



CONTENTS

	<i>Page</i>
Agenda item 62:	
Question of Algeria (<i>continued</i>).....	137

Chairman: Mr. Victor A. BELAUNDE (Peru).

AGENDA ITEM 62

**Question of Algeria (A/3197, A/C.1/L.165)
(*continued*)**

1. Mr. MONGI SLIM (Tunisia) recalled that at its 530th plenary meeting the General Assembly had included the question of Algeria on the agenda of the tenth session. The inclusion of the item at that time had been approved by a very small majority and despite an unfavourable recommendation by the Assembly's General Committee (A/2980, para. 5). At the current session, however, the General Committee had recommended the inclusion of the item (A/3350, para. 8), and the General Assembly had approved (654th plenary meeting) that recommendation without objection or reservation. That attitude revealed the growing concern of the member States of the United Nations at the situation in Algeria.

2. It was therefore necessary to study the situation, to seek its deeper causes and to decide what recommendations the General Assembly might appropriately adopt in order to put an end to the warfare between two nations whose 127 years of living together should naturally be conducive to co-operation.

3. The Tunisian delegation had not expected the French delegation to question the competence of the United Nations by invoking Article 2, paragraph 7, of the Charter. The same argument had been advanced by France in 1952, 1953 and 1954 in connexion with the question of Tunisia.

4. Algeria and France had in fact always constituted separate entities. French historians had supplied ample proof that before 1830 Algeria had been a State with a true administrative organization, to which foreign consuls were accredited. The conquest of Algeria had not been accompanied by any act by which the former holder of Algerian sovereignty had relinquished its authority. One of the permanent principles of law was that the military conquest of a territory never deprived the inhabitants of that territory of their sovereignty, nor could their sovereignty be lost through the passage of time. Only a free plebiscite in which they expressed themselves in favour of merger with the conquering nation could modify that principle which, otherwise, held indefinitely. No such free vote of the people had taken place, for the 1946 vote on the French Constitution could not be considered a purely Algerian plebiscite, and thus no transfer of authority had ever taken place. It could not therefore be validly and legally held that Algeria constituted an integral part of France.

5. That view was, moreover, confirmed by history. Algeria had not been considered a group of French *départements* until 1875. The status of the Algerians had been improved only slightly, there being then two classes: French citizens and French subjects. French laws did not apply automatically to Algeria, but special legislation was adopted such as the Code de l'indigénat or native code. After the First World War, the Algerian people had tried to obtain the benefit of the guarantees and rights which were inherent in the status of Frenchmen which had been imposed upon them. Eminent Frenchmen, such as Mr. Maurice Viollette, a Governor-General of Algeria, and Mr. Léon Blum, a Prime Minister of France, had assisted them along the path towards what was known as assimilation. The debate in the French Parliament in 1936 by which the granting of French status to the Algerians had been rejected had established the fact that Algeria, although a group of French *départements*, was not France.

6. It was not until the Constitution of 1946 had been adopted that equal rights had been recognized for Algeria and that French citizenship had been granted to the Algerians. Even that was done in a special way. The two communities had participated in elections through two different electoral colleges and had been represented in both the National Assembly and the Algerian Assembly by the same number of deputies in spite of the numerical inequality of the two populations.

7. Therefore, although in appearance Algeria was no different from the rest of France, from the administrative point of view the situation was quite otherwise. The population was divided into two categories. Public office — at least as regards positions of authority and responsibility — was reserved in practice for Europeans. That was demonstrated by the fact that the French Government was only now considering opening the civil service on a large scale to Moslems. The commonly-invoked argument that only lack of ability prevented Algerians from gaining access to all positions in the administration lacked foundation, as it would lead logically to the conclusion that France's educational programme in Algeria had not been benefiting the Algerians.

8. The status of Algeria had been defined by the Act of 20 September 1947. The legal status of Algeria was laid down in article 1 of that statute, which reaffirmed the principle established by the Act of 19 December 1900. That status brought with it financial autonomy, a special type of organization, the placing of a high official in charge of the group of *départements*, and recognition of the authority of the Algerian Assembly in budgetary and fiscal matters and the making of laws and regulations. That special status could not be compared with any other system existing in metropolitan France.

9. In various international documents, and in the North Atlantic Treaty in particular, special reference was made to Algeria alongside France.

10. Notwithstanding all those facts, the French delegation continued to argue that under Article 2, paragraph 7, of the Charter, the General Assembly did not have jurisdiction in the matter. On several occasions, however, the United Nations had disregarded Article 2, paragraph 7, when it considered that the situation before it was of sufficient gravity to justify the adoption of certain measures. It was sufficient to refer, in that connexion, to the question of Hungary, the question of the treatment of people of Indian origin in the Union of South Africa, and the question of that Government's policies of *apartheid*. With regard to the last-mentioned question, it was significant that a separate vote had been requested on operative paragraph 3 of the draft resolution contained in document A/3508 because certain representatives considered that that paragraph implied intervention in the domestic affairs of the Union of South Africa and that, by adopting that paragraph (648th plenary meeting), the Assembly had rejected the concept of an exclusive domestic jurisdiction.

11. The French delegation had also invoked Article 11 of the Charter which, in its view, limited the powers of the United Nations. Paragraph 4 of that Article, however, referred to the general scope of Article 10 which, in its turn, referred to Article 1, which specifically mentioned the right of peoples to self-determination.

12. It was therefore quite clear that there had been no omission in that respect by the authors of the Charter. Besides, the best precedent was that of the Algerian case itself, since the General Assembly, at its tenth session, had decided to include the question of Algeria on its agenda. Although it was true that the Assembly had later decided not to consider further the item in question, that decision had been based on reasons quite independent of the question of competence, as was clearly shown by resolution 909 (X), which stated that the General Assembly was no longer seized "of this item on the agenda".

13. Although the General Assembly would certainly not at the eleventh session repudiate a decision that had been made at the tenth session, France persisted in maintaining that the United Nations was not competent in the matter. The question involved was the real scope of Article 2, paragraph 7. The purpose of that provision was to safeguard the sovereignty of States and to serve as a kind of barrier, a limit to the competence of the Organization. It thereby detracted from the all-embracing scope which the founders of the United Nations had wanted to confer on the Organization. Even though, however, present circumstances required that the sovereignty of States must be respected and that as a logical consequence that sovereignty must be protected against possible machinations, it was equally true that the principle of national sovereignty should not stand in the way of those great ideas which were at the very basis of the preamble to the Charter and of the efforts that must be made to save the human race from the scourge of war and to protect man from his fellow man. In an internationally-organized society, those principles had to prevail over the concept of domestic jurisdiction.

14. The situation in Algeria was becoming steadily worse. The conflict was spreading and could in the near future jeopardize the peace in one part of the world. Whenever in the course of history a people had struggled to defend its right to existence, the right of third Powers to intervene in the conflict had been acknowledged, and that principle had frequently been defended by France itself. It was therefore the duty of the General Assembly to consider the substance of the

Algerian question. The French Government had claimed that the Algerian question was a domestic matter and that its troops were not engaged in warfare but rather in a police action. The question might be asked, as had been done (576th plenary meeting) by Mr. Spaak, the representative of Belgium, in connexion with the situation in Hungary, whether the whole thing was not a sinister comedy.

15. The facts were as follows. On 1 November 1954, revolt had suddenly broken out in Algeria. Within twenty-four hours, the French Government had taken the necessary measures of protection and repression. Those measures had been extensive, vigorous and varied, but repression had merely spurred on the insurrection, and a vicious chain reaction had started which could not be stopped.

16. The war in Algeria was not an ordinary war in which two armies faced one another, fighting with the usual weapons. Reference had been made to the murder of civilians by persons known as *fellaghas*. Pamphlets on the subject containing dates and explanations had been distributed. It was, however, well known that none of the acts mentioned therein had taken place during the first eight months of the insurrection. On the other hand, from the outset, pacification had begun with mass arrests which, on the pretext of a search for resistance fighters, were designed rather to intimidate the population. Instead, those operations, which had been carried out with the greatest brutality, had had quite the opposite effect, and many men whose family or property had suffered from those outrages had gone to swell the ranks of the Algerian resistance movement. That was perhaps the explanation why attacks against civilians had only begun eight months after the beginning of the insurrection.

17. In any event, the important point was the very special nature of the war in Algeria. In addition to the purely military aspects of the situation, there were the reprisals being conducted by the forces of law and order, whose task in theory was to ensure respect for those human rights which France had been constantly proclaiming since 1789.

18. In addition to all that, groups of Frenchmen, justifying their action by the acts committed by the Algerian resistance fighters, had organized to commit acts of terrorism against Algerians with weapons entrusted to them by the authorities to defend themselves against possible attack by the *fellaghas*. It was true that whenever a scandal occurred, the French Government ordered an inquiry which sometimes led to the punishment of certain officials, but it had been established that such behaviour proceeded from the conviction of certain highly-placed persons that terrorism could only be overcome by counter-terrorism. Groups of Algerian mercenaries had accordingly been organized and armed to fight the nationalists in the mountains but had in fact merely gone over to the other side.

19. The seriousness of the situation in Algeria could be demonstrated, if any demonstration was needed, by the figures on casualties. According to French statistics, nationalist Algerian losses for the year 1956 had totaled 18,060 and French losses 2,435. Confronted with such a grave situation, the United Nations had the duty to ascertain the causes of the dispute and to recommend an appropriate solution.

20. Contrary to what had been asserted, the Algerian people had never been content with its fate, and the events which had taken place since 1 November 1954

had not been the result of foreign provocation. Long before Marxism or communism, long before the birth of the present Egyptian régime, and long before Tunisia had recovered its independence, the Algerian people had made known their discontent. To say that the insurrection was due to external causes was an attempt to ignore the realities of the Algerian situation or to conceal them for purposes of internal politics which had no place in the present discussion.

21. The real cause of the insurrection was the fact that Algerians were treated as inferiors in their own country. The only equality they had known had been that of military service and taxation. The Tunisian delegation gladly acknowledged the achievements by France in Algeria, but was obliged to point out that the efforts in question, although considerable, had benefited chiefly the people of European origin and more particularly the 40,000 families of French stock. That was true in the cultural field, as was apparent from the situation with regard to education, as well as in the field of agriculture.

22. It must be stressed once again that the Algerian insurrection of November 1954 had been due to purely nationalist causes.

23. What solutions could be proposed in order to solve the problem?

24. The Tunisian delegation regretted that it had not been convinced by France's arguments in support of its proposal. Moreover, the first people who should be convinced were the Algerians; if they had been satisfied and had accepted the French solution, the General Assembly would not be dealing with the question. But the Algerian people had clearly shown they intended to recover their sovereignty and their right to self-determination and to the democratic management of their own affairs. The United Nations would be failing in its duty if it did not affirm that right. Tunisia would certainly have preferred the United Nations not to have to deal with the question and the Tunisian Government had done its best to bring about negotiations. Unfortunately, the arrest of Algerian leaders on their way to a peace conference had rendered those efforts vain. It seemed that France was at present not in a position to recognize the Algerian people's right to self-determination; but the considerations of domestic policy influencing French action were in no way binding on the United Nations, which would indeed be helping France by taking a decision.

25. The Tunisian delegation felt that United Nations intervention would not encourage the Algerians to persist in their struggle and thereby complicate the situation. It was indeed convinced that the intensified violence of Algerian reaction was only the result of a prolonged denial of justice. There was no doubt that if the 1947 Statute had been faithfully applied, the world would not be witnessing the present defiance and outright refusal to accept any kind of status offered. Every protest by the Algerian people against injustice, as in the case of the gerrymandered elections, and every demand for the recognition of an unquestionable right had met with an emphatic refusal. The final recognition of their just claims had unfortunately come too late, and the Algerians were no longer receptive.

26. The General Assembly was admittedly not an international court, empowered to pronounce judgements; it could nevertheless make recommendations and thereby state its opinion on questions submitted to it. In the present case, failure by the Assembly to

uphold the law to the full, first by affirming the right of the Algerian people to self-determination and then by recommending a cease-fire and direct negotiations for a peaceful settlement of the dispute, would constitute a flagrant denial of justice.

27. As Mr. Bourguiba, Prime Minister of Tunisia, had said to the General Assembly (590th plenary meeting), the best service that could be rendered a friend who had taken the wrong path was not to let him proceed and to ignore his error, under the pretext of sparing his feelings, but to do everything to lead him back on to the right path, where he would regain the confidence and friendship of others and best serve his own real interests. The Tunisian delegation therefore firmly believed that it was the duty of the United Nations to affirm—as France was at present unable to do—that the Algerian people were entitled to their independence. Such an affirmation would in no way imply that independence must be attained immediately, or that bonds which 127 years of life in common—for better or for worse—had created between the Algerian and French peoples should be abruptly severed. There could be some provision for transitional stages and for the guarantee of mutual interests, and co-operation on a new basis could be established. All that could best be agreed upon freely and in dignity between France and Algeria. Once their right to independence had been recognized, the Algerian people were certainly sufficiently realistic to understand the necessity for transition and the legitimacy of certain interests. They would then more willingly accept a recommendation for a cease-fire. A nation which had fought against discrimination and prejudice was hardly likely, once it was in a position to assume its responsibilities, to commit the very acts from which it had suffered so much. Nevertheless, the need for action was urgent; solutions which might have been accepted in 1954 were no longer acceptable today and those which might still yield results at the beginning of 1957 might no longer do so at the end of the year.

28. The example of Tunisia showed that, once peace was restored, friendship could be re-established on the solid foundations of mutual respect and dignity. At present, however, Algeria was in a state of war and fundamental human rights had been trampled underfoot. The United Nations must act with the utmost haste to restore peace and harmony.

29. Mr. NUNEZ-PORTUONDO (Cuba) said that his delegation's position was well known. Small States obviously could not exist unless they invariably respected the rights of others. For that reason, Cuba had always respected its international obligations. In the case of the attack against Egypt, it had supported the draft resolutions designed to put an end to the aggression; similarly, in the case of Hungary, it had voted in favour of the drafts intended to prevent a violation of the United Nations Charter and of the principles of international law from becoming a *fait accompli*. Not all Member States could claim to have acted as consistently. Some delegations had voted in favour of the draft resolutions on the Egyptian question, but had kept silent on, or refused to support, draft resolutions seeking the same objective in the case of Hungary. It had been alleged that the two cases were not the same. That objection, however, was easily refuted by the fact that the number of victims caused by the Soviet repression in Hungary in two weeks had been higher than that of all the casualties in Egypt, Cyprus and Algeria.

30. Cuba's support for the independence of colonial peoples was equally well known. In that connexion, however, he would point out that the existence of some 100 million subject people in the Soviet empire was also a manifestation of colonialism which presented a problem calling for a similar solution.

31. The Algerian affair was undoubtedly regrettable and painful. Nevertheless, the substance of the question could not be discussed by the United Nations. At the time of the creation of the United Nations in 1945, Algeria's status as an integral part of France had not been disputed. As no principle of international law and no provision of the Charter authorized any changes in the political geography of a State, the United Nations was not competent to rule on the present case. Furthermore, any United Nations intervention would establish a precedent which might have particularly dangerous consequences. Article 2, paragraph 7, of the Charter was emphatic. Consequently, the United Nations was precluded from suggesting to France a line of conduct similar to that proposed by the Syrian representative (832nd meeting), who had even given a rough outline of a suitable Algerian constitution.

32. The principle of non-intervention in domestic affairs was the basis of the Organization of American States. That principle was essential if arbitrary action was to be avoided, and it was more applicable to relations between States which had no such strong mutual bonds. In the case of Hungary, United Nations intervention had been justified by the fact that it had been requested (A/3251) by the legitimate Government of Hungary; in the case of Algeria, however, the United Nations could not intervene because France had not requested such action.

33. In the case of Morocco and Tunisia, the Cuban delegation had adopted a constructive position. It had recommended direct negotiations between France on the one hand, and Tunisia and Morocco on the other. That recommendation had been based on the fact that, although Morocco and Tunisia were French protectorates, they had retained certain attributes of sovereignty. The situation was not the same for Algeria. Cuba's recommendations had proved to be realistic since, without United Nations intervention, Morocco and Tunisia had become independent and France had thus provided the rest of the world with a rare example of political wisdom.

34. Obviously, there were people in Algeria who wanted a change in status. However, the method that they advocated for achieving independence was unacceptable. Terrorism and the murder of civilians must be resolutely opposed. Moreover, the avowed intervention of French and Russian Communists inevitably raised serious suspicions because what they were seeking was not freedom, but only the extension of Soviet domination.

35. The Cuban delegation had not objected to inclusion of the Algerian question in the agenda of the General Assembly despite the fact that it did not feel that the Assembly was competent to deal with the substance of the question. It had felt that a debate would be valuable and would assist France in finding a solution of the problem. Besides, the attitude of France in the United Nations was such that France could be trusted. In the Moroccan and Tunisian questions, as in the Suez question, France had shown that it respected the Assembly's recommendations.

36. In short, Cuba respected the Arab States and enjoyed cordial relations with them. It understood the national aspirations of peoples and endorsed them, provided they were compatible with the provisions of the United Nations Charter and with the principles of international law. It had shown, in the case of Egypt, that it was not against fair claims. However, it felt that the rights of all States should be respected: that was why it would be dangerous to bring about a dead-lock in the United Nations by adopting a resolution which could not be implemented and represented no gain for either France or Algeria.

37. From a procedural point of view, it would be better not to adopt any resolution at all. But if the Committee wanted to follow established practice, it could adopt a text. The Cuban delegation, together with others, felt that such a text should express the hope of all delegations that the Algerian question might be settled by peaceful and democratic means. That would be the best way for the Committee to show its devotion to the loftiest interests of the United Nations, of the Algerian people and of the French.

38. The Cuban delegation expressed the hope that the sacrifice of all who had died during the conflict would not be in vain and would have helped towards a settlement acceptable to everybody.

39. Mr. GERBI (Libya) said his country was disturbed by the problem of Algeria, a country which had a common history, language, religion and frontier with Libya.

40. It could not be claimed that Algeria was part of France because out of the 12 million inhabitants, 11 million were of Arab origin and the remaining million consisted of people of foreign extraction who were not all French. France invaded Algeria in 1830, and since then, had divested it of its national characteristics by a policy of assimilation. A unilateral ordinance passed in 1834 caused Algeria to be considered as an integral part of France, and later the Algerians became French subjects. It was true that in 1946 a new statute granted French citizenship to all inhabitants of Algeria, but that was a legal fiction and not a reality. What happened was that two colleges were set up electing the same number of representatives to the various Assemblies, which meant that the French had eleven times as many votes as the Arabs. The same discrimination existed in public education, where for reasons of fact or of law, the Arabs were very unfairly treated. The proportion of people who could read and write had remained very low: 10 per cent in the cities and probably less than 2 per cent in other areas. Economic poverty compelled many Algerians to emigrate to France where they lived in slums, although that had not prevented a great many of them from dying for France in two world wars.

41. The reforms which the French Government had attempted to introduce had failed because they had been based on the false premise that the Algerians were part of the French nation. The Algerian people were shackled by relentless colonial domination, and subjected to a process of denationalization by which their language, culture, traditions and even their social structure were being jeopardized in line with the well-known French policy of assimilation.

42. The French Government, for reasons of prestige and interest, was refusing to face reality. It was the French policy in Algeria which had exasperated the Algerian people to the point of goading it into fighting for its independence. The various French governments

had done nothing to do justice to the Algerian people. The policy of arbitration between the two sides had never been applied. Their hopes shattered, and having become more and more embittered by the inflexible attitude of France, the Algerians had taken up the struggle for their rights. The French had retorted with ruthless political and military repression. In 1945, the French troops had killed 45,000 Algerians in the Constantine district. Similar punitive expeditions had taken place in 1947 and in 1949, and finally in the Aurès region in 1952. The struggle of the Algerians had assumed the form of a well-organized resistance as a result of the formation of an Army of National Liberation and a National Liberation Front. Those two

organizations were now leading the Algerian people militarily and politically in its fight to defend its rights and freedom against French colonial domination.

43. The solution of the question rested with the Assembly and required the co-operation of France. The legitimate rights of the Algerian people must be recognized: such a solution would bring about an era of understanding and collaboration between France and Algeria based on mutual respect and recognition of the interests of the two countries. The cause of freedom was one and indivisible for all peoples. The General Assembly should demonstrate its support of that principle.

The meeting rose at 12.45 p.m.