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Chairman: Mr. Djalal ABDOH (Iran).

AGENDA ITEM 59

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

1. Mr. LARAKI (Morocco) pointed out that, by adopting resolution 1012 (XI) on Algeria at the eleventh session by a unanimous vote, which had included the affirmative votes of the delegations now invoking Article 2, paragraph 7, of the Charter of the United Nations, the General Assembly had once again demonstrated that it was competent to deal with the question. The arguments to the contrary were strangely similar to those which had been heard in the Committee in respect of the Tunisian and Moroccan question. Moreover, the facts of history and the legal considerations adduced by Mr. Pineau, the Minister of Foreign Affairs of France, in his statement (913th meeting) showing that Algeria had been part of France since 1848, were far from convincing.

2. Since the adoption of resolution 1012 (XI) expressing the General Assembly's hope for a peaceful settlement, the French repression in Algeria had assumed such proportions as to arouse the indignation of the whole world. The optimistic forecast of a quick end to the war made by Mr. Robert Lacoste, French Minister for Algeria, had proved unfounded. The country was still in the throes of a fierce struggle against French domination and was far from "returning to normal" as Mr. Pineau had asserted. Using the slogan of "pacification", the French were consolidating their reign of fear and doing their utmost to prolong and extend the war. They were being forced to call up fresh contingents to deal with the ever-increasing number of incidents and clashes which occurred daily.

3. The methods used by France in its "pacification" of Algeria were contrary to the Universal Declaration of Human Rights and the principles of the Charter. He cited the protests of a number of eminent Frenchmen against the use of torture and other brutal procedures which, in the view of one witness, were comparable to those employed by the Nazis in Germany during the Second World War. The indignation they had aroused in world public opinion was such that, on 6 April 1957, the French Government under Prime Minister Guy Mollet had established a commission for the protection of human rights in Algeria, the Commission de sauvegarde des droits et des libertés individuels. However, certain distinguished members of that Commission had since asked to be relieved of their duties because,

as one of them had explained, it had neither judicial nor disciplinary authority. The report of the Commission had not been published, a fact which the French Government had not explained. On the other hand, a delegation of the International Commission Against Concentration Camp Practices had reported that torture was being used to extort confessions and obtain information, and that persons disappeared without explanation. Mr. Lacoste had refused to allow a committee of the French Radical Socialist Party to make an on-the-spot inquiry, undoubtedly for fear that its findings would be similar. In a letter explaining his refusal, Mr. Lacoste had told the four members of the proposed committee that he would have to provide several thousand armed paratroopers for their personal protection. It might well be asked, in the circumstances, how many millions of French soldiers would be required to maintain the régime which the French wished to impose on Algeria against the wishes of the Algerian people. It was clear that the methods used by the French against the Algerian nationalists served only to inflame hatred and to provoke retaliation by violence. France was pitting a powerful army equipped with modern weapons against a whole people fighting for its freedom. It might succeed in crushing resistance in the cities temporarily or in reducing the number of overt acts by intimidation, but it could not prevent the Algerians from continuing a struggle for the principles proclaimed in the French Constitution. The use of force was doomed to failure.

4. The Algerian war raised serious problems between France and Morocco. Apart from the questions which had remained unsettled when the French protectorate had come to an end—the fixing of Morocco's southern frontiers and the presence of the French army in the country—Morocco now was confronted with a war raging at its very doorstep which threatened to spread and a steady flow of refugees across its borders. The Algerian conflict weighed heavily on the Moroccan economy. What was even more serious, however, was that it might eventually involve all of North Africa. The presence and actions of thousands of armed soldiers in Algeria were a clear threat to international peace and security.

5. The Moroccan delegation did not agree that the *loi-cadre* (basic law) which France sought to impose on Algeria would put an end to the conflict. The text adopted was less liberal than the original text because it was an attempt to reconcile the views of the various French political parties rather than to take account of the legitimate aspirations of the Algerian people. Moreover, under the *loi-cadre*, Algeria, which was basically a unitary State, would be split up into several regions along ethnic lines, which were ultimately to constitute a federation. Mr. Gaston Defferre, the French minister who had been responsible for the *loi-cadre* for the French African territories, had stated that the effect of the division of

Algeria would be to pit the various regions against each other so that they would refuse to come together in a future federation. France was using the ancient tactic of "divide and rule".

6. While the loi-cadre provided for the establishment of so-called territorial assemblies authorized to deal with local interests, it nowhere defined those local interests and it removed from the purview of the assemblies such matters as justice, police and security and electoral laws, reserving them for the exclusive competence of the French Parliament. Indeed, the French Government would retain all political and sovereign powers. The federative council and the federative assembly were to assist the Minister for Algeria and would deal only with questions delegated to them by the territorial assemblies. They would have no power with respect to the questions reserved for the French Parliament. The Minister for Algeria would exercise sole authority in those matters. Thus, the loi-cadre made it impossible for Algeria to establish autonomous legislative and executive branches exercising political powers.

7. Mr. Pineau had asserted that the loi-cadre was a first step and that it was of an evolutionary nature. In reality, it could evolve only by the will of the French Parliament through the enactment of laws or as a result of a revision of the French Constitution of October 1946. Furthermore, the principle of the single electoral roll had merely been proclaimed; it had not yet been applied. Indeed, it would have been logical to apply it when the equality of all the inhabitants of Algeria was proclaimed by the Statute adopted on 20 September 1947, but that Statute had remained without effect. An analysis of the draft electoral law showed, moreover, that what the Government was actually offering was not a single electoral college, but a revival of the old electoral colleges. Finally, it would be seen from the terms of the loi-cadre that French sovereignty would continue to be exercised at all levels. The Minister for Algeria, appointed by the French Government, would be directly responsible for all government services; he would preside over the federal government and appoint the representatives of that government throughout the country. The head of each territorial government would also be appointed by France. The territorial assemblies would be represented in the federative assembly only after two years. In four years, negotiations on the loi-cadre could be undertaken with the French Parliament, provided the proposals for changes were agreed upon by the territorial assemblies and the federative assembly. The veto of a single territorial assembly would be sufficient to nullify the whole process of "evolution" of the loi-cadre. It had been stated that the territorial assemblies were to provide recognized spokesmen for the Algerian voters, but if that were the case they should be free to negotiate and to present their conditions, and those conditions might conceivably include a demand for the complete independence for Algeria. However, article 1 of the loi-cadre precluded such conditions by stating expressly that Algeria was an integral part of France. Consequently, elections in Algeria as envisaged by the French were not intended to produce genuine spokesmen for the Algerian people with powers to discuss the future government of their country.

8. The loi-cadre would not help to settle the problem of Algeria because it worked against Algeria's nation-

al aspirations, would artificially divide a country which was essentially a single entity, and would impose a statute arbitrarily. Mr. Pineau had himself explained that it was a law laying down certain principles. The loi-cadre was therefore a legislative act having effect as from the time of its promulgation. It could not be successfully implemented because it had been drawn up without consulting the Algerian people and would be applied without their consent. The representatives of the Algerian people rejected it. The Algerian problem was not a problem of legislative reform; it was a political issue which could be resolved only by recognizing the Algerians' right of self-determination. It should be candidly recognized that the positions of the French Government and the Algerians were diametrically opposed: the Algerians were demanding recognition of their sovereignty and the establishment of their own government; the French Government maintained that France's sovereignty over Algeria could not be questioned and it attempted, by legislative reforms, to strengthen an anachronistic colonial régime, and to maintain it by force of arms. In the circumstances, either the French Government would force its reform on the Algerians and a cease-fire would become out of the question or, what was more likely, it would have to abandon its plan to impose the loi-cadre. In the view of the Moroccan delegation, it was only by recognizing Algeria's right to independence and by negotiating with the Algerians that the bloodshed could be ended and France's true interests served.

9. The Government of Morocco had consistently attempted to bring about the rapprochement which was necessary to a peaceful solution of the Algerian problem. The intensification of the war led it to deplore even more strongly the incident of October 1956 when the French had captured the Algerian leaders en route for a conference to be held at Tunis at which proposals were to have been worked out for the consideration of the French Government. The Moroccan Government had repeatedly appealed to the French to enter into negotiations with the Algerian spokesmen. Most recently, the King of Morocco and the President of Tunisia had offered their good offices to France and to the leaders of the National Liberation Front (FLN). It was an offer of mediation intended to facilitate contacts between the two parties; the negotiations themselves would be held between the parties directly concerned. The reasons given by France for rejecting the offer were spurious; the truth was that France could not accept it because mediation was based on the premise, unacceptable to France, that there were two parties concerned in the question. The French continued to hold, on the contrary, that the Algerian question was one of domestic jurisdiction and that France alone was competent to resolve it by unilateral action.

10. Morocco would continue to support Algeria's aspirations for freedom and independence; it was committed to do so by the United Nations Charter, the Universal Declaration of Human Rights and its recognition of the right of peoples to self-determination. France's insistence that only a cease-fire should be negotiated was the real obstacle to negotiations. The Moroccan delegation appealed to the parties to enter into immediate negotiations. The United Nations should not disappoint the peoples seeking their freedom and independence.

11. Mr. MENA SOLORZANO (Nicaragua) took the view that it might not be as difficult as some speakers had maintained to find a democratic and equitable solution to the Algerian problem. He deplored the violence with which the Algerian nationalists were seeking to make their viewpoint prevail. Those who were familiar with French history and political development did not doubt France's sincerity and good will in helping Algeria on the road to independence, as France had helped so many other peoples—Morocco and Tunisia, for example—in the past.

12. He could not accept the contention that France was intransigent and was frustrating the right of self-determination in Algeria. France had had ties with Algeria for many years, had introduced there its culture, language, education and ideals. As the French Minister of Foreign Affairs had pointed out, there were many persons of European origin in Algeria and many Algerian Moslems living in France.

13. He did not speak for a country which possessed great armaments, but he did represent the views of a free nation which had practical experience in the principle of "live and let live". It was only natural that Algeria should want freedom and that France should not wish to see its work destroyed or its interests unprotected. It was therefore not possible to proceed on a unilateral basis, and negotiations were necessary if a reasonable solution was to be found.

14. The countries of Latin America remembered and were proud of their Spanish heritage and had recently welcomed Spain in the United Nations. It was therefore eminently possible that, with the passage of time, a similar feeling would grow up between Algeria and France. The example of India showed that it was possible for a nation to gain its independence by non-violent methods and to remain on terms of friendship and co-operation with its former rulers.

15. In his delegation's view, there should be a cease-fire after which negotiations should be started. The reverse procedure would be illogical. France was asking only for fair play, and it was for the United Nations to ensure fair play and give France the chance of proving its good faith. He was convinced that the Algerian nationalists wished to advance their cause rather than do anything to its detriment, and he therefore considered that it would be desirable to devise a draft resolution which would clearly state that the problem could be solved if it was agreed that there would be a cease-fire first, to be followed by talks. His delegation had full confidence in the good faith of France.

16. Mr. SOBOLEV (Union of Soviet Socialist Republics) deplored that, as Mr. Pineau had made plain in his statement, the French Government intended to continue its attempt to resolve the Algerian question by force of arms. That mistaken policy was bound to maintain acute tension in the region, and thus create a situation constituting a serious threat to international peace and security.

17. Ignoring the moderate resolution adopted by the General Assembly at its eleventh session, the French Government had intensified its military operations in Algeria, and bloodshed and devastation were the result; Algerian refugees who fled to Tunisia and Morocco alone numbered 300,000.

18. Mr. Pineau had described the nation-wide Al-

gerian liberation movement as the activities of a few scattered groups of terrorists who sought revenge against France and he had claimed that the movement was dying down as a result of the so-called "pacification" policy, which in fact was nothing but brute force and naked terror. In reality, however, the Algerian liberation movement was growing rapidly, and the number of Algerians fighting for their freedom and independence had multiplied threefold during the past year.

19. That movement, supported not only by all peace-loving nations, but also by many progressive persons in France itself, had been the underlying cause of economic difficulties and political crises in France; yet the French Government stubbornly maintained its policy. The concentration of French forces in Algeria not only belied the statement that the liberation movement had been suppressed, but showed that the French Government was determined to continue a bitter colonial war which, while it claimed countless victims, could never restore France's former domination.

20. Moreover, on the pretext of the so-called "right of pursuit" which had no basis in international law, France was carrying the war to the territories of Tunisia and Morocco, where many peaceful inhabitants had already been killed. As the Tunisian representative had pointed out in letters to the Secretary-General, those frontier violations were deliberate, and constituted flagrant violations of Article 2, paragraph 4 of the Charter. The Moroccan Government had lodged a similar protest. The Algerian question had also been the subject of diplomatic negotiations between the French Government and other Governments and had been discussed at length at the African-Asian Conference held at Bandung in 1955. Lastly, it was being debated for the third time by the General Assembly. There could therefore no longer be any doubt that, while in the beginning it might have been a domestic matter, it had now become an international problem, and that it was the duty of the United Nations to promote its settlement by bringing to an end the Algerian war.

21. France's successive governments, which on the whole maintained the same policy towards Algeria, had tried to give the impression, as a sop to French and world public opinion, that they were endeavouring to bring about a peaceful settlement. However, the draft law on Algeria's new status, approved by the National Assembly on 29 November 1957, was certainly not a step in that direction. As the Tunisian representative had stated (914th meeting), the inadequate reforms embodied in it were doomed to failure because they did not provide for equal rights for the indigenous inhabitants of Algeria. The law had been drafted without any consultation with Algerian representatives and its opening words, proclaiming Algeria to be an integral part of the French Republic, showed that it had been prepared in the interests of French monopolists and colonialists and not in those of the Algerian people. Its experience in Viet-Nam should have shown the French Government that a continuation of its policy of repression of the Algerian people would only widen the gulf between France and Algeria, a result which would be to the direct advantage of those who pursued their own aims and were doing their best to force France entirely out of North Africa and to take over its resources.

22. After the Second World War, the Arab population

of Algeria had sought reform by peaceful ways, but it had met with savage resistance on the part of the French administration. It was only natural that the Algerian people, weary of their subject status, had followed the example of many other colonial countries and had decided to fight for their national independence. Their struggle was part of a great historical process—the disintegration of colonialism and imperialism. Since 1945, more than 1,300 million persons had freed themselves from the colonial yoke and had formed independent, rapidly developing States. That was the process the French Government was vainly attempting to arrest by armed force, justifying its actions by the absurd allegation that the Algerian liberation movement was not supported by the people, but was inspired from abroad or by Algerian communists. Attempts by certain representatives in the Committee to equate that movement with the counter-revolutionary Putsch in Hungary were equally absurd. It was plain that the French Government was denying the Algerian people its right of self-determination and refusing peaceful negotiation in the hope of a military victory. After three years of war, however, the French Government should realize that such a victory was out of the question and should seriously consider means of peaceful settlement, taking full account of the interests of the Algerian people.

23. The more progressive of the French political leaders were seriously alarmed at the Algerian situation and many of them were demanding the end of the war. Among them was no less a figure than Mr. Pierre Mendès-France, head of the Radical Socialist Party and former Prime Minister, who had advocated the restoration of civil rights and freedoms in Algeria and negotiations through the intermediary of Tunisia and of Morocco and who had strongly criticized the draft law of 29 November. In continuing its unpopular war in Algeria, the French Government was protecting the French monopolists who were interested in the oil and other natural resources recently discovered in the Sahara. Those resources had aroused the interest of United States monopolies as well, and, under pressure, the French Government in August 1957 had agreed to the creation of a United States-French oil syndicate for oil prospecting in that area. Forty-five per cent of the syndicate's shares were owned by two United States companies. The French had hoped that the concession would win the United States support of the colonial war in Algeria; but the United States monopolies wanted all the oil, rather than a share, and were therefore doing their best to force the French out of North Africa. As it happened, their interests coincided with the military and strategic interests of the United States Government, which wanted to establish military bases in North African countries now governed by France, to be used both against the Socialist countries and against any national liberation movement in Africa and the Near East. Those plans were as contrary to the interests of the peoples concerned as they were to those of France. The French Government should therefore consider the Algerian situation and its possible consequences very seriously indeed.

24. The position of the USSR on the Algerian question was clear, and had been explained several times in the United Nations. The USSR held that every people had the right to freedom, independence and self-government and that the Algerian people was no exception.

It believed that hostilities in Algeria should cease at once and that a peaceful settlement should be found. While it was fully aware of the complexities of the question, it felt that such a settlement would be as much in the interests of France as of Algeria. It was aware of the special historical ties between the two countries and would welcome a mutually advantageous agreement between them. It was confident that the cessation of the Algerian war and the satisfaction of the national aspirations of the Algerian people would result in friendly and fruitful relations between France and Algeria and urged the United Nations to make every effort to attain that end.

25. Mr. ZEINEDDINE (Syria), recalling his earlier statement (915th meeting) that a just and durable settlement of the Algerian issue could be based on the precedents established in the cases of Morocco and Tunisia, said his delegation continued to believe that such a solution would represent a logical continuation of the policy pursued by France in the case of the other two countries and a logical extension of the settlements reached, with French agreement, in those cases. It could not agree with the view of Mr. Giscard d'Estaing who had said (917th meeting) that no analogy existed between Algeria and the other two North African countries either in law, in fact or in the prevailing state of mind.

26. Mr. Giscard d'Estaing had argued that Algeria's juridical status was different from that of the other two countries because the latter had been protectorates. That was true. But what then was Algeria's position? It was neither a protectorate nor a colony or Trust Territory, and it was surely not an integral part of France, since French legislation had never applied to Algeria and the legal status of Algerians had always differed from that of Frenchmen. According to the French Constitution of 1946, the relationship between Algeria and France was one of union, but that union was neither a voluntary one nor one based on equal rights and duties, since Algerians had never enjoyed the same rights as Frenchmen.

27. Algeria had enjoyed full statehood as a national entity before the French occupation, maintaining international relations in the form of treaties, with many States. In 1830 the French had landed in Algeria, attacked the city of Algiers and, after surrounding his army, had forced the Dey, in whom Algerian sovereignty had been vested, to surrender. The act of surrender of 5 July 1831^{1/} was the only legal instrument applying to Algeria. But that document was a military, not a political instrument, and applied to the city of Algiers and some of its suburbs, not to Algeria as a whole. Moreover, under Moslem law, which was then applicable in Algeria, the Dey could not cede sovereignty over the country, nor had he done so. Thus, although France had entered into treaties with Tunisia and Morocco and therefore had some basis, from the strictly juridical point of view, for intervening in their affairs, in the case of Algeria there had been no transfer of sovereignty at all, and the case for Algerian independence was even stronger than that of Tunisia or Morocco. France's status had been and remained that of an occupying Power and its continued occupation of the country could establish no legal

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

claim, especially since the Algerian people had never ceased to resist it.

28. Leaving law aside, the situation was quite clear. All three countries shared the same language, people, culture and living conditions; all three had been occupied by France and subjected to the same French policies of pacification, assimilation and exploitation, and all shared the problems posed by the presence of French colonists and the French policy of "divide and rule". The French had in fact ruled directly in all three countries. Thus in all essentials, the actual situation of the three countries was exactly the same.

29. He was not sure whether the French representative's reference to states of mind had been intended to apply to the state of mind of the French or of the Algerian people. However, Mr. Giscard d'Estaing had argued that the situation in Algeria was different from that of the other two countries because of the great attachment of the Algerian people to France and their desire to remain under French rule. His delegation disagreed completely with that view, for the Algerian people were demonstrating the greatest resistance to foreign rule displayed by any people in modern times, and it was obvious that the vast majority of them wanted independence. The attachment of the Algerian people to France was a forced attachment, ensured at present by three-quarters of a million troops. The repression needed to maintain it was so great that even the conscience of France and of the French people had turned against French policy there. But if the French wished to contest the facts of that repression and the facts regarding the real feelings of the Algerian people, they should be prepared, as his delegation was, to accept an international investigation into the acts of repression committed in Algeria and the holding of a plebiscite under United Nations supervision on the question of independence. He asked the French delegation if it was prepared to accept those two steps.

30. The French representative had attempted to read into the statements made by the Tunisian and Syrian representatives a difference between their points of view. But no such difference existed, for in both cases the solution proposed was based on Algerian independence, and the need for negotiations between France and Algeria to settle the problem. The French delegation could choose either the Syrian or the Tunisian formulation of that solution; it made no difference to his delegation.

31. The French representative had also stated that the representative of Syria had expressed the point of view of one of the extremist rebel groups. That attempt to differentiate between the groups of rebels in Algeria was out of date and not in conformity with the facts. The end for which all the rebels were fighting was the same.

32. The rights of the French colons in Algeria to remain there, and to enjoy their individual rights regardless of whether they chose French or Algerian citizenship, should be safeguarded. They formed about the same proportion in Algeria as in Tunisia and Morocco, and the solution which had been successfully applied in Morocco and Tunisia could also be applied in Algeria.

33. It had not been his delegation's intention to present a complete and detailed solution to the Algerian problem, but merely to indicate that some of the difficulties

which had been referred to were not difficulties at all and that negotiations would solve the other matters still pending between Algeria and France. But in his delegation's view the main obstacle to a solution was not the difficulty of finding one, but French reluctance. It seemed that French policy remained based on an attempt to pacify Algeria in order to impose a unilateral solution. But that policy meant a continuation of the war. What was necessary was a change in France's outlook on the problem. The struggle of the Algerian people for liberation was a part of the irreversible movement of national liberation which had brought independence to 700 million people during the last decade alone. It was time for the French people to realize that they must seek co-operation with Algeria rather than domination over it.

34. The loi-cadre, to which Mr. Giscard d'Estaing had referred, could not be regarded as a solution to the Algerian problem because it was a unilateral French action, because it represented no basic change in French policy and because it in no way affected the fundamentals of the Algerian problem.

35. The Nicaraguan representative had implied that only blameless delegations had the right to attack France. But his delegation had not wished to do so. What the Assembly could and should accomplish at the present session was to open the eyes of all concerned, to guide them onto the right path and to ensure that the cumulative effect of past errors was overcome in accordance with the principles of the Charter. His delegation hoped that France would take that path. Meanwhile, it believed that the United Nations should continue its efforts to convince both France and Algeria to enter into negotiations in order to settle their differences on the basis of national independence. That was the only just and feasible course, and the only one which would redound to the honour of France and fulfil the mission of the United Nations.

36. Mr. ST. LOT (Haiti) said that the question of Algeria, involving as it did the right of self-determination, placed his delegation in a most difficult position. By tradition it sympathized with those who claimed freedom and justice; yet it had feelings of gratitude towards France for the part it had played in the history of man's unceasing strife against all that threatened to retard his full development. It was ironical that France should now be embroiled in an unequal battle for issues which were utterly at variance with its cultural heritage, its prestige in the world of ideas and its great traditions.

37. It was perhaps fortunate for the glory of France that it was divided by the Algerian issue. If considerations of an essentially practical nature hampered the French Government in its search for a just solution, the friends of France, together with a large part of the French people, must help to find a solution worthy of French traditions and likely to ensure their persistence. The brilliance of contemporary French culture should have convinced France's present leaders that a State's power and influence did not depend on economic factors alone.

38. The fundamental disagreement concerned the French statement that Algeria was an integral part of France; the French delegation based its argument that the General Assembly was not competent in the

matter on that premise - which the Haitian delegation did not accept. The Tunisian representative, who was the spokesman for the Arab community involved in the dispute, had dismissed as a legal fiction the contention that Algeria was part of France. Indeed, a glance at the French Constitution, the basic principles of the loi-cadre and the attitude of the Press in metropolitan France, sufficed to show that, even though the Algerian people might desire integration into the French community, that desire had not yet become reality. It was not easy to assimilate any racial group possessing its own civilization, language and religion, and the 130 years of French presence in Algeria had not been sufficient to eliminate differences between the two racial groups which had formed pretexts for various kinds of political and legal discrimination. It was because of those considerations that an amicable solution was difficult to find. The Algerians, taking their stand on the Charter, demanded immediate

independence. France was just as firm in wishing to grant a statute which certainly improved the Algerians' personal situation but was still far short of the requirements of those who demanded immediate independence. For the last four years, Algerian claims had been presented, not merely as a request, but by force of arms. A threat to international peace and security had arisen, and the United Nations could not fail to meet its responsibilities to prevent such a threat from developing.

39. His delegation was therefore prepared to support any draft resolution which respected the principles of the Charter and, in particular, the right of self-determination, and which would bring to Algeria a peace based on justice and respect for the rights and interests of the parties concerned.

The meeting rose at 1.10 p.m.