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FIRST COMMITTEE, 538th

MEETING

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Chairman: Mr. João Carlos MUNIZ (Brazil).

Programme of Work of the Committee

1. The CHAIRMAN read the report of the General Committee (A/2288), stressing the need for the various General Assembly committees to accelerate their work. He hoped that the First Committee would agree, as recommended in the report, to hold if possible two meetings daily, including Saturday, during the next two weeks.

2. A number of questions remained on the First Committee's agenda. The Korean question could not be considered as finally settled until replies had been received to the General Assembly resolution 610 (VII) recently addressed to the parties. He suggested that the list of speakers on the Tunisian question should be closed on Monday, 8 December, at 6.00 p.m.

3. Mr. Zafrulla KHAN (Pakistan) said that his delegation endorsed the General Committee's request to accelerate the work of the Assembly. That request should be observed particularly by Committees able to conclude their business by the final date of 20 December, so that full delegations would not have to return after the adjournment of the General Assembly.

The Tunisian question (A/2152, A/C.1/736 and A/C.1/737) (*continued*)

[Item 60]*

4. Mr. MOSTAFA (Egypt) said that after Mr. Zafrulla Khan's brilliant speech (537th meeting) he could hope to make only a modest contribution to the debate on the Tunisian question. His delegation regretted the absence of the French delegation, since nothing could be accomplished by a negative policy. Recent news indicated that the situation in Tunisia was growing worse. Hundreds of Tunisians had been killed or wounded as a result of action by the French colonists, and it was reported that a Nationalist leader had just been assassinated. Incidents flowing from the Tunisian people's desire for independence were fiercely repressed, but acts of terrorism committed by

the French colonists went unpunished. The facts were clear, and suggested a relation between that repression and the consideration of the Tunisian question by the United Nations. Such a policy might well be regarded as the implementation of Mr. Schuman's threat that France could in no circumstances recognize the validity of any United Nations decision on North African matters. In any case, France's current policy of maintaining tension constituted a flagrant defiance of the United Nations. The only possible conclusion was that it would be preferable for each of the parties to present its own point of view.

5. In drawing the attention of the United Nations to the situation in Tunisia and Morocco, the Egyptian delegation had acted not in a fit of ill-temper but in pursuance of its duty under Article 35 of the Charter, which provided that any Member might bring any situation of the nature referred to in Article 34 to the attention of the international organization. He did not wish to weaken in any way the traditional ties of friendship between France and Egypt; his delegation held the greatest respect for France's liberal tradition and its contribution to civilization.

6. Before appealing to the United Nations, the Arab States had made friendly representations to the French Government in an effort to find a solution for the Moroccan problem. When that effort had failed in 1951, the Arab States had considered the possibility of mediation by a third Power. As those efforts had also failed and the situation in North Africa was constantly deteriorating, it had appeared necessary, in order to preserve the traditional friendly relationship between France and the Arab world, to apply to the United Nations, which was competent under the provisions of the Charter to investigate and settle any dispute or any situation which might lead to international friction.

7. Because of its prominent geographical and strategic position and its natural resources, Tunisia long ago attracted the attention of the Western world. The Bey was in theory a vassal of the Sultan of Turkey, and in 1845 the Sultan sought to make his vassaldom a reality by means of a firman of investiture. After

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

consulting France, which was already installed in Algeria, the Bey refused to submit to the Sultan's demands. The *Sublime Porte* then made the gesture of sending warships to Tunisia, whereupon France intervened and the matter was dropped.

8. French troops penetrated to Tunis in 1881 on the pretext of a few raids by Tunisian tribes over the Algerian border. The Bey was unable to resist and on 12 May 1881 signed with France, a treaty of friendship and good neighbourly relations, called the Treaty of Bardo. That was supplemented two years later, on 8 June 1883, by the Convention of La Marsa.

9. A significant feature of those instruments, which had transformed Tunisia into a protectorate, was that they were concluded between two sovereign States. Tunisian nationals and Tunisian territory were regarded as non-French. Although the protectorate gave France the exercise of some of the attributes of Tunisian sovereignty, it did not affect Tunisia's legal status under international law. Thus the argument that the Tunisian question was essentially within France's domestic jurisdiction was contrary to the provisions of the treaties establishing the protectorate and to the Charter's principles of the equal rights of peoples and their right to self-determination. Moreover, the spirit of the Tunisian treaties was difficult to reconcile with the ideological and humanitarian conceptions which France had championed since 1789.

10. The disputes which set Tunisia and Morocco against France were similar. Both were claiming their rights and asking for the restoration of their political independence, which was guaranteed by the protectorate treaties. Both were willing to enter into an agreement to safeguard French interests. France had consented to a number of palliative reforms, but had refused any discussion of its rights under the treaties imposed seventy years ago upon Tunisia and forty years ago upon Morocco. Furthermore, by granting minimal concessions, France was attempting to extort from those countries their consent to the principle of co-sovereignty. France's intransigent attitude had led to serious disturbances which jeopardized peace and security in that part of the world. While a policy of repression might prevail for a while, it could not be regarded as a solution.

11. Light would be thrown on the Franco-Tunisian crisis by recalling the solemn promises made by the coalition of free nations to oppressed peoples during the Second World War. Because of them, the Tunisian people, who had made great sacrifices for liberty, in 1945, welcomed victory as the dawn of a new era.

12. Unfortunately, in spite of the reforms which the French Government had announced in 1945 and 1947, no change in the 1881 régime was made until 1950. On 11 June 1950 the French Minister of Foreign Affairs declared that "Tunisia will be led to the full flowering of its wealth and towards the independence which is the ultimate plan for all the territories within the French Union". On 17 August 1950 a Tunisian ministry was set up with Mr. Chenik as president and the Secretary-General of the Neo-Destour party as a member, to negotiate, on behalf of the Bey, institutional changes that would lead Tunisia progressively towards internal self-government. On 8 February 1951 certain reforms were promulgated but unfortunately

they in no way constituted the promised progress. Under those reforms the Council of Ministers, thenceforward to be composed of seven Tunisian ministers and seven French directors, was to be presided over not by the Resident-General but by the Tunisian Prime Minister. However, in the case of emergency the Council of Ministers was to be convened and presided over by the Resident-General as part of a High Committee with a French majority of eight to seven. Moreover, even in ordinary circumstances the powers of the Tunisian Government were unusually restricted: every decree required the approval of the Resident-General. Admittedly the Prime Minister co-ordinated the activities of the various departments, but the security services, the corps of civil inspectors and the commanders of the armed forces were outside his jurisdiction and in that of the Resident-General, who under the reforms continued to govern Tunisia from top to bottom. The aspirations of the Tunisian people, who were outraged by the alleged reforms, were echoed in the speech made by the Bey on 15 May 1951 and in the letter which he sent on 22 May to the President of the French Republic. As negotiations at Tunis had been futile, the Prime Minister, Mr. Chenik, went to Paris on 17 October 1951 in the hope of finding a more sympathetic audience. In the memorandum which he had submitted to the French Minister of Foreign Affairs on 31 October, he stated that "internal self-government" must signify that Tunisia would be internally sovereign, enjoying self-government and developing its institutions as it saw fit, and he asked for the earliest possible application of that principle to all three groups of basic institutions—the government, the legislature and the administration. In practical terms that meant (a) a homogeneous Tunisian government, (b) the establishment of a representative assembly which would make laws and direct the conduct and general policy of the government, and (c) the enactment of a civil service statute adapted to the new system.

13. On 15 December 1951 France had flatly and finally refused to consider the three Tunisian requests. Rejecting the principle of internal self-government, it had tried to justify French participation in the management of the country's affairs by an alleged co-sovereignty which was in fact incompatible with the protectorate treaty. The French reply also affirmed the finality of the ties between France and Tunisia. The indignant Tunisian people had reacted by holding a general strike throughout the Territory. The political parties and trade-union organizations had advocated an appeal to the United Nations, and on 9 January 1952 the Tunisian Ministers, with the consent of the Sovereign, submitted the dispute to the Security Council (S/2751).

14. The Resident-General had immediately approached the Bey with a demand for the withdrawal of the Tunisian complaint and the dismissal of the ministry which had submitted it. In his reply of 17 January 1952 the Bey refused to yield to that demand and reaffirmed his full confidence in his ministry. During the night of 17 to 18 December the Resident-General had ordered a number of nationalist leaders and patriots to be arrested, thus arousing a wave of indignation throughout the country. He had repeated his demands upon the Sovereign. On 5 February the

Sovereign rejected the Resident-General's ultimatum. Meanwhile a change of ministry had taken place in Paris. On 25 March the Resident-General announced that he had received a plan of reform but that, to enable it to be carried out in peace and tranquillity, he considered it necessary that the Sovereign should change his ministry. After asking for time in which to consider the matter, the Bey communicated with the President of the Republic by cablegram. Events had moved fast, however, and during the night of 25-26 March the Sovereign's residence was surrounded by troops and Mr. Chenik, the Prime Minister, and several of his colleagues were arrested and deported. Mr. de Hauteclouque asked to be received by the Bey, who refused to grant him an audience, but on 28 March he consented to converse with two representatives of the President of the Republic. The President's message was clear. Faced with a choice between capitulation and deposition, the Sovereign was forced to yield, and that same evening Mr. Baccouche, a former civil servant, was instructed to form a new ministry and organize immediate reforms, the detailed text of which was to be submitted to a joint body, were announced. Eight months had then elapsed without the promised reforms being carried out, for no Tunisian of consequence cared to sit on a joint committee to discuss "reforms" which did not meet the needs of the times. The French Government had therefore given up the idea of a joint committee and had set out to institute unilaterally the reforms which could not be agreed upon by negotiation.

15. On 1 August 1952 the Bey summoned forty notables for the purpose of consulting the country. In a letter addressed to the President of the Republic on 9 September 1952 he announced that, in deference to the opinion of his people, he considered it his duty to reject the proposed reforms. That same letter contained both a detailed criticism of the policy of the four French Residents-General who had succeeded one another at Tunis since the end of the second world war, and an assurance that the Sovereign had never withdrawn his confidence or their powers from the arrested ministers. In the second part of his message the Bey asserted that the Convention of La Marsa and the Treaty of Bardo restricted the rights of the French representative to administrative matters. The French representative, therefore, did not have power of his own motion and without the formal consent of the Bey to change Tunisian institutions. The Bey's reference in that passage was to the terms of the previous claims submitted to France by the legitimate Tunisian Government.

16. The conclusion which emerged from the foregoing survey was that the negotiations started between the two capitals had not given positive results. According to a very recent agency report from Tunisia, France had requested the Bey to resume talks. The Egyptian delegation regarded that request merely as further pressure intended to force the Sovereign's hand so as to reach at any cost a settlement of the problem, which has now been submitted to the United Nations.

17. The achievements of the French in Tunisia, so often mentioned, had been marked during the last seventy-one years by a continuous conflict between the nationalism of a dominated people and European colonialism. Once a protectorate, Tunisia was rapidly

becoming a colony. France had undoubtedly worked hard, but much harder for the French than for the Tunisians. At the present time the colonial system had perpetuated the opposition between conquerors and conquered, between the indigenous inhabitants and the European settlers who found North Africa profitable, the civil servants forced to avoid displeasing the settlers, and the politicians concerned for a source of profit and a means of government. That was the situation in North Africa. Moreover, the French documents, and in particular the Yellow Book *Affaires de Tunisie 1870-1881*, clearly showed that France had gone to Tunisia only for colonial expansion and not at all for altruistic purposes.

18. There was no denying that Tunisia had made considerable progress under French administration. In technology and in improvements in health services, however, Tunisia had benefited from contributions other than those of France. As for France's financial assistance to Tunisia, Mr. Chenik, in a letter to Mr. Schuman dated 9 January 1952, had given the information that the assistance had taken the form of an interest-bearing, repayable advance serviced by an annual payment borne in the budget under the heading of the Tunisian national debt. Furthermore, although that assistance doubtless benefited the whole country and population, it was—as Mr. Chenik had written—particularly valuable to the concessionary undertakings, in which the Tunisian element was practically unrepresented. Mr. Chenik added that Tunisia had perhaps been entitled to some gratitude from France in return for its loyalty and its contributions during the historic trials of the French nation, and concluded his letter by asserting that the Tunisian problem deserved consideration in a spirit of broad generosity which would keep it from degenerating into a squabble over figures or the discussion of a balance sheet.

19. Mr. Mostafa then dealt briefly with some unfamiliar aspects of French activities in Tunisia.

20. Settlement policy in Tunisia, he said, had been marked by an improper naturalization system enabling the number of French citizens to be considerably increased by the automatic grant of French nationality to aliens resident in Tunisia. Such settlement had been encouraged by the institution of a series of economic privileges for French citizens and by the French monopoly of the Tunisian civil service.

21. French economic policy could be summarized as the elimination of the indigenous majority by an alien minority which held all the sources of power. That plan appeared in agriculture as well as in industry and commerce. An official document published by the Residency-General in 1932 under the title "Reports of the Protectorate Economic Sub-Committee" (*Rapports de la sous-commission d'études économiques du Protectorat*) amply described the process by which the Tunisians were being dispossessed of their inheritance. "During the first part of the history of the Protectorate the colonization movement was due chiefly to private enterprise. The immigrants bought land from the indigenous proprietors with their own money and started their own farms. The very low prices of property and the unlimited possibilities of developing a virgin country made the operation easy and ensured good profits. It quickly became apparent that that

movement was insufficient for the establishment in Tunisia of a stable French rural population sufficiently numerous to provide a solid basis for our expansion plan. Private enterprise encountered difficulties which increased directly with economic development, and assistance from the Protectorate became necessary to our immigrants. Official colonization grew from the idea of using certain uncultivated domain lands for settling our compatriots, and of buying available properties with special funds, in order to sell land of both classes to our agricultural settlers under easy terms of repayment and convenient conditions of installation." Official colonization had, of course, been financed entirely from the Tunisian budget. The same document gave details of the procedure by which lands intended for redistribution to French immigrants were to be incorporated into the Tunisian State Domain. After requesting the services concerned to co-operate in "seeking and bringing into State ownership waste and ownerless land which could be legally incorporated within the private domain of the Regency by a delimitation procedure laid down in recent enactments", the document concluded as follows: "It is, therefore, a mistake to adopt a strict approach to the problem of land tenure. As soon as land can be used by the State for exploitation to the advantage of private persons, it becomes domain land and should constitute the principal resource on which the Government can rely in continuing its task on really favourable terms, since selling prices can be fixed without regard to a purchase price subject to disconcerting fluctuations."

22. The results of this policy were revealed in French documents. Thus on page 157 of the *Journal Officiel* of 3 February 1912 the President of the Council and Minister of Foreign Affairs stated "it is true that in 1881 only 100,000 hectares of land in Tunisia were owned by Europeans, whereas of the present area of 830,000 hectares, 700,000 are owned by French nationals." Statistics issued in 1946 showed that there were only 1,373 French estates in Tunisia, 33 being over 2,000, 140 between 1,000 and 2,000, and 200 between 500 and 1,000 hectares. The distribution suggested by those figures was nevertheless remarkable, since the total of 700,000 hectares had been very largely exceeded since 1912.

23. That policy of mass dispossession had led to agricultural unemployment and poverty. During the last twelve years the rural population had suffered five famines. In 1938 Dr. Burnet, leading the League of Nations mission, reached the following conclusions: "The fact is that 81 per cent of the groups are under the 3,000-calorie level and that, so to speak, the general centre of gravity is low. Undernourishment extends to all kinds of foodstuffs, and poverty stands immediately behind it." All explanations which attributed such poverty to the operation of constant factors like atavism or climate were intended merely to conceal the real cause, which was nothing but the mass displacement of the population from the land they had owned.

24. In industry and trade Tunisia was a French satellite. By a series of precautions observed both in the choice of investments and in the management of the customs system, any processing industry likely to compete with a similar French industry or to assemble a large concentration of labour had been eliminated.

That was why Tunisia had remained a raw material-exporting country, and that was the reason for the chronic deficit in its balance of trade. It was worth remembering that since 1928 the Tunisian customs had practically lost their independence to France. Far from being based on reciprocity, the customs union between the two countries was devised as part of a true colonial pact. It was also necessary to take into account the invisible imports by which the Tunisian balance of payments was affected, such as the income from French capital invested in Tunisia, the money spent in France by French civil servants borne on the Tunisian budget, the yield of loans contracted in France by the Tunisian Government, and expenditure on equipment.

25. As for the civil service, the French Government in Tunisia had conducted several investigations to ascertain whether the present number of civil servants was related to Tunisia's actual requirements. From the most recent of those investigations, the one directed by Mr. Debré, it appeared that the civil service was governed, not by any rule of economic or social advantage, but by reasons of State alone, the State being France. More than 15,000 French civil servants were employed in the Tunisian administration, in which they enjoyed considerable advantages. Until 1942 they had received a 33 per cent salary bonus, the "colonial third". Seeing that more than 60 per cent of the Tunisian budget was spent on administration, very large sums indeed had been paid to French civil servants over more than sixty years. Those French civil servants had also monopolized most of the higher positions.

26. A cursory inspection of the Tunisian budget for the 1952-1953 financial year showed that the management of public finance was not beyond criticism. On the one hand, the fiscal policy, which was deliberately discriminatory, restricted the resources of the State, particularly because of the indirect taxation from which 82 per cent of the revenue was derived. Furthermore, unfair distribution of expenditure created a privileged class while keeping the working masses in need, ignorance and poverty.

27. Inspection of the budget showed what a grip direct administration gave the French on key positions. More than 85 per cent of the total budget was directly managed by French services; 70 per cent of the budget was spent on administration; and the cost of "inspection" exceeded that of administration proper. The internal administration of Tunisia cost 604 million francs, but 1,204 million francs was spent on the civilian inspectorate responsible for inspecting it. Out of a budgetary appropriation of 337 million francs for the Commissariat of Reconstruction and Housing, 295 million francs was spent on staff salaries. The Tunisian State bore the expense of the French Residency and the French courts amounting to 2,600 million francs. The budgetary appropriation of 2,594 million francs for public health was lower than that for the police and gendamerie, which amounted to 2,834 million francs. The Tunisian State also supported the deficits of the concessionary companies and made various grants-in-aid amounting to 5,358,500,000 francs, equal to the total amount of direct taxation. Its public debt was increasing dangerously and amounted during the current year to more than 80,000 million francs. More

than 4,000 million francs was spent each year in servicing the debt and loans.

28. That description showed that France had equipped Tunisia for France's own purposes while the Tunisian people suffered the ruin of its small and medium properties, the distress of its peasantry, the exploitation of its working class, endemic unemployment, chronic undernourishment, medieval housing standards, rudimentary health equipment, and an increase in those scourges of society, tuberculosis, trachoma and infantile mortality and also illiteracy, to which four out of five Tunisian boys and nineteen out of twenty Tunisian girls were condemned.

29. It should be noted from the speech made in the Assembly by the chairman of the French delegation, who had maintained that the United Nations was incompetent to deal with problems concerning North Africa, that France was bound to Tunisia and Morocco by treaties concluded between sovereign States. It should also be emphasized that those treaties provided for no procedure for settling any conflict between the contracting parties. Such a conflict was by definition international and so came within the jurisdiction of the United Nations by virtue of the Charter. To deny the competence of the United Nations would be tantamount to a denial of justice. Thus the French leaders claimed to be judge in their own cause. The fact was that under Chapter VI of the Charter, the United Nations was competent to settle a conflict between sovereign States. In denying the competence of the United Nations, the chairman of the French delegation had further stated to the General Assembly that the only case in which the United Nations might have to intervene would be a case of the kind covered by Chapter VII of the Charter. That statement merely minimized the seriousness of the situation in North Africa, and was also a purely false interpretation of Chapter VII, ignoring identical situation that had justified United Nations intervention in the past. It also completely ignored the communication (A/2152) from the States Members who had requested the inclusion of the item in the agenda and had thus automatically brought it under the provision of Article 34 of the Charter.

30. The whole foregoing description showed that, contrary to the purposes of the United Nations, France was trampling underfoot the Tunisian people's right of self-determination and their right to the most elementary personal freedoms. It also showed that France had started actual military operations against the Tunisian people and instituted a rule of terror likely to endanger peace. Those were cogent reasons why the United Nations should be regarded as competent in the Tunisian case.

31. France should not think that it was being put on trial or prosecuted. On the contrary, the United Nations should strive to find a reasonable and practical means for solving a serious problem which threatened to damage the traditional friendly relations maintained with France by the Arab world.

32. Mr. NUNEZ-PORTUONDO (Cuba) observed that his delegation had supported the inclusion of the Tunisian question in the agenda of the General Assembly. As the Cuban representative had said at the 379th plenary meeting, the time had come for the As-

sembly to make every effort to settle that type of problem in order to apply the principle of the right of peoples to self-determination. Nevertheless, it was necessary to act with caution in order not to cause among freedom-loving States fundamental disagreements which the aggressive totalitarian régimes might turn to their advantage.

33. The Cuban delegation did not consider that colonial questions came under the provisions of paragraph 7 of Article 2 of the Charter. The Administering Power, which had the duty of preparing a people for self-government, was responsible for the way in which it carried out that duty. The need, however, was not to make every effort to ensure the triumph of doctrinal ideas, but to seek practical solutions based on respect for the interests and legitimate aspirations of both parties.

34. The Cuban delegation could not forget that in the France of the principles of 1789, the voice that had encouraged the revolutionary struggle of the Cuban people had been that of Victor Hugo, and that it had been possible to publish a newspaper called *La República Cubana* in Paris. Mindful of those historic events, ever fresh in the memory of the Cuban people, the Cuban delegation hoped that a spirit of co-operation would enable an acceptable solution to be found without resort to force, which a great Power like France must know would achieve nothing.

35. Speaking particularly to the Arab nations, to which it was linked by well-known bonds of sympathy, the Cuban delegation justified by its glorious revolutionary past, a reminder of the patience which the Cubans had shown throughout half a century of negotiations before they had finally resorted to a war of liberation. Since, then, the two parties in the present case had friends and allies in the camp of the democracies, they should remember that certain demagogues knew how to dazzle the world with easy solutions and that the greatest enemy of the independence of peoples was really Soviet imperialism, which was more formidable than any type of colonialism.

36. There stood the enemy, ready to convert the present difficulties into a conflict. That being so, the most effective possible contribution to the cause of the liberation of peoples was to preserve the utmost calm in the General Assembly.

37. Mr. PALAR (Indonesia) paid a tribute to the memory of Farhat Hached, the only Tunisian chief to escape imprisonment, the victim of a crime the perpetrators of which he hoped shortly to be able to denounce. It was to be hoped that that great Tunisian would at least not have died in vain and that his tragic end would emphasize the need for a rapid solution which would give his people independence.

38. The French representative had seen fit to devote most of his speech in the plenary meeting to his country's policy in North Africa because he attached such importance to the continuation of France's role of protecting Power over those States. Mr. Schuman had complained of the injustice done to France by certain countries, of the insult inflicted upon it, and of the danger that certain delegations might harm the United Nations. Some Asian and African nations had now come forward to champion the cause of

liberty, equality and fraternity, not with any idea of perpetrating an injustice or offering insults, but rather to put an end to the unjust rule established by French policy in Tunisia and to seek a reasonable solution of the problem by removing threats to international peace and security arising out of the present unrest and strife in that part of the world. Since the United Nations existed to solve the world's problems through amicable discussion, the worst possible service to it would be an attempt to circumvent such discussions concerning the maintenance of international peace and security, its basic work.

39. Mr. Schuman had advised the Assembly to keep within the limits of its jurisdiction, or it would take before history the responsibility for jeopardizing France's mission in North Africa. France, however, instead of following its own advice of the day, had itself taken the responsibility before history of exceeding the powers conferred upon it by treaties concluded between two sovereign States, in order to take a unilateral stand towards Tunisia. France itself had thus jeopardized the mission that it professedly desired to fulfil. Mr. Schuman himself, by the way, had referred to Tunisia as a sovereign State.

40. An examination of the facts clearly showed that France had transgressed the limits of its self-conferred role of protecting Power. After the treaty of Bardo, concluded in 1881, and the La Marsa Convention, just when it had started the work of economic, social and cultural reform of which it was so proud, France had introduced the practices that had resulted in its present economic and political stranglehold on Tunisia. Furthermore, the advances referred to by France might well be compared with the work accomplished by independent countries during the same period.

41. Although the Treaty of Bardo and the La Marsa Convention had been concluded between two sovereign States, what had happened to Tunisia's sovereign rights and self-administration? Tunisia had kept its sovereignty in name, but it was really only a French colony. The Bey had been stripped of his authority as ruler of the Tunisian people and reduced to a figurehead, merely attaching his seal to decrees drafted by the French Administration. That undeniable change had been wrought by unilateral decrees of the French Government. The Resident-General was the real head of the Administration. Legislation was initiated and applied by French officials, while the Tunisian ministers and officials merely served to screen the exercise of power by the French. What, then, had become of the sovereignty of Tunisia, a country which France itself even now recognized as a sovereign State? The truth was that, since the La Marsa Convention had been imposed upon the Tunisians, France had steadily strengthened its authority in order eventually to govern Tunisia directly. By the La Marsa Convention, the Bey undertook to carry out reforms considered useful by the French Government. The President of the French Republic, by virtue of a unilateral interpretation of that agreement, had issued a decree on 1 November 1884 empowering the Resident-General to promulgate and execute all decrees issued by the Bey. A second unilateral act, another presidential decree dated 23 June 1885, had made the Resident-General the depository of the power of the French Republic in Tunisia. In short, the Resident-General

had become the real sovereign and the Bey was no longer sovereign except in name. That was how a nation with well-known democratic and liberal traditions had transformed a sovereign State into a colony.

42. After political colonization, it had been necessary to effect economic colonization. Consequently France, in order to strengthen its position, had conferred land grants, subsidies, privileges and the choicest posts on French nationals, while Tunisians had been deprived of their ancestral possessions. That was colonialism at work, and that was why 200,000 French settlers sought to influence the Government of Tunisia in order to protect their personal interests and maintain their mastery over the indigenous population of three millions.

43. Mr. Schuman had pointed to the progress effected in Tunisia, but had failed to mention that the French settlers' interests had come first and that the Tunisians suffered from malnutrition, disease, unemployment and poor housing.

44. In education, for instance, the proportion of French and Tunisian children attending primary school in 1949 was 94 per cent and 10 per cent respectively. During the three years between 1946 and 1949 the proportion of applicants who had succeeded in finding accommodation in schools was respectively 50 per cent for French children (5,000 out of 10,000) and 2 per cent for Tunisian children (15,500 out of a total of 775,000) of primary school age. The steady growth of the population made the solution of that problem ever more urgent. The Tunisians had therefore only one idea—to rid themselves of an administration which doomed them to poverty, illness, ignorance and every form of colonial discrimination.

45. The Tunisians' economic situation was no better. France's control over financial affairs had impoverished them through taxation, land appropriation and industrial exploitation. To illustrate the inequality existing in Tunisia it was sufficient to recall that after the Second World War the French administration had decreed an equal division of State lands between 200,000 Frenchmen living in Tunisia and 3,000,000 Tunisians. The French boasted of their capital and technical knowledge, but they should not forget that the Tunisians had paid for French accomplishments that had benefited only French nationals. Worse than all the rest together had been the Tunisians' loss of freedom for three-quarters of a century in exchange for the right, economically, to gather up the crumbs from the table. The term "protectorate" could refer only to the protection accorded by France to its own nationals through its unilateral administration of the country.

46. Mr. Schuman had said that France had set itself the goal of guiding the Tunisian people towards the democratic administration of their own affairs; but the reforms submitted to the Bey would constitute a step towards internal autonomy and the wider participation of Tunisians in public affairs, while France would gradually renounce the powers that it held under the treaties and exercised at the present time on behalf of a sovereign Tunisia. But provision for that contingency had already been made in the Treaty of Bardo, and nothing indicated that France would do now what it might have done at any time since 1881. Mr. Schuman had claimed that those territories should not be too soon left to themselves; but why

had that evolution taken such a long time? Perhaps because the grant to Tunisians of a leading political and economic position would not be exactly propitious to the aims by which France was actually guided? Unfortunately, France was mainly concerned with material interests and political prestige, which were not at all compatible with a truly sovereign Tunisia. France had had seventy years to stabilize its policy. In the name of the right of people to self-determination it was now time to assist the Tunisians to escape from a humiliating and unbearable position.

47. Mr. Schuman had also referred to treaties concluded between two sovereign States, but France had used those treaties to destroy the sovereignty of Tunisia, whose ruler was a mere figurehead and whose people were completely subjected. In those circumstances the Tunisians asked for one thing only—that their true sovereignty, of which France had deprived them, should be given back to them. No material or cultural progress could make people renounce the right to self-determination. That was what the French did not wish to understand when they tried to impose upon the Tunisians a most uncongenial way of life. Did not the France of 1789, which was still keenly jealous of its national independence, understand the motives which prompted the Tunisians to wish to manage their own affairs?

48. So far, the representatives of Tunisia had not succeeded in negotiating on an equal footing with their "benefactor", as required by democratic principles. On the contrary, they had been persecuted and deprived of their rights and freedom. A traditionally democratic government had thus taken upon itself the ways of a dictator. The story of the efforts made by the Tunisian Nationalists for negotiation was merely a long series of rebuffs. The French Government had resorted to terrorism and intimidation, had deposed the Chenik Cabinet, imprisoned the ministers, proclaimed martial law, practically imprisoned the Bey and coerced him into accepting pro-French ministers, and had imposed reforms which did not meet even the most modest demands of Tunisians who wished for independence.

49. The United Nations should therefore adopt a resolution enabling sovereign States to reach agreement in a democratic way. The French Government would then be compelled to reopen negotiations with the true representatives of Tunisia. Even in France certain elements would then be encouraged in their efforts to make France adopt a more liberal policy. The need was to solve peacefully a problem which threatened international peace and security. Three million Tunisians had the right to set up a truly sovereign State, and France must now be made to understand that it must start democratic negotiations, under the auspices of the United Nations, with Tunisians who truly represented the interests of their people.

50. The Indonesian delegation therefore submitted the joint draft resolution (A/C.1/736). Paragraph 6 of that draft resolution urged the Government of France to end martial law, release the imprisoned Tunisian Chiefs, and restore freedom to the Press and the political organizations, so that Tunisians might nominate their representatives with a view to negotiation, which, according to paragraphs 7 and 8 of the resolution, was to be conducted by qualified no-

tables. The many setbacks which had occurred in that field pointed to the need for a commission of good offices whose principal care would be the right of the Tunisian people to self-determination.

51. Mr. LLOYD (United Kingdom) said that he would appeal to reason rather than to the emotions.

52. The United Kingdom delegation considered that the First Committee was not competent to deal with the Tunisian question. The arguments he would put would be mainly legal, but the United Nations was after all seeking to build an international society based on the rule of law. As Mr. Eden had declared, any attempt to go outside the four corners of the Charter was bound to weaken the United Nations, which had never been intended to be an organ qualified to intervene, as was being attempted at the present time, between a metropolitan country and a dependency for whose foreign affairs it was responsible by virtue of certain treaties.

53. What the authors of draft resolution A/C.1/736 really recommended was revision of the treaties concluded between France and Tunisia. But the Charter of the United Nations, unlike the League of Nations Covenant, contained no provision in that matter. The preamble spoke of "respect for obligations arising from treaties and other sources of international law". The Treaty between France and Tunisia entrusted the conduct of Tunisia's foreign affairs to France, which was to say that the two parties to the Treaty were placed in a special relationship. As Mr. Schuman had shown, Tunisia had drawn advantage from that system which it could not have obtained in any other way. The fact that France had been entrusted with the conduct of Tunisia's foreign affairs had had the effect of placing the relations between France and Tunisia on the French domestic plane. If it was admitted that those relations had kept their international character, France might then find itself in the position of having to make representations to itself on behalf of Tunisia, which was absurd. France had not requested the intervention of the General Assembly, and, if Tunisia wished such an intervention, it could only make that wish known through France. The sponsors of the item, not being parties to the Treaty, had no standing in the matter and the present item was therefore quite out of order. The case was analogous to that of two member states of a federation or of a federal government as regards its relations with a constituent state. Whether Tunisia was a sovereign state made no difference; the sovereignty was in any case limited, and limited precisely, by the treaty which placed the relations between the two States on a plane which was not an international plane. There was, moreover, a certain inconsistency in the position of those who, while recognizing that Tunisia was a non-self-governing territory, wished it to be considered in other respects as a sovereign State. Even if it were true, as some claimed, that Tunisia had been reduced to the position of a colony, those facts, which dated from a time well before the Charter, completely destroyed the competence of the United Nations.

54. The authors of the draft resolution felt that the legal considerations should be set aside because there was a threat to international peace and security. No such threat existed at the present time. The supporting

memorandum submitted by the sponsors of this item referred to paragraph 2 of Article 11 of the Charter, since it claimed that it was not merely a question of internal order in Tunisia but of a situation which "endangered international peace and security". The General Assembly was, however, competent to deal with such a matter only if it was a question of the maintenance of international peace and security and not if it concerned solely the maintenance of internal peace in a certain territory.

55. From the legal point of view, the fact that a certain number of countries were interested in a question did not make it an international problem. It was especially important to keep within the legal bounds of the United Nations. The commercial policy of a State might well be of interest to other States, but it came nonetheless within the national jurisdiction of that State. Similarly, the provisions of the Charter referring to human rights did not authorize the United Nations to intervene in that connexion in affairs which came essentially within the domestic jurisdiction of a State. If the General Assembly were to discuss the policy followed by various States in the matter of human rights, very few would be unscathed by the process. To sum up, any intervention in the domestic affairs of a State, far from assisting matters, might cause regrettable incidents. In the case of Tunisia, the mere prospect of intervention by the United Nations had hampered negotiations. It was in that way that international discussions might prejudice peaceful progress and gradual development, which was the main point.

56. The United Kingdom delegation therefore asked the First Committee to recognize that it was not competent to study the Tunisian question and that any intervention by the United Nations would do nothing but harm, both to the United Nations and those whom it desired to help.

57. Mr. Finn MOE (Norway) recalled the historical process of the liberation of subject peoples which had characterized the last century in Europe and America, and which, more recently, had extended to Asia and Africa. The appearance of new States had sometimes been accompanied by violence, but it was an important historical fact, and it was the duty of the United Nations, which was responsible for the maintenance of international peace and security, to try to minimize the difficulties inseparable from such a development. That was clearly recognized in Chapters XI and XII of the Charter.

58. The Norwegian delegation therefore considered that the United Nations was competent in the matter. The Charter conferred certain responsibilities on the United Nations as regards the development of dependent countries towards independence. With the exception of the Trust Territories, to which the United Nations had certain well-defined obligations, the Charter did not specify the exact role to be played by the Organization in each particular case.

59. The problem was therefore as follows: as Tunisia was not a Trust Territory, how far could the General Assembly assert its general right to influence peaceful development?

60. The Norwegian delegation refused to admit that paragraph 7 of Article 2 completely nullified the pro-

visions of Chapter XI. That, however, would be the absurd conclusion the Committee would reach if it accepted the French theory that the General Assembly was not even competent to determine the exact nature of the complaint which had been brought in view of the fact that the relations between France and Tunisia were internal matters. In any case, paragraph 7 of Article 2 could not prevent the General Assembly from itself deciding on its competence. It was therefore perfectly proper for the First Committee to examine the complaint and try to discover what it was asked to do. Only after that would the Norwegian delegation be in a position to decide on the powers of the General Assembly in the Tunisian question and whether it would be appropriate for it to exercise its influence in any manner whatsoever. His delegation, therefore, reserved the right to intervene in the debate again and, if it decided that the General Assembly had the right to take action of any kind, to explain its view on the point.

61. Mr. ENTEZAM (Iran) said that, in view of the traditional bonds of friendship between France and Iran, he had no intention of saying anything to hurt France. Furthermore, he would abstain from reviewing the background of the question in order to be able to devote his remarks mainly to the humanitarian aspects of the problem.

62. The origins of many of the recent troubles lay in the fact that certain Powers had refused to understand the national aspirations of the non-self-governing peoples. But the awakening of nationalism in countries deprived of their political or economic independence was a fact which must be taken into account if there was to be any assurance of that sincere and loyal co-operation in the United Nations which was the primary condition for the maintenance of peace. For that reason thirteen States had decided to submit the draft resolution (A/C.1/736) which was intended to avoid prolonging a situation likely to endanger international peace and security.

63. The relatively recent creation of new and independent States in Asia had satisfied aspirations which, had they been misunderstood, could have led to a general conflict in that part of the world. It was therefore surprising that the United Kingdom, which had recently claimed that international peace was endangered because of the nationalization of oil in Iran, should appear today before the Committee and assert that the problem in Tunisia was merely a matter of internal disturbances. But it was by generous gestures and by the granting of independence to the countries requesting it, as had been demonstrated in particular in the case of Indonesia, that a contribution was made to the maintenance of peace. It would be of no use for the world to close its eyes to the danger, as public opinion could no longer tolerate colonial methods.

64. The United Nations was competent to intervene in all matters concerning non-self-governing peoples, *a fortiori* when the problem involved two sovereign States whose relations were governed by international treaties, regardless of whether one of the States was fully sovereign or not. Doubtless the United Kingdom representative had taken up Mr. Schuman's thesis that, with regard to the revision of treaties, there was no article in the Charter corresponding to Article 19

of the Covenant of the League of Nations. The Committee should not, however, lose sight of the fact that in virtue of Article 103 of the Charter, a treaty which did not conform to the principles of the Charter was not binding on its signatories.

65. Mr. Schuman had claimed that nothing in the Charter had authorized the General Assembly to intervene and that the treaties left it to France to deal with Tunisian foreign affairs. But was it not the duty of the United Nations to see to it that States which had assumed responsibility for the non-self-governing peoples carried out the obligations laid down upon them by the Charter? And, furthermore, the delegation of powers to France under the decree of 29 June 1881 was limited. France merely effected liaison between the Bey and foreign Powers and protected Tunisian nationals abroad. Moreover, even if the delegation of powers had not been limited, it would be against all common sense to allege that Tunisia was not entitled to complain about France's actions.

66. Events in Tunisia were evidence of the existence of a threat to the peace and clearly indicated that it was the General Assembly's duty to consider the problem. How then should it do that? The least that it could do was to recommend that the parties should resume negotiations. But if the conversations were to have any chance of success, the state of emergency must be raised and the political prisoners must be freed. Moreover, the negotiations should be facilitated by a commission of good offices and should be aimed at satisfying Tunisian aspirations. That was the meaning of paragraphs 6, 7 and 8 of the joint draft resolution.

67. Under the Charter only a lack of maturity could keep the non-self-governing peoples from settling their own affairs; but the information supplied by France did away with any possible hesitation in that respect, for according to it, advancement in Tunisia far exceeded the progress in several independent States.

68. The collaboration of impartial persons in the commission of good offices was indispensable, as the Tunisians found the principles of the French proposals unacceptable while France complained of the Tunisians' intransigence. The only way for the General Assembly to obtain adequate information would be for it to appoint a commission itself, basing its decision on the precedents of the many mediators whose work had proved useful in the past.

69. To sum up: (a) the General Assembly was competent in the matter since, on the one hand, States Members of the United Nations were under an obligation to respect the right of peoples to settle their own affairs and, on the other hand, in a matter concerning relations between sovereign States based on treaties the exception relating to domestic jurisdiction in paragraph 7 of Article 2 did not apply; (b) the situation in Tunisia was likely to endanger international peace and security (c) the General Assembly should recommend the immediate resumption of negotiations; (d) normal conditions and civil liberties should be restored in Tunisia; (e) negotiations should be conducted under the auspices of the United Nations; and (f) their aim should be to satisfy Tunisian national aspirations.

70. On the basis of those wise, practical and moderate conditions, the delegations submitting the draft reso-

lution were convinced that other countries, and particularly the Latin American States, would not fail to support it.

71. The Iranian delegation urgently appealed to France to give proof of a spirit of understanding and to show itself faithful to its tradition of justice and freedom.

72. Mr. VAN LANGENHOVE (Belgium) wondered whether some representatives were not regarding the General Assembly as a court of justice which was called upon to pass judgment on French policy in Tunisia, on programmes of reform and on the approach to be adopted so that Tunisia might achieve independence. To act in that manner, however, would be to introduce a far-reaching change in the United Nations and to make use of the most effective means of destroying the Organization.

73. As the United Kingdom representative had pointed out, the United Nations had no competence in the matter. The Franco-Tunisian treaties were organic in effect, regulating the reciprocal relations between the contracting States; they directly affected the constitutional order and governed the operation of their respective organs. That was a matter which lay essentially within the domestic jurisdiction of a State, referred to in paragraph 7 of Article 2 of the Charter. The fact that in form those organic relations were governed by treaties and could only be altered by the agreement of the contracting parties in no way altered the nature of those relations nor the fact that they were "essentially a matter within the domestic jurisdiction". Matters coming essentially within the domestic jurisdiction of a State did not cease to have that quality even if, as was frequently the case, they were dealt with by treaty.

74. Whereas paragraph 8 of Article 15 of the Covenant of the League of Nations was based on the principle of "exclusive" domestic jurisdiction, the San Francisco Conference had adopted an altogether different criterion in paragraph 7 of Article 2 of the Charter; namely that of matters essentially within the domestic jurisdiction of a State. It had done so deliberately, rejecting a Belgian amendment to adopt the criterion of the Covenant for the Charter. Accordingly the existence of a treaty on the subject which had prevented the application of paragraph 8 of Article 15 of the Covenant, did not prevent the application of paragraph 7 of Article 2 of the Charter.

75. Thus Franco-Tunisian relations were outside the competence of the United Nations. The situation would be different if it were a question of taking enforcement action under Chapter VII of the Charter. That was obviously not the case.

76. The Belgian delegation therefore considered the General Assembly incompetent to consider the question and would vote against the joint draft resolution. Moreover, it thought that the debate could only prejudice any favourable development in the situation. Passions had already become inflamed when it was suggested that the Tunisian problem should be brought before the United Nations and positions had become more rigid, whereas in the last analysis the parties concerned must arrive at an understanding through

negotiation. As the President of the General Assembly had said, it was essential to satisfy national aspirations without thereby creating international tension. Moreover, the Cuban representative had given a salutary

warning. Above all, therefore, the General Assembly should avoid exceeding its competence.

The meeting rose at 2.5 p.m.