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C O N T E N T S

| | Page |
|--|------|
| The Tunisian question (<i>continued</i>) | 97 |

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

The Tunisian question (A/2405 and Add.1, A/C.1/L.64) (*continued*)

[Item 56]*

1. Mr. BAKR (Iraq) said that this delegation had, jointly with fourteen States of Africa and Asia, been compelled to bring the question of Tunisia again before the United Nations. That undertaking had been the result of serious developments which, in his delegation's opinion, no nation faithful to the principles of the Charter could view without concern. These developments could not be blamed on either the fifteen Member States supporting the worthy and long-standing aspirations of the Tunisian people to recover their freedom and independence, or on the active, helpless and unarmed Tunisian nationalists who in contrast with their opponents had sought and were seeking the help of the United Nations with a view to adjusting peacefully their differences with France.

2. Those developments could also be summarized as follows: (1) contrary to the expectations and hopes which had been voiced in good faith by several delegations last year, the situation in Tunisia had in fact considerably deteriorated. The French authorities had increased, extended and intensified their military repression throughout the country. The international Press had reported that French troops, assisted by French terrorist gangs armed by the French military command, had continued their so-called "mopping-up" operations characterized by destruction, pillaging of peaceful villages and wholesale arrests and killing of Tunisian nationalists; (2) the French Government had refused to comply with what the fifteen Member States had already believed last year to be a too optimistic and appeasing resolution of the General Assembly, which in effect left it entirely to the goodwill of the French Government to redress a situation considered by forty-four Member States to be of international concern; (3) the Government of Iraq, in concert with the other member States of the Arab League, had been recently urged by Arab public opinion, outraged by the horrors which the French authorities had committed, to take a realistic attitude and extend to their Tunisian brethren real assistance against their powerful armed oppressors. However, the Arab States had decided, with considerable restraint, against any unilateral action and had agreed to resort once again to the machinery of

the United Nations and seek the adjustment of the tragic conditions in Tunisia. It was clear from those developments that the Government of Iraq would have failed in its duties to the United Nations and its moral obligations to the Tunisian people had it not joined in the request for renewed consideration of the question by the General Assembly, with a view to correcting a situation which on the one hand was threatening peace and security in North Africa, and on the other was threatening the relationship between fifteen African-Asian States and France.

3. The representative of Iraq recalled that during the debate at the seventh session on the question, some representatives, like those of the United Kingdom (538th meeting) and Venezuela (545th meeting), had counselled the African-Asian States to approach the Tunisian question with reason rather than emotion, arguing that the greatest service to the Tunisian people would be to persuade France that the Members of the United Nations still had confidence that it could settle its dispute with Tunisia in its traditionally generous spirit. His delegation had, with some reluctance, heeded that appeal, which in effect meant that it would have been emotional on the part of Iraq to lift up the curtain and reveal to the civilized world the long record of bloodshed and tyranny of the French protectorate in Tunisia. In the light of the situation existing today in Tunisia—the defiance by the French Government of the General Assembly resolution the terms of which had been initiated by delegations friendly to France, and the renewed boycott by the French delegation of the Committee's deliberations—the warning made at the seventh session by the leader of the delegation of Iraq, Mr. Al-Jamali, that France would not settle the Tunisian question without the help of the United Nations, had proved to be right.

4. Mr. Bakr regretted to say that the French Government had not shown itself worthy of the trust of the United Nations and had done everything to contradict the confidence expressed in its goodwill. The Tunisian question had been fully aired in its economic, social and political aspect. Factual evidence had been given to prove how a small nation, which since the eighteenth century had remained independent among the most enlightened and progressive of the Mediterranean community, had been enslaved by her French protector. Unalarmed by the tragic fate of the Tunisian people whose right to human dignity, freedom and self-determination had been recognized by the Charter to which France had solemnly subscribed, some representatives had argued against the competence of the United Nations to deal with the question. Those representatives who usually were less liable to use legalistic arguments when it came to violations of human or sovereign rights in other corners of the world not their own, had opposed the intervention of the United Nations on the

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

ground that French-Tunisian relations were ruled by a protectorate treaty which could be altered only by the agreement of the two contracting parties, namely, the Bey of Tunis and France. But the United Nations had already confirmed its competence when it had discussed and acted on the question. It had also been made clear that the treaties concluded between France and Tunisia had been overtaken by events and had outlived their usefulness. And there was general agreement that the question had overstepped the bounds of treaties and had become essentially a problem relating to the fulfilment of national aspirations of the Tunisian people.

5. In the circumstance it was interesting to examine briefly the events leading to that treaty whose sanctity had been seriously advocated by some Member States. The representative of Iraq then read extensive excerpts from a book entitled *The Last Punic War—Tunis, Past and Present* by Mr. Broadley, who had been witnessing the events as correspondent of the *London Times*, in order to prove his contention that the Treaty of Bardo of 12 May 1881 had not been negotiated freely and had been imposed on the Bey of Tunis by the French commanding general.

6. Moreover, the treaty had clearly stated that the two parties were desirous of strengthening the ties of friendship and good neighbourliness which had always existed between the two States, thereby assuming a system of collaboration between two States and not a system of control by one over the other. Furthermore, that treaty had stated clearly in article 2 that French military occupation would cease when French and Tunisian authorities had agreed that the local administration was in a position to maintain order. Thus, it was a clear admission that the occupation by France of Tunisia had been for the maintenance of law and order and that the occupation was to be temporary and not permanent. Now, after seventy-two years had elapsed, France was still unable to preserve peace and order in Tunisia, a fact which lead necessarily to one of two conclusions: either France could not undertake the burden she had chosen for herself or she was deliberately doing so as an excuse for a permanent occupation of Tunisia.

7. In 1883 the Convention of La Marsa had been imposed on the Bey of Tunisia. The word "protectorate" had been used in that convention for the first time, but did not replace or change the fundamental basis of the earlier treaty between the two parties as two distinct States. Nothing in either the Treaty of Bardo or the Convention of La Marsa gave France direct administrative power over Tunisia; they only assumed a system of collaboration between the two governments. The history of French occupation and "protection" in Tunisia, as in other parts of North Africa, was marked by a series of acts on the part of France to deal with Tunisia or Morocco not as protectorates, but as colonies.

8. Mr. Makr recalled that the debate during the seventh session of the General Assembly had shown clearly and conclusively how the French rule in Tunisia had aimed systematically at depriving the country of its freedom and sovereignty, thereby replacing by direct French rule the autonomy which it had enjoyed for a century. The representative of Iraq wished still to bring to the attention of the Committee a series of events which had taken place in Tunisia since the last session with a view to showing how the French Gov-

ernment had reacted to the Assembly resolution 611 (VII).

9. The rejection by the Tunisian people of the so-called proposed reforms had clearly demonstrated the futility of the policy which the French Government had been pursuing in Tunisia for almost a year. The French Government had once more resorted to its reputed infallible practice of using force. That had been entirely in line with, and a logical result of, its decision to boycott the debates of the United Nations on the Tunisian question and to ignore any recommendation that that body might make for a peaceful settlement of the problem. It had been obviously no coincidence that the French Government should have decided to impose the so-called municipal and rural reforms on the Bey the very day after the General Assembly had invited the two parties to resume negotiations with a view to bringing about self-government for Tunisia and to refrain from any acts or measures likely to aggravate the present tension.

10. On 20 December 1952, Mr. de Boissésou, delegate at the Residency-General, had handed the following ultimatum to the Bey demanding his immediate signature on several decrees, among which the following had been the most important: (1) decrees providing for the reorganization of the municipalities; (2) decrees concerning the councils of *caidats* rural assemblies; (3) decrees on the mining system, including new advantages for the companies holding Tunisian mining concessions, particularly an extension for ninety-nine years of existing concessions.

11. Those reforms aimed at giving the French settlers in Tunisia an equal voice in the actual exercise of the sovereignty of the country, thereby introducing the principle of co-sovereignty. French settlers in Tunisia, though not exceeding one-twentieth of the population, were to be given 50 per cent of the seats in the more important representative bodies while still retaining their French citizenship which legally made them foreigners in Tunisia. The Tunisian people considered such reforms as a flagrant infringement of their national sovereignty. Indeed, a conference reflecting all shades of Tunisian public opinion, called by Tunisian political, economic and labour organizations in Tunis on 19 March 1953, had adopted a resolution declaring that such elections could not give a valid indication of the Tunisian people's present wishes.

12. The representative of Iraq wished to summarize briefly the actual provisions of those reforms. In the executive branch, provision was made for the continuation of a mixed Tunisian Government consisting of seven Tunisian ministers in charge of traditionally unimportant ministries, while the French held the key departments—the General Secretariat; Finance; Public Works; Education; Post, Telephone and Telegraph; Reconstruction and Housing; and the Deputy General Secretariat. The Public Security Department was to be placed under the direct authority of the Resident-General, who thus continued to exercise the actual executive and administrative powers. The civil control agents, under his direct authority, had the police power in their hands, thereby controlling the free exercise of public liberties of the whole population. They were in fact the real "governors of the provinces" and together with the French directors who occupied the principal posts of the Police, Finance, Justice, Foreign Affairs, and National Defence Departments insured the effective

control by the French authorities of the administration of the country. The Prime Minister and his fellow Tunisian ministers were, thus, reduced to nominal figureheads.

13. Moreover, although all Tunisian laws were promulgated by beylical decrees, the Bey's authority was in practice only nominal since the French Resident-General possessed the all-important power of giving effect to the decrees. The members of the legislative council, who are Tunisians, were in reality appointed by France since the beylical decrees appointing them were subject to the approval of the French Resident-General. Also, the legislative council was deprived of the right to initiate laws, thereby reducing its function to giving advice which was not binding on the Government. But, it was natural to contend that no reforms could be achieved in local government before some had been achieved in the legislative and the executive bodies of the State as a whole. From these examples of their conception of legislative and executive reforms one might justifiably conclude that the so-called municipal reforms were nothing but a snare and a delusion.

14. The story of the elections to those local assemblies was truly tragic. The representative of Iraq then read excerpts from *Figaro* of 15 April and *Le Monde* of 16 April 1953 to prove that those elections had been held under a state of siege and terror. He also read an excerpt from an article by Mr. Henry Danjou published in *France-Soir* on 6 May 1953 alleging fraudulent activities on the part of the Residency during the elections. Mr. Bakr continued that Tunisia was today a trouble spot. The whole country was plunged into a nightmare of violence, destruction and terror committed by a brutal military administration against the people of the country, with the intention of crushing their resistance to foreign, despotic rule. In order to strike Tunisian morale with the full impact of its fury, French policy had sought to create a state of helplessness throughout the nation. The stage had been set by the suppression of the nationalist Press, intensification of the state of siege and censorship with the result that the country was isolated from the outside world. An example of the barbarous violence committed by the 50,000 French troops in Tunisia was the tragedy which occurred on Cape Bon. The *communiqué* of the French Resident-General had tried to minimize the importance of that incident. However, the representative of Iraq wished to quote two counsellors of the French Union Assembly, the Reverend Lagravière and Mr. Pierre Corval, who had declared that that incident had caused the death of at least 200 Tunisians, not counting numerous injured. Also, Mr. J. H. Oldenbroek, Secretary-General of the International Confederation of Free Trade Unions, had written the former Minister for African Affairs, Mr. Robert Schuman, a letter asserting that the operations in that incident had been carried out very much on war-time lines.

15. Similar mopping-up operations had been carried out throughout the country with greater casualties, greater destruction of homes, and greater abuse of the Tunisian population. Mr. Bakr then gave an account of some of the physical and mental tortures to which the nationalists had been subjected during interrogation, as well as excerpts of statements made by some prisoners as to the various mediaeval brutalities which had been inflicted upon them. He also gave a chronological account of military operations against Tunisian

inhabitants with a view to describing the present conditions in Tunisia. In particular, he cited the example of how the Tunisian labour leader, Mr. Hedi Chaker, had been kidnapped by the French terrorists of the "Red Hand" and later shot.

16. One might say that those acts of terror and assassinations were committed by individuals and had nothing to do with the French authorities or that they were caused by the state of antagonism and tension existing between the French settlers and the Tunisian people. But one could also ask why such incidents committed against the Tunisians were left without investigation by the French security police, while acts committed by Tunisians against the French authorities were followed by the most extensive investigations and severe military measures were taken against innocent Tunisian persons: Mr. Bidet, member of the board of directors of the French Socialist Party, had asked the same question when he had declared at the congress of the Socialist International held in Stockholm in July 1953, that the French people were ashamed of French justice in Tunisia because the French police could not, since December 1952, arrest the murderers of the Tunisian labour leader, Farhat Hached.

17. Before concluding Mr. Bakr referred to a statement made by His Holiness the Pope at an audience granted to the members of the International Congress of Penal Law at Castel Gandolfo, as published in *Le Monde* of 14 October 1953, wherein the Pope had pronounced himself against the mass shooting of innocent people as a means of reprisal for the crimes committed by one individual.

18. In conclusion, the representative of Iraq said that he was defending not only the Tunisians or the case of the Arab people, but also the case of freedom and liberty everywhere. He wished to salute the martyred heroes of North Africa who had given their lives fighting for the noblest of all causes, namely, the cause of freedom and human dignity.

19. Mr. ZAFRULLA KHAN (Pakistan) said that it was the second time that the Tunisian case, like the Moroccan one, had come up for discussion before the Assembly. The facts were by that time very well known to everyone; so were the principles involved. Indeed, there had been singularly little dissent as to the principles involved and as to what needed to be done. Yet there was an equally singular disinclination to say and affirm what needed to be done. In the circumstances, one wondered whether any good might be achieved by repeating yearly what the Assembly should do and suggesting the manner in which it ought to be done. Nevertheless, one carried on this admonition as a duty imposed on one's own conscience.

20. The differences that existed between the cases of Morocco and Tunisia were either superficial or differences that had been pointed out and stressed more in the case of Morocco, last year, than had been done this year. However, those differences tended to make the case of Tunisia stronger, in respect of what the Tunisians desire, than the case of Morocco. Those differences were, for instance, the greater homogeneity of the people of Tunisia, their deeper political consciousness, their greater experience in organizational and political matters as well as their longer period of struggle for the aspiration of their sovereignty and independence. However, the essential principle is the same, namely, the question of the self-determination of peoples, the

dignity and worth of the human being, the equality of men and women and of nations large and small.

21. The differences enumerated had been seized upon and stressed at the seventh session, so that the Assembly found an excuse to express itself in less precise terms on Morocco than it had chosen to do in the case of Tunisia, though even in that case it had not gone very far. But perhaps the real distinction had been that since the case of Tunisia was discussed before the case of Morocco, the Assembly, having done the very least it could, had found itself in a position of embarrassment vis-à-vis France and some of the other western Powers. It had therefore toned down, in the case of Morocco, even that little which it had dared to express in the case of Tunisia. That was the real reason.

22. The representative of Pakistan then read excerpts of the resolutions adopted by the General Assembly at its seventh session on the Tunisian and Moroccan questions. He stated that when he had addressed the Committee on the Tunisian question in the course of the seventh session (537th meeting), he had gone into considerable detail with regard to historical and political developments of the Tunisian question. Though he did not deem it necessary to go into detail, he wished to remind the Committee of the outstanding features of the case. He recalled that the relation between France and Tunisia was regulated by the Treaty of Bardo and by the Convention of La Marsa wherein (1) France had made itself responsible for the diplomatic and consular relations of Tunisia; (2) the Bey had undertaken to give effect to such administrative, judicial and financial reforms as might be proposed by France. In all other matters, the sovereignty of the Bey had been fully preserved. Indeed, that position was not at all contested by France. Nevertheless, some representatives had contended last year and still insisted that the Assembly was not competent to deal with both the Tunisian and Moroccan questions, citing Article 2, paragraph 7 in support of their contention.

23. Mr. Zafrulla Khan observed that the main contention in support of excluding the competence of the United Nations was that the relationship between France and Tunisia was regulated by the Treaty of Bardo and the Convention of La Marsa and that, therefore, anything arising out of those treaties was a matter essentially of domestic jurisdiction.

24. In the opinion of the Pakistan delegation treaties of that type were now an anachronism and were not binding upon the people of the countries to whom they related. The fundamental position of his delegation was that unless an instrument acting on behalf of the people gives expression to the will of the people and gives effect to that will in a treaty, engagement or arrangement that may be entered into, the treaty, engagement or arrangement was not binding upon the people and might be repudiated by them. That consideration applied with greater force where the treaty purported to deprive, or claimed to have deprived, the people of their sovereignty or their right to self-determination.

25. That position had been supported by France, not directly with regard to competence but with respect to its relations with Tunisia and Morocco. The former Foreign Minister, Mr. Robert Schuman, argued in Paris that France's obligations in respect to those two countries were regulated by Article 73 of the Charter

and that they were being fulfilled (342nd plenary meeting).

26. Mr. Zafrulla Khan said that was not the position of the people of Morocco or Tunisia. But assuming that was the position of France, then Article 73 b imposed upon France the obligation to develop self-government in those territories. That article, read with Article 103, had precedence over any other inconsistent obligation and prevailed over any other obligation or right that might be established by any other treaty.

27. If it were assumed, however, that the treaties had validity, it should be noted, according to some, that the question of the interpretation of a treaty was not a matter which the Assembly was competent to consider. The Pakistan delegation did not accept that position, which had not been accepted by the Assembly nor even by those delegations which had put it forward.

28. Even France did not interpret those treaties differently from the manner in which they were interpreted on behalf of Morocco and Tunisia. The interpretation was clear. There was in both cases a protectorate which placed upon France the obligation to manage the foreign affairs of both States. There was also the undertaking on behalf of the Bey that he would give effect to such administrative and financial reforms as might be proposed by France. Subject to that, the sovereignty of the Bey had been fully preserved. France did not claim either sovereignty or co-sovereignty over Tunisia. Therefore, there was no question of interpretation.

29. The Tunisian people contended rightly or wrongly that France had torn up the treaty; had usurped the sovereignty of the Bey; had established direct administration in the name of the Bey but, in effect, through French officials and agents; and had suppressed civil liberties and rights. More specifically, France had proclaimed a state of siege and an oppressive régime had been instituted in Tunisia. Although France was bound by the terms of the treaty to support the Bey against any danger that might threaten his person or dynasty or was likely to disturb the peace of his territories, France was accused of coercing and threatening the Bey. Nobody claimed that there was peace and law and order in Tunisia. The people of Tunisia alleged that those disturbances had been occasioned by France despite its obligations under the treaty. It was further alleged that France had made itself responsible for proposing reforms but was now blocking them.

30. Mr. Zafrulla Khan said that the question was not whether those charges could be established upon investigation. The question was whether, when such a state of affairs existed between two sovereign States, the competence of the United Nations was barred by Article 2, paragraph 7 of the Charter on the ground that those matters were essentially within the domestic jurisdiction of the State which had contravened the treaty. His delegation did not agree with that contention.

31. Even if it had been a question of interpretation, Mr. Zafrulla Khan said the Assembly and those States who now argued against the competence of the United Nations had expressed themselves in favour of it. He recalled the case of the trial of Cardinal Mindszenty and other church dignitaries which had been the subject of Assembly resolutions. Those people undoubtedly were subject to the jurisdiction of the State before whose courts they were tried. Nevertheless, it was

contended on two main points that the Assembly had competence: first, in those trials there was a contravention of fundamental human rights; secondly, there was a contravention of some treaty by which the State within whose territory those trials were proceeding was bound. At that time the Assembly ruled that it had competence, on the insistence of those very delegations who were now saying that in the matter of two separate States, because there was a treaty regulating their relations, the Assembly had no competence. The Tunisian case, in respect of the Assembly's competence, was not only stronger but it left no room for doubt.

32. Although he did not think he would succeed in convincing those who were determined not to concede the Assembly's competence of their error, he thought the case was clear to those who had some regard for the Purposes and Principle of the Charter and who believed that fundamental human rights, liberties and freedom were matters with which the United Nations was primarily concerned.

33. There was, to start with, a paradox. By the very treaty which was relied upon to exclude the Assembly's competence, the Bey bound himself to carry out such reforms as France might propose. Mr. Zafrulla Khan believed any person would conclude from that provision that Tunisian affairs were in disorder in the administrative, financial and municipal spheres and that France, a State advanced in those matters, would assist the Bey to organize his territory for the benefit of the Tunisian people. Actually, after a lapse of nearly three-quarters of a century it was the Bey who was anxious to set up a responsible, democratic, constitutional régime in Tunisia. That meant that the Tunisian people would be supreme and that there would be no need for a protectorate. Though the Bey was prepared to surrender his own privileges and to take up a constitutional position as head of a democratic State, France blocked the political progress of those people because the logical consequence would be the end of its protectorate. Though there were other aspects the representative of Pakistan said that was the crux of the problem.

34. Mr. Zafrulla Khan recalled that on 11 April 1950 the Bey had addressed a letter to the President of the French Republic stating that he had twice made an attempt to convey to the French Government a pressing desire for urgent and substantial reforms through the representative of the French Government at the court of the Bey but that it had led to no result. He reiterated his desire to go forward with those reforms. Because of the formal character of the communication, note had to be taken of it, and, as a result, Mr. Périllier was appointed Resident-General.

35. On 10 June 1950 Mr. Robert Schuman, Minister for Foreign Affairs, stated that Mr. Périllier in his new post would have the task of trying to understand Tunisia and to lead her to the independence which was the final objective for all territories of the French Union. Mr. Zafrulla Khan observed that neither the Tunisians nor the Committee on their behalf were asking for anything more.

36. On 17 August 1950, Mr. Périllier formed a Tunisian Government with Sidi Mohammed Chenik as Prime Minister; that government was to negotiate with the French Government in the name of the Bey. Those negotiations were designed to set up internal autonomy. The representative of Pakistan asked if the very speci-

fication of the object of the negotiations did not amount to an admission on the part of France that it had contravened the very essentials of the Treaty of Bardo and the Convention of La Marsa.

37. The Resident-General set up a government, no doubt in consultation with the Bey, for the purpose of negotiating with France on the political advancement of Tunisia. On 8 February 1951 a scheme of reforms limited to the municipal sphere was proposed by that government. However, the reforms were considered to be unsatisfactory by the Cabinet set up by the Resident-General for the purpose of negotiations.

38. On 31 October 1951, the Tunisian cabinet submitted to the Resident-General a formal note containing its views on the reforms. That document had been cited *in extenso* during previous discussion and Mr. Zafrulla Khan did not believe it was necessary to quote them again.

39. Finally the cabinet proposed that certain fundamentals should be agreed upon between the Governments of Tunisia and France and that, thereafter, the representatives of the two governments should meet and draw up agreements between them which would be submitted to the French Government for approval and then to the Bey for his consent. That was a definite proposal with regard to fundamentals to be agreed upon and a procedure to be adopted to resolve the problem.

40. In pursuance of the suggestion made by the cabinet, the Prime Minister and three of his colleagues proceeded to Paris to negotiate with the French Government. Mr. Zafrulla Khan observed that that was the very purpose for which the cabinet had been set up more than a year before by the Resident-General. They carried on negotiations and received the formal and final reply of the French Government on 15 December 1951. The reply rejected the whole basis of the proposals made by the Prime Minister and his colleagues.

41. Although their demands were so unceremoniously rejected and although the document handed to them dashed all their hopes, the Tunisian Government sent its formal reply on 9 January 1952. It stated that certainly France had interests in Tunisia and the Tunisian Government reflected faithfully the opinion of the Bey and his people when it not only readily recognized those rights but even proposed to guarantee them, as was made clear in the note of 31 October 1951. It also stated that the French settlers in Tunisia had certain interests in that country which need not necessarily coincide with the interests of France. That was the spirit in which the cabinet was prepared to carry on negotiations.

42. On 12 January 1952, the Prime Minister of Tunisia addressed a letter to the President of the Security Council¹ drawing the attention of the Council to the state of affairs then subsisting between France and Tunisia. Thereafter, the French Government insisted that even before the opening negotiations the letter must be withdrawn. The Ministers had to be dismissed as though to draw such a problem to the attention of the Security Council or of the General Assembly was in itself an unforgivable crime.

43. The Resident-General protested to the Prime Minister against that action, and the Prime Minister

¹ See *Official Records of the Security Council, Seventh Year, Supplement for April, May and June 1952*, document S/2571.

replied on 17 January 1952. The Resident-General also protested on 30 January 1952 to the Bey, who replied on 5 February 1952. Mr. Zafrulla Khan quoted from the latter and said it was easy to appraise what was happening when even the ruler had been provoked into protesting formally against that which was being done in his name.

44. By March 1952 the situation in Tunisia had taken a very serious turn because of the failure of the negotiating cabinet to arrive at any understanding with the French Government and because of the insistence of the latter that those ministers must be dismissed. Therefore, the French Government conferred special powers on the Resident-General.

45. On 24 March 1952 the Resident-General wrote a personal letter to the Prime Minister in which he stated that he would not hide from him his profound anxiety at the thought that, if the Franco-Tunisian controversy was not settled within the next few days in an amicable way, the Prime Minister would be responsible for the resulting turmoil around him and that, as a consequence of that turmoil, the state of his child's health would be in danger of aggravation.

46. When the Resident-General called upon the Bey to dismiss his ministers, the Bey replied that the ministers had his confidence. The Resident-General then concluded that there was no solution other than force.

47. The ministers were dismissed, arrested or deported and, being unable to induce any public man in Tunisia to accept the responsibility, the Resident-General selected Mr. Baccouche, a civil servant, to be Prime Minister. He then proceeded to negotiate with his own nominee, that is, with himself.

48. On 2 August 1952 draft reforms were presented to the Bey, who appointed forty representative Tunisians to study the schemes. In their report that group emphasized the atmosphere of terror in which the reforms had been proposed and recommended their rejection.

49. On the basis of that report, the Bey sent his formal reply to the President of the French Republic on 9 September 1952. The letter referring to the study of the proposed reforms, noted that the report stated that they would constitute an impairment of Tunisian sovereignty, legalize the maintenance of direct administration, aggravate the confusion and make no progress towards democratization. The reforms could, therefore, not satisfy the Tunisian people and did not correspond to the minimum objectives defined on 15 May and 1 October 1951. Neither did they indicate progress towards the internal autonomy promised by the French Government. The Bey stated that accordingly it was difficult for him to affix his seal to the draft reforms and asserted that the Convention of La Marsa had not resulted in reducing to a mere formality his right to sanction all legislation.

50. Meantime, the matter had been raised in the General Assembly. While repression in Tunisia was intensified, the French Government, in a reply dated 26 November 1952 to the Bey's communication, offered to reopen negotiations. However, the reply stated that France could not accept the rejection of the reforms

and claimed that the advice of the forty representatives did not necessarily reflect the aspirations of the Tunisian people. Indeed, the French Government chose to regard that report as a completely unofficial document.

51. The result was that the French Government would not negotiate with Prime Minister Chenik, the Bey nor the representatives of the people; it would negotiate only with a civil servant who was virtually an employee of the Resident-General.

52. On 16 December 1952 the Bey replied to the French Government's communication and laid down principles to be observed in negotiations. He stated that it was essential that they be carried on on the Tunisian side by a new cabinet having his confidence and that of the Tunisian people. He further said that the fundamental problem was to promote a policy in conformity with the aims and principles of the Charter.

53. The French Government turned down those proposals and on 20 December 1952, three days after the adoption of General Assembly resolution 611 (VII), the French Government served an ultimatum on the Bey to the effect that unless he signed the decrees he would have to face the consequences.

54. For that reason the Bey had signed. There followed farcical elections carried out under martial law and already condemned in advance by such representative bodies as existed in Tunisia. Yet the French Government argued that the report of the forty representatives did not reflect the views and aspirations of the people.

55. In the case of Tunisia the problem was essentially the same as in the case of Morocco but it had reached a more acute stage. The country was drifting into chaos. Co-operation and goodwill could not be secured by a reign of terror. Such measures would only strengthen the resolve of the Tunisian and Moroccan people. History showed that such a struggle could have only one ending. In the course of the year following the General Assembly resolution the problem had become more acute. The Assembly should express itself in a manner that would reassure the people of Tunisia that there was no need for recourse to desperate measures. That might also urge France to make a real effort to resolve the problems in accordance with the principles of the Charter.

56. The draft resolution, of which Pakistan was a co-sponsor (A/C.1/L.64), recommended the minimum for that purpose and did not go beyond the objectives declared by France. With regard to procedure and method, it proposed: that the state of siege and martial law in Tunisia be ended; that political prisoners be released; that civil liberties be established; and that negotiations be begun with representatives of the Tunisian Government established through free elections based on universal suffrage and enjoying the guarantee of freedom.

57. No doubt time was required and it was not to be expected that a responsible democratic constitutional régime would be established at once. However, the process should be begun.

The meeting rose at 1 p.m.