inflated. The person responsible for those mopping-up operations was General Garbay, who in 1947 had directed a so-called security operation in Madagascar, and according to official French estimates, had caused the death of 80,000 persons.

20. Reference should also be made to the repressive and bloody measures employed by the French in Al-

<sup>1</sup> See *Ministère des affaires étrangères, Documents diplomatiques, Affaires de Tunisie, supplément*, document No. 248, p. 24.

<sup>2</sup> *Ibid.*, document No. 257, p. 28.



geria. In May 1945 Algerian nationalists had held a demonstration to celebrate the downfall of Hitler. In the common struggle of the Allies against the Axis Powers, 45,000 Algerians had died. Nevertheless, the French colonial authorities, who themselves had followed the policy of Vichy and opposed the United States landings in North Africa in 1943, had called out the army and police to break up the demonstration. The indignant Algerians had taken vengeance, according to an official French statement, by killing 165 persons. The French had used that incident to restore their fading military prestige by launching against the department of Constantine a land, sea and air attack which was officially described as an "Arab hunt". The Mediterranean edition of *Stars and Stripes* had observed in June 1945 that 10,000 persons had been massacred during that operation. In 1946 French members of parliament had noted with surprise that the attack had resulted in the death of approximately 40,000 men, women and children.

21. On 26 January 1952 the French had carried out a massacre at Cap Bon in Tunisia. Two councillors of the Assembly of the French Union, the Reverend La Gravière and Mr. Pierre Corval, had said in the publication *Cahiers du témoignage chrétien* that, while for lack of conclusive evidence they could say nothing about rape or the massacre of children, they had been able to observe that houses had been destroyed, shops pillaged and executions carried out. They had also referred in their article to a report by General Garbay describing the war operations and the mopping-up actions of 20 to 25 January which had resulted in the death of at least 200 Tunisians.

22. On 13 September 1953 Hedi Chaker, a member of the Neo-Destour Party's political committee, had been assassinated at Nabeul, where he had been ordered to live. Obviously his death, like the death on 5 December 1952 of Farhat Hached, leader of the Tunisian labour unions, had resulted from the policy of trying to rid the country of the nationalist factions opposing the French. That policy, whether carried out by the Foreign Legion or by the French settlers' *Main Rouge* organization with the blessing of the French authorities, obviously could not help to pacify the country. If all those facts did not move France's supporters, and if they did not believe them, they could hardly object to an impartial enquiry in North Africa.

23. The events in Tunisia in the past two years gave the lie to those who claimed that peace had not been disturbed there. In February 1952, for example, looting, rape, assassination, desecration of religious objects and other acts of violence could be cited, particularly at Ouardenine (Sahel) and Chott Maria (Sahel). In North Africa the légionnaires had become experts in the technique of massacre and ambush. The people of Saudi Arabia had thus been particularly moved by the suffering inflicted on the peoples of Tunisia, Morocco and Algeria.

24. Obviously the delegations supporting France in the Committee did so because they considered France the keystone of the North Atlantic Treaty Organization and preferred strategic considerations to principles of elementary justice towards the Tunisian people, who were struggling for their inalienable right to self-determination. Other factors no doubt blinded those delegations to the excesses of French policy in North Africa: the practice of the doctrine of a political va-

cuum, the system of bogies, and the application of a scale of greater privileges for highly-developed and lesser ones for under-developed countries. But no punitive measures could stop the Tunisians who, like the Moroccans and Algerians, were prepared to lay down their lives to free themselves from foreign servitude.

25. On 23 September 1949, Mr. Robert Schuman himself had told the General Assembly (225th plenary meeting) that the principle of respect for the jurisdiction of a State over its own affairs could not prevent the Members of the United Nations from protesting against violations of fundamental human rights resulting from the adoption of certain police or pseudo-judicial methods; otherwise justice would merely become a grim farce. The peoples of North Africa, who had given their lives to aid in the liberation of France, really did not deserve to be subjected to abuses such as those Mr. Schuman had denounced.

26. Very fortunately, even in France certain liberals were urging the Government to renounce out-moded colonialism and to recognize the right of North Africa to self-government. For example, on 1 October 1952 the newspaper *Le Figaro*, holding that the era of solutions imposed by force had passed, had recommended a frank discussion with the representatives of Tunisia appointed by the Bey.

27. The delegation of Saudi Arabia was appealing to the French Government, which could if it wished show the way to freedom and justice. The principle of the right of nations to self-determination was too well established today for anyone to dream of denying it.

28. Tension in North Africa would not be eased by trying to force the Bey to disavow his people, or by imprisoning or even deposing him, or by perpetuating arrests or massacres. On the contrary, it was essential that free negotiations with the true representatives of the Tunisian people should enable them to assume their responsibilities in the concert of free nations. Those men, however, were either in prison or in exile. France must therefore take the necessary steps to relieve tension so that the two parties concerned, France and Tunisia, could reach an understanding in a friendly atmosphere and enter into a free association. The United Nations, on the other hand, should respond to the hopes and desires of those who had appealed to it in their unhappiness. The time had come to recognize the evil which had been done and to make amends for it in that spirit of magnanimity which alone was worthy of the Organization and which had guided the sponsors of draft resolution A/C.1/L.64.

29. Mr. BIRECKI (Poland) recalled that in January 1952 the Tunisian Government had submitted to the Secretary-General a complaint against the French Government<sup>3</sup> whose policy was rendering all negotiations impossible. The French Government, however, had held that it should have been requested to transmit the complaint, and the United States and the other colonial Powers had more or less openly supported it. Similarly, in April 1952 eleven Arab States of Africa and Asia had attempted unsuccessfully to have the Tunisian question included in the agenda of the Security Council.<sup>4</sup> In June 1952, although events in Tunis had meanwhile belied the optimism of the French

<sup>3</sup> See *Official Records of the Security Council, Seventh Year, Supplement for April, May and June 1952*, document S/2571.  
<sup>4</sup> *Ibid.*, 576th meeting.

delegation, the colonial Powers' delegations had managed to prevent the convening of a special session requested by as many as twenty-three Members of the United Nations (A/2137).

30. Not until the seventh session, therefore, had the question of the United Nations competence been decided against the colonial Powers, whose case had been largely discredited, although the same threadbare arguments were being put forward at the current session. Tunisia had never in fact been an integral part of France, since both the Treaty of Bardo and the La Marsa Convention maintained the legal personalities of both parties. Furthermore, the General Assembly was competent to deal with the question under Article 11, paragraph 2, and Article 14 of the Charter.

31. Resolution 611 (VII) certainly did not compel France to take any concrete measures, and its ineffectiveness, due to the efforts of the United States delegation, was the reason for the developments in the situation which had led fifteen African and Asian countries to submit the question anew to the General Assembly. The explanatory memorandum (A/2405/Add. 1) made it clear that the policy of the French Government, far from complying with the recommendations of the General Assembly, had only aggravated the situation.

32. As previous speakers had pointed out, the French authorities were stifling the aspirations to freedom of the Tunisian people and preventing them from participating in the government of their country or exercising their political rights. In practice, Tunisia was governed by the Resident-General with 20,000 officials, 19,000 of whom were French. There was, to be sure, a Grand Council, but 130,000 French settlers had the same representation on it as 3,000,000 Tunisians, and in any case, the Council was a purely advisory body under French control. The Tunisians were clearly not deceived, for in the elections of April and May 1953 only 15 and 10 per cent respectively of the electors had voted.

33. In those circumstances Tunisia was open to exploitation by the settlers. Between 1950 and 1952 the

profits of the *Crédit foncier d'Algérie et de Tunisie* had risen from 90 million to 150 million francs. The local industries were being stifled by the combined onslaught of foreign capital and the settlers. The workers were paid starvation wages, and in February 1953 there had been 500,000 unemployed persons, and no unemployment benefit had been paid. The lot of the peasants was no more enviable, for one-third of the arable land was held by five or six thousand settlers.

34. The growing hostility of the population had been countered by the repressive measures described in a letter from the representatives of Tunisian political organizations and communicated to the delegations in a note dated 17 June 1953: in one year the French courts had passed thirty-seven sentences of death, fifty-five sentences to hard labour for life, 380 sentences to terms of hard labour, and 1,050 sentences to terms of imprisonment of five years or more.

35. A situation of that kind constituted a threat to international peace and security calling for a decision by the United Nations, more particularly since it was aggravated by the presence of American bases for aggression against the peace-loving countries. Although the existence of those bases sufficiently explained the attitude of the United States, the United Nations mission should be to develop friendly relations among nations, to remove the causes of international tension, and to establish conditions favourable to the liberation of peoples in conformity with their right to self-determination. In that spirit, and in order to meet the aspirations of the Tunisians, the Polish delegation was prepared to support any proposal leading to the application of the principles of the Charter. The draft resolution (A/C.1/L.64) appeared to meet those requirements.

36. The CHAIRMAN asked speakers in the general debate to speak on the draft resolution (A/C.1/L.64) since, as the representative of Syria had pointed out, delegations were anxious to have a specific text on which to base their comments.

The meeting rose at 4.55 p.m.