



Wednesday, 14 October 1953,
at 10.30 a.m.

New York

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

**The question of Morocco (A/2406 and Add.1,
A/C.1/L.60) (*continued*)**
[Item 57]*

1. Mr. HANIFAH (Indonesia) thought that the attitude of France, which was more regrettable even than it had been at the seventh session, threw doubt on the sincerity of that country's intentions. France, by defying the majority of the General Assembly, was dealing the democratic principles of the Charter a serious blow.

2. The Indonesian delegation had anticipated that the discussion would be directed towards a search for an equitable solution. The urgency of the matter and the General Assembly's competence to deal with it had been established, since the General Assembly in its resolution of 19 December 1952 (612 (VII)) had reaffirmed the responsibilities of the United Nations with regard to international co-operation in the question of Morocco. Unhappily certain delegations still opposed the study of that question. The fifteen nations which had brought this question before the United Nations had naturally expected certain objections to be raised, but the debate should at least be conducted in a constructive spirit.

3. The Moroccan people, who were striving to attain human rights, were confronting the General Assembly with its responsibilities which arose from the Purposes and Principles of the Charter. As the Syrian representative had observed (632nd meeting), the main thing was to avert bloodshed and to enable colonial peoples to progress in orderly evolution.

4. To understand the objections that had been raised and the reasons for those objections, the facts should be examined in the context of the cold war and the "colonial" policy: on the one hand, human rights were sacrificed to the expediency of the cold war; on the other, colonialism sought to perpetuate naked imperialism.

5. The Indonesian representative had already pointed out (548th meeting) at the seventh session that the concessions made in the Tunisian and Moroccan questions to the interests of France as a member of the western bloc were a blow to good understanding among nations. The Indonesian delegation would do everything in its power to prevent Morocco from being sucked into the vortex of the cold war.

6. To speak quite bluntly, the fact should be recognized that certain Powers were ready to sacrifice human rights to strategic interests and to the unity of the western forces. That was the real objective which the argument of domestic jurisdiction merely served to conceal. The Czechoslovak question had been examined by the Security Council and that of the observance of human rights in Bulgaria, Hungary and Romania by the General Assembly. France itself had recognized that the General Assembly was competent to deal with the case of certain wives of Soviet origin who had been prevented from joining their husbands abroad. True, certain delegations had not even taken the trouble to advance the pretext of domestic jurisdiction, but they forgot that the voices of the Asian and African nations, which had decided after careful consideration to bring the question before the United Nations for the third time, could no longer be silenced.

7. The delegation of Indonesia could not refrain from pointing out that if the State which was occupying Morocco had been a certain great Power, many delegations would immediately see in the situation a threat to international peace and security. Was it to be said that, in the absence of a communist threat or a risk of bloodshed, the General Assembly refused to meet its responsibilities? And were matters to stay where they were until Morocco became a second Indo-China?

8. The primary duty of the United Nations was to preserve peace, and in addition to the action to be taken in case of aggression, the Charter in Article 34 made provision for meeting a situation "likely to endanger" international peace or security. It would therefore be absurd if nothing was done under the pretext that France was able to control the situation, and to wait until all Africa was aflame. The United Kingdom representative had said that no State feared invasion from France or Morocco (630th meeting). He forgot, however, that France had in truth launched an invasion against the sovereignty and independence of the Moroccan nation by interfering with its political and social order, its traditions, culture, and fundamental rights. Such an invasion was known to the African and Asian peoples by no other name than imperialist aggression.

9. As the Syrian representative had stated (632nd meeting), colonial exploitation had been defended on the ground that the peoples of those two continents, Africa and Asia, were not ready for self-government. Following a policy of "divide and rule" the colonial Powers had relied on certain feudal cliques and had stifled the desires of peoples who were longing for education and technical progress. However, in the twentieth century the African and Asian nations had one after another obtained their independence; it was now Morocco's turn.

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

10. The preamble of the draft resolution submitted by the Indonesian and twelve other delegations (A/C.1/L.60) merely stated the undeniable fact that resolution 612 (VII) had not been implemented, since no negotiations to bring self-government to the Moroccans had taken place, and the present atmosphere was very different from that which had been contemplated at that time. In the draft, the Assembly requested that full sovereignty be given to the Moroccan people on the basis of the Charter, to which no objection could be raised. The following methods for obtaining that result were envisaged: first, negotiations with the true representatives of the Moroccan people, the only practical and democratic procedure, and termination of martial law and all other exceptional measures in order to create an atmosphere conducive to negotiations; secondly, the establishment of representative democratic institutions, the lack of which had characterized forty years of French administration. The draft resolution recommended that all necessary steps be taken to ensure, within five years, the full sovereignty and independence of Morocco. Certain delegations, to be sure, considered that period too short, but Indonesia had evolved from a colonial status to independence after four years of war and violence. Why then should Morocco, which had never lost its legal status as a sovereign State, be unable to attain independence within five peaceful years?

11. International tension should not be an excuse for ignoring the desires of the Moroccan people and the nations of two continents. The Non-Self-Governing Territories should achieve their independence by peaceful and orderly means.

12. Mr. Chun-Ming CHANG (China) said that at the seventh session his delegation had spoken in favour of the General Assembly's competence. He felt that article 2, paragraph 7, of the Charter must be given a liberal rather than a legalistic interpretation. Certain basic facts stood out prominently. First, Morocco had been an independent country until the beginning of the century, and since the establishment of a Protectorate a nationalist movement had emerged, which was part of the world-wide development of peoples in revolt against colonialism. Secondly, the representative of France, Mr. Robert Schuman, had stated (392nd plenary meeting) that the goal of France in Morocco was to guide the people towards freedom and self-government, in accordance with the principles embodied in the preamble of the French Constitution. Thirdly, the French settlers, who numbered one and a half million, looked with an unfavourable eye on the Moroccans' desire for independence, and their opposition was a bar to all progress. The latest reforms introduced by France had therefore failed to satisfy nationalist aspirations.

13. At its seventh session the General Assembly in resolution 612 (VII) had expressed the hope that negotiations would be held with a view to giving Morocco free political institutions, with due regard for the interests of the French. The Chinese delegation regretted that, in spite of that resolution, tension in Morocco had continued to increase, culminating in the deposition of the Sultan. Regardless then of the responsibilities incurred, the prevailing tension must be eased. It had, to be sure, been argued that external intervention would only render a solution more difficult, and that the present difficulties were due to United Nations

intervention. On the contrary, it was true that friendly discussions conducted in a constructive spirit should in the long run remove the mistrust existing between the French and the Moroccans. As the final objective of French policy was to grant self-government to Morocco, the quarrel was not concerned with an issue of principle but with the question how soon that objective would be attained.

14. The Chinese delegation realized that the pace of evolution was slow in such a matter. It would therefore be unwise for the United Nations to impose a solution or set a time-limit. The time factor was, however, important since the history of nationalist movements had shown that disappointment might lead to the replacement of moderate leaders by extremists. In the face of the ever present threat of disaster, the Moroccan question called for the exercise of wisdom and skill by the statesmen of the world.

15. The French settlers must understand that the protection of their interests depended on the prompt relinquishment of privileges that might prove costly. A just settlement would benefit both the French and the Moroccans. They should therefore get together and work out a satisfactory solution. The whole question was one of creating an atmosphere conducive to the success of negotiations, and the Chinese delegation was ready to support any resolution which would achieve that result.

16. Mr. THORSING (Sweden) observed that the debate had shown that anyone desiring to form an impartial opinion on the Moroccan problem and on the extent to which it came within the competence of the United Nations should take into account a number of facts which could not but claim the attention of all the Members of an Organization which proclaimed the equality and freedom of nations.

17. It had been repeatedly alleged, for example, that France was favouring its colonists at the expense of the Moroccans, who were divested of power in their own country. He felt, however, that France was aware of how dangerous was the "lean and hungry look". But, instead of stating its case and explaining the circumstances, France had absented itself. A shadow therefore remained over the picture. The French delegation had invoked the provision of the Charter relating to domestic jurisdiction, but Sweden was still convinced, as it had been at the seventh session, that the Assembly was competent to deal with questions regarding the relations between France and Morocco. Reference to the judgment rendered by the International Court of Justice on 27 August 1952 revealed that Morocco, even under the Protectorate, had retained its personality as a State in international law. Since the relations between the two States were governed by international treaties, the observance of those treaties and the extent to which they corresponded to the requirements of the present situation were matters within the competence of the United Nations, and Article 2, paragraph 7, was not applicable.

18. Morocco's external relations were in the hands of France in accordance with certain treaty provisions, but the fact did not deprive the United Nations of the right to intervene. Article 14, for example, dealt with situations "likely to impair . . . friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations".

In such cases the Assembly could suggest suitable measures to assure the peaceful settlement of the situation. On the other hand, the Assembly could not impose on France the taking of specific measures. As the New Zealand representative had said, the Assembly should be guided in its intervention by considerations of political advisability. The Swedish delegation regarded the draft resolution contained in document A/C.1/L.60 as too far-reaching in that it recommended concrete measures and a time-limit for their execution.

19. France's attitude at this session had not been characterized by that country's customary wisdom and realism in international affairs. The Indian representative had already referred to a declaration by the National Council of the French Socialist Party alerting French public opinion, demanding political and economic reforms which would set Morocco on the road towards self-government, and inviting the French Government to negotiate with the qualified representatives of the Moroccan population with a view to reaching agreement on speedy reforms.

20. Without wishing to interfere in any way in French domestic politics, his delegation agreed with that approach to Franco-Moroccan relations and expressed its deep sympathy with the Moroccan people's aspirations towards an emancipation which they would undoubtedly attain by their own energy. Moreover, the reforms promised or already on the way, especially in regard to trade union rights, were signs of a reawakening of the true spirit of France. It was for the General Assembly to facilitate the process towards freedom of the Moroccan people, a people of proud traditions which had a distinctive role to play in the concert of free nations.

21. Mr. BOYESEN (Norway) recalled that his delegation had already expressed itself on French North-African questions and, in particular, on the question of the various Articles of the Charter setting forth the Purposes and Principles of the United Nations.

22. Respect for those principles demanded first and foremost that all Members of the United Nations should work towards enabling the peoples of the Non-Self-Governing Territories to attain self-determination. In the last few years many nations had attained independence, and none of the tasks of the United Nations was more important than that of furthering the process by acting in a mediatory, harmonizing and conciliatory capacity. The securing of human rights was an objective of the United Nations second in importance only to the maintenance of international peace and security.

23. Some delegations had referred to Article 2, paragraph 7, of the Charter and to the Treaty of Fez, under which France had undertaken responsibility for the Protectorate, and had concluded therefrom that the matter was outside the competence of the United Nations. His delegation had not been convinced either by those arguments or by the arguments based on Article 10. In point of fact, the matter was considerably more complicated; it was a question of reconciling the principle of domestic jurisdiction with the objectives of the Charter, some of which were far-reaching and general: human rights, rights of peoples to self-determination and self-government. It was true that the Members of the United Nations were not committed to the immediate realization of those aims, but the least that could be said was that their policies could not go counter to the objectives of the Charter; that

was the charge—well-founded or not—that had been brought against France.

24. The New Zealand representative had pointed out (632nd meeting) that the legal aspect of the problem of domestic jurisdiction could not be considered separately from the facts. That remark had made France's absence all the more regrettable, for in the face of allegations reflecting upon its good repute it would have been able to give a complete picture of the situation that might have thrown a different light on the discussions, and in particular on the problem of the competence of the United Nations.

25. While the situation in Morocco did not constitute an actual danger to international peace and security, the conflicts resulting from the process of national emancipation were likely to have far-reaching repercussions, as the last few years had shown. Moreover, the Moroccan question inflamed passions even outside the Arab world.

26. His delegation would refrain from discussing the difficulties raised by the treaties regulating Morocco's status. As the United Nations was competent even in respect of dependent territories, it was *a fortiori* competent in the case of a territory in an intermediate position between dependency and a fully sovereign State. There was an unfortunate tendency to take one of two extreme positions: either the United Nations was not competent at all, or it was competent to adopt any resolution. The provisions of the Charter dealing with the right of peoples to self-government were couched in such general terms as to leave the administering Powers the choice of methods and policies. The General Assembly might have the right to express itself, but that did not mean that it was entitled to issue directives concerning measures to be applied in a particular situation. For those reasons, his delegation, like that of Sweden, thought that the draft resolution in document A/C.1/L.60 went too far. Quite apart from the legal problem, the First Committee could not, on the basis of a few days' debate, judge what would be the consequences of putting into effect the steps proposed, and agree to participate in the administration of Morocco and assume the responsibility for all the developments resulting from its decision. His delegation had been impressed by the sincerity of various statements in support of the thirteen-Power draft resolution (A/C.1/L.60). It felt, however, that there was a tendency to overlook the difficulties which the economic and ethnic diversity of Morocco would cause when the Moroccans attained the right of self-determination. It had only been after the departure of the British that it had been realized that certain conflicts in India had not been solely the result of a policy of "divide and rule".

27. The delegation of Norway would have been able to vote for a draft resolution giving expression to the concern caused by the deposition of the Sultan and restating the principle that self-determination for the Moroccan people should be realized as early as possible. A time-limit should not be fixed, however. It would be advisable to call for negotiations "with the true representatives of the Moroccan people", ambiguous as those words might be. It was not realistic, however, to call upon France to take the steps proposed in the operative part of the draft resolution (A/C.1/L.60), because the First Committee was not able to foresee the immediate effects: in doing so, the First

Committee would be going beyond what its competence permitted and wisdom counselled.

28. Mr. DE LA COLINA (Mexico) stated that, in the item under discussion, the ideals of freedom and independence, which had found their most apt expression in the mouths of the precursors and leaders of the French Revolution, were in jeopardy. That situation made the absence of the French delegation doubly regrettable.

29. His delegation held that the General Assembly was perfectly competent to deal with the substance of the question. It had already explained its reasons for that opinion in previous sessions. But the fact that some speakers had denied the General Assembly's competence with references to Article 2, paragraph 7, of the Charter prompted him to enlarge on the arguments previously advanced. The problem between France and Morocco could not be studied as if it were a question of difficulties between Paris and one of the French provinces. The only objection advanced on the score of incompetence was based on the existence of treaties. As a matter of fact those instruments seemed, on the contrary, to testify to Morocco's international status. The Act of Algiers and the Treaty of Fez had imposed on France the duty of protecting the sovereignty of the Sultan and the integrity of his states. They certainly did not authorize France to lay hands on the person of the sovereign and send him into exile. By changing the constitutional structure of Morocco, France had ignored those agreements. In addition, renowned jurists, among them several Frenchmen mentioned by Fauchille, recognized that the establishment of a protectorate did not nullify the international status of the State so protected or deprive it of the benefits of international law. Hence it could scarcely be said that there was a merger between the State protected and the protecting Power. That fact had been recognized in the judgment of the International Court of Justice of 27 August 1952, in which the Court had ruled on the dispute brought before it by the United States concerning the rights of United States nationals residing in Morocco. The Sultan therefore was within his rights in proposing to France negotiations with a view to modifying the terms of legal instruments rendered obsolete by the events of the last forty years. The French Government had replied by imprisoning the rightful head of the Moroccan State and outlawing the political parties of the opposition. No one was better qualified to speak on behalf of the unhappy Moroccan people than the representatives of the countries whose culture, traditions and language afforded them a kinsman's insight into the sufferings of that nation.

30. Apart from any legal argument, the fact that there had been no assimilation between the two rival ethnic groups, the recently arrived French immigrants and the Moroccans, gave ground for challenging the sole competence of France in the matter. It was not at all the same situation as had existed in the Spanish colonies in America where the mixture of races had been the very foundation of the Latin-American nations.

31. But the problem wore an even deeper aspect. There was, so to speak, a conflict between the outdated system of the protectorate and that of international protection prescribed by the Charter. As the Italian jurist, Pascuale Fiore had said, the protectorate relationship must not be used as a cover for certain indirect forms of subjection; it must mean a genuine protection

of the State placed under that régime and the development of its civilization with wise assistance from above. By centralizing the protection of all States, great and small, the League of Nations and later the United Nations had wrought a radical change in the world. Articles 10, 11 and 14 of the Charter unquestionably empowered the General Assembly to discuss the matter and to recommend appropriate action to facilitate its peaceful settlement. The economic, political and social factors, on which the treaties still governing the international status of Morocco had originally been based, had been overtaken by historical events. The fact that those agreements still existed seriously impeded the Moroccan people's lawful aspirations to independence, and might endanger the internal peace of Morocco with unforeseeable international consequences.

32. The treaties governing French-Moroccan relations afforded no guarantee whatever for the friendly and peaceful co-existence of the two rival ethnic groups. The only effective and lasting solution of the Moroccan problem was therefore a legal modification of the status of Morocco. Although it had been recognized that Article 14 of the Charter empowered the General Assembly to revise treaties, the delegation of Mexico was only suggesting that the United Nations should try to reach a satisfactory settlement of the difficulties. Despite the baneful influence of the French settlers, there was reason to hope that the French Government, following its lofty traditional principles, would solve the Moroccan problem swiftly, humanely and justly.

33. Mr. DAYAL (India), referring to the Norwegian representative's statement, said that, although it was true that regrettable incidents had taken place when the body politic of India had been divided into two, it should be added that, since then, complete peace had prevailed. Just as large minority groups had given first place to their national feelings as Indians, so it could be hoped that the distinctions between Berbers and Arabs would disappear when Morocco regained independence.

34. Mr. BOYESEN (Norway) said that he fully agreed with the Indian representative's remarks about his country.

35. Mr. TSARAPKIN (Union of Soviet Socialist Republics) wished, before taking up the substance of the Moroccan problem, to reply to the fantastic allegations the United Kingdom representative had made about the Moslem faith and general culture in the Soviet Socialist Republics of Central Asia during his speech of 8 October 1953 (630th meeting). Various eye-witness accounts, such as that of the municipal magistrates of the city of Colombo, who had visited the offices of the Moslem associations of the republics of Central Asia in October 1951 or that of the Pakistani and Indonesian politicians who had gone to those areas in the spring of 1952, showed that the living conditions of Moslems in the USSR were based on welfare and respect for freedoms, especially freedom of religion. Mr. Salisbury, *The New York Times* correspondent in Moscow, had stated, in an article in September 1953, that Bokhara had a Moslem religious academy in which young Moslems were educated to be mullahs. He had added that Bokhara was still a centre of Moslem study and cultural life and that it would be a serious mistake to think that the peoples of Central Asia had been "Russianized". That would be a misconception of the substantial work the Russians had done for the renaiss-

sance and development of local culture. It should be added to Mr. Salisbury's testimony that that culture had been widely developed not for national reasons alone; it was trying to assimilate world literature. Works which had become international, such as those of Shakespeare and Molière, whose *Tartuffe* was very successful, were given their rightful place. It was unfortunate that Sir Gladwyn Jebb's complete ignorance of the matters with which he had tried to deal had revealed the speciousness of his unfriendly observations on the Soviet Union.

36. With regard to the Moroccan question itself, the debates at previous sessions and at the current one had shown that there were two positions. The first, supported by the overwhelming majority of Member States, was that the General Assembly was competent to deal with the matter and that it was its sacred duty to take action to enable the Moroccan people to achieve their national aspirations. The second, set forth in a letter from the Chairman of the French delegation to the Chairman of the First Committee (A/C.1/L.58), was that the General Assembly could not intervene in the relations between France and its two North African protectorates without violating the terms of Article 2, paragraph 7. That view had been supported by the United Kingdom, the United States, Australia, Belgium and some other countries. It had been particularly enlarged on by Sir Gladwyn Jebb, who had stated that the dispute between France and Morocco was a French domestic issue and that, consequently, there was no international problem because there were no parties to the dispute. That argument did not stand examination and it had not been accepted by the United Nations which had included the Moroccan question in the agenda of the seventh session and adopted a resolution on it (612 (VII)). The worsening of the Moroccan situation had occasioned the discussion in the General Assembly the previous year. In the last few weeks the French authorities in Morocco had taken a series of arbitrary steps which had led to a further worsening of the situation.

37. Despite the request of fifteen African and Asian States (S/3085), the Security Council, specially convened for the purpose in August, had refused (624th meeting) to consider the Moroccan problem because of the objections of France, the United Kingdom and the United States.

38. Yet it could not be forgotten that Moroccan sovereignty continued under the Act of Algeciras. The International Court of Justice had recalled that sovereignty in its conclusions of 27 August 1952. It must also be noted that the Act of Algeciras had determined the attitude towards Morocco not only of France and Spain, but also of many other States parties to the treaty. The Act of 1906 was thus an international agreement of primary importance and of a multilateral nature which, far from preventing the United Nations from considering the Moroccan question, made it appropriate for it to do so.

39. That opinion had indeed prevailed in 1952 when, in spite of attempts by France and other States, the Assembly had placed the matter on its agenda and had adopted a resolution in which it had recognized that France and Morocco were parties to a dispute under consideration in the United Nations.

40. Three conclusions must therefore be drawn: (1) the Act of Algeciras determined the international status

of Morocco as a sovereign State; (2) the dispute between France and Morocco was international and could not be looked upon as a French domestic matter; and (3) considerations of the Moroccan questions was within the province of the United Nations.

41. It was clear from the evidence adduced in the debate that the French administration in Morocco was following a policy incompatible with the principles of the Charter and contrary to the interests of the Moroccan people. The policy was marked by the imposition of so-called reforms which in fact favoured the economic and political domination of the French colonists and was characterized by violation of essential democratic freedoms and of the most elementary human rights. Morocco had been handed over to predatory exploitation by foreign monopolies, which deprived the country of its natural resources and despoiled the Moroccan people.

42. In examining the Moroccan question, the General Assembly must look to a decision in accordance with the Purposes and Principles of the Charter. The draft resolution submitted by the thirteen States of Africa and Asia (A/C.1/L.60) was in conformity with those requirements, while taking account of the interests of the Moroccan people and its inalienable rights.

43. The USSR delegation would vote in favour of the draft resolution.

44. Mr. NAJAR (Israel) said that the State of Israel, whose establishment and independence had been declared barely five years previously after severe ordeals, and which was still surrounded by States so hostile that they considered themselves unilaterally at war with that country, particularly sympathized with the aspirations of peoples who were fighting to achieve complete and free expression of their national aspirations and knew the power of any group of human beings inspired by a truly national ideal which enabled it to meet and overcome the risks of encounters in which the odds were apparently unequal. Certain portions of the draft resolution submitted by the thirteen Powers mentioned public liberties, democratic institutions and independence, objectives which in themselves had the full support of the Israel delegation. Everyone must wish to see those objectives attained in all countries, including many already sovereign States. The recent immigration to Israel of tens of thousands of Moroccan Jews who were bound to their country of origin by ties of family and of tradition had created a new bond between Morocco and the State of Israel, which took a friendly interest in the harmonious development of the Moroccan community.

45. The Moroccan question had been raised, not in some gathering subject to no restraint, nor in a court of justice, but in the General Assembly of the United Nations, which was composed of the representatives of sovereign States and which had been convened in virtue of and on the basis of an international instrument, the United Nations Charter. By their attempts to give the Charter an increasingly wide interpretation the Member States had become dangerously divided and had thus imperilled the document which bound them together.

46. The Committee approached its task in difficult circumstances. The French delegation was not participating in its work and many Powers—and not minor ones—maintained that in virtue of the Treaty of

Fez and of Article 2, paragraph 7, of the Charter, the United Nations was not competent to intervene in Franco-Moroccan affairs. Recently in the Fourth Committee the representatives of the Administering Powers had solemnly declared that they would not recognize any resolutions affirming the right of the General Assembly to intervene in political and constitutional questions affecting the Non-Self-Governing Territories and would regard them as having been adopted in violation of the United Nations Charter. When the present discussion had begun, therefore, there had already been a serious cleavage in the Assembly.

47. The thirteen-Power draft resolution raised the question: who were the true representatives of the Moroccan people? The sponsors, in explaining the text, had implied that the members of the Committee were being asked to take a stand with regard to the accession to the throne of the new Sultan of Morocco. The Committee would be ill-advised to embark on such a course. Faced as it was with at least two entirely contradictory versions of the facts, did the Committee possess the means to carry out an inquiry and could it reach an international judgment on the constitutional validity of the Sultan's investiture? Could the Committee conscientiously claim that it had heard the views of all sections of the Moroccan people? Moreover, it was unlikely that the governments of Member States were prepared to endorse the principle that whenever a sovereign or a head of State had come to power against the wishes of his predecessor, it would be for the United Nations collectively to decide on the legitimacy of that procedure, to decide in each case whether the change was the result of foreign intervention, to distinguish between strictly national *coups d'état* and international *coups d'état*. His delegation at least would shrink from such a task.

48. The draft resolution omitted any reference to the Treaty of Fez, which had, however, long been recognized in international law. Furthermore, it was on the basis of that treaty that France transmitted to the Secretary-General of the United Nations information on Morocco under Article 73 e of the Charter. In those two respects, the Treaty of Fez constituted a legal instrument which must be considered as a factor in the case. Those who asserted that that treaty, which had been in effect for more than forty years, had been violated by France, or that its purpose had been fulfilled, were inviting the First Committee to engage in a very thorny legal debate. The Saudi Arabian representative, who had spoken at length on that point, had repeatedly mentioned the possibility of seeking an advisory opinion from the International Court of Justice. Furthermore, had the General Assembly the power to modify or annul an international treaty by a majority vote and were the Member States prepared to submit their international undertakings to such censorship on the part of the Assembly? His delegation did not think so. He had no desire to minimize the very broad scope of Articles 10 and 14 of the Charter. At the present stage of positive international law it would be difficult to agree that the Assembly could take decisions in the Moroccan question in disregard of the Treaty of Fez.

49. More generally, did Chapter XI of the Charter confer upon the Assembly the power of proclaiming the independence of a Non-Self-Governing Territory? He stressed that he had deliberately used the word "power" rather than the word "competence". For nothing

could prevent the majority of the General Assembly from including in its agenda a question of concern to it or from adopting the resolutions it wished on the subject. The only barrier to a possible excessive exercise of that power was the wisdom of the Member States. Nevertheless, there was still the problem of putting such resolutions into practice and, in particular, the problem of avoiding the Charter's being cited outside the General Assembly as an argument against the Assembly's work. Those two problems had yet to be considered.

50. It would be extremely unfortunate if, as a result of divergent interpretations of the Charter, constitutional development in the Non-Self-Governing Territories were to follow a course different from that foreseen in the General Assembly's resolutions. It would be in the interests of the Members of the United Nations to avoid the further accumulation of resolutions likely to be belied by future developments. Interminable legal controversies were of little constructive value and permanent negotiations among the Member States appeared essential. The situation under discussion showed once again that neither traditional diplomacy nor direct contact between States had become less necessary because of the existence of the United Nations.

51. Those comments clearly showed that juridical considerations were not sufficient to reflect his delegation's views. The Assembly felt a real interest in the political and human problems involved in the Moroccan question at present and which would arise later in respect of other Non-Self-Governing Territories. The right of peoples to self-determination, a cause which was dear to most Member States and to the State of Israel, was supported by a powerful body of opinion nourished sometimes by ideological considerations and sometimes by purely practical political considerations. There was the grave risk that if that body of opinion went unheeded, it would intensify the present uneasiness and shake the very foundations of the United Nations. The handling of political problems in the Non-Self-Governing Territories must be sufficiently farsighted to prevent tension mounting to fever pitch and to ensure the continuation of the development called for in the Charter.

52. In the light of development of the present-day world there was every prospect that the future of the Moroccan people, who were justly proud of their history, would be determined by their own freely expressed will. What political form they were destined to have, what would be the position of the foreign population in Morocco, what would become of the work achieved by France, the reality and extent of which no one denied—those were questions which the parties concerned would have to decide.

53. The strong currents of opinion which had been manifested in France itself on the subject of the democratic future of Morocco and Tunisia held out definite hopes to the people of those territories. The important statements of Mr. Maurice Schumann deserved to be seriously recorded. In the circumstances it might properly be asked whether it would not be inconsistent to withdraw publicly from the great French nation the trust which the resolutions of the previous year had placed in it, as the draft resolution proposed, and whether hasty action on the part of the Assembly would not harm rather than further the interests it was desired to promote.

54. His delegation thought that at the present stage of events the time had come for the United Nations to negotiate, to persuade and to seek to bring about mutual understanding. It was in that spirit that his delegation

would decide its attitude towards the draft resolution or any other proposal submitted to the First Committee.

The meeting rose at 12.50 p.m.