



Thursday, 15 October 1953,  
 at 10.30 a.m.

New York

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

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

1. Mr. BELAUNDE (Peru) recalled that the attitude adopted by his delegation at the seventh session (540th meeting) had been based on three principles: (1) the General Assembly's moral responsibility in the matter; (2) the need for friendly and realistic negotiations between Morocco and France in order to encourage the re-establishment of Moroccan independence; and (3) solidarity between the African and Asian peoples on the one hand and all peoples belonging to Western culture on the other hand.

2. The question of the relationship between problems which came essentially within the domestic jurisdiction of a State or which came under international jurisdiction could be discussed *ad infinitum*. Before the League of Nations had been set up the great Powers had been guided by the principle that each State defined unilaterally its competence in its own national sphere. In opposition to that extreme view there had appeared the equally extreme doctrine of the absolute supremacy of international jurisdiction, which had been called the monistic doctrine since it introduced the idea of the exclusive competence of international jurisdiction, ending in universalism and the disappearance of States. As opposed to that extremist theory, Kelsen, following de Vitoria and Suárez, had shown that an international juridical order existed made up of precepts of national law and customary law used by States. According to that conception a State's sovereignty was not absolute, but was exercised with a certain freedom within the international juridical system which was independent of the will of States and on a higher level than State entities. Little by little the idea of an international juridical order had spread to the philosophical and political circles of certain nations. Another step forward had been made when it had been recognized that a dispute on whether or not a question came within the domestic jurisdiction of a State must be settled by the international authority. That idea had been introduced into the Covenant of the League of Nations and had been expressed in a more direct way by the Institute of International Law at Oslo.

3. The United Nations Charter had not provided a satisfactory solution to the question because the Charter

was not so much a synthesis as a juxtaposition of two opposite points of view. Thus the idea of *civitas maxima* was to be found in the preamble and in Article 11, while the general and negative formula of Article 2, paragraph 7, was derived rather from the old idea of the sovereignty of States. In the draft of the Charter drawn up at Dumbarton Oaks it had been provided that the United Nations would not intervene in questions which under international law came within the domestic jurisdiction of a State. That idea, which had been taken from the general Treaty of Inter-American Arbitration, signed by the countries of Latin America and the United States, had unfortunately not been accepted at San Francisco. It had been discussed by Commission I of the San Francisco Conference. A number of delegations, and more particularly those of Latin America, had suggested that in case of dispute, the International Court of Justice should be entrusted with the duty of settling the question, but that proposal had been rejected. The introduction of the adverb "essentially" in the text of Article 2, paragraph 7, clearly showed that the monistic and universalist idea had been defeated.

4. In those circumstances, when the question of Morocco had been taken up at the seventh session the representatives of the United States and of Peru had pointed out that while the juridical competence of the General Assembly might be questioned, the latter nevertheless had a moral duty which it must fulfil. Unquestionably, the General Assembly was under a special obligation only when there was a threat to peace caused by any act mentioned in Article 39 and when the Security Council was unable to take action. However, should a complaint be laid before the General Assembly that a treaty had been violated, it could not take a decision on that matter: such a complaint came within the competence of the International Court of Justice. It was also true that the General Assembly could discuss, adopt recommendations, encourage respect for fundamental human freedoms and the enforcement of the right of peoples to self-government and try to reconcile opposite points of view. If such efforts were to be successful, however, the General Assembly must above all show proof of moderation and prudence.

5. At the seventh session the Latin-American States had realized that they could not dissociate themselves from the fate of the Arab peoples. They had therefore submitted particularly reasonable draft resolutions on the Moroccan and Tunisian problems, draft resolutions which had been adopted by the General Assembly (611 (VII) and 612 (VII)). The solutions proposed in those resolutions were still valid and it was to be hoped that harmonious relations would be established between France and the Arab States.

6. Peru and all the Latin-American States had spiritual ties with the glorious traditions of France, but

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

they could not deny the influence which the Arab world had exercised on Spain and, indirectly, on them. In such a painful situation they could only express the hope that France would fulfil its destiny by completing its work of civilization in the political field in Morocco.

7. Mr. Charles MALIK (Lebanon) said that it would be difficult to put forward any new or original arguments, as the whole question had been dealt with in a very thorough manner on a number of occasions, more particularly by the representatives of delegations which had submitted draft resolution A/C.1/L.60. He would therefore not try to give any new details or repeat any established principles. He would simply try to explain the situation.

8. It was unfortunate that France was not represented at the discussions. The presence of the French delegation would certainly have helped towards agreement on the problem. Lebanon was deeply attached to France and its culture. At the same time the Lebanese people entertained very warm feelings for their Arab brethren in North Africa. It was Lebanon's tragic fate to be a stranger neither to the East nor to the West, with the result that it had to try to reconcile opinions which were sometimes opposed.

9. All who had followed the debates in the First Committee and who were informed as to the situation in Morocco would certainly agree on the following theses which were absolutely beyond dispute:

(1) The General Assembly had decided on two successive occasions to consider the Moroccan question in spite of the argument that it was outside the competence of that organ;

(2) It was likely that the General Assembly would keep itself indefinitely seized of the problem until some considerable progress had been made towards self-government in Morocco;

(3) Morocco had a history and culture which were worthy of respect;

(4) There was a strong nationalist movement in Morocco, of which the Istiqlal Party was the expression and the Sultan the symbol;

(5) That nationalist movement was supported by Arab, African and Asian national movements;

(6) The aim of the movement was the independence of the country. But that aim varied according to the attitude adopted by France. There was a chance of co-operation if France proved understanding, but a determination to sever every tie should France remain inflexible;

(7) France had followed a policy of repressing the nationalist movement;

(8) The ultimate aim of French policy was to incorporate Morocco, Tunisia and Algeria into a single contiguous territory;

(9) In pursuing that aim France had taken repressive measures, in particular the unlawful deposition of the Sultan;

(10) The incitement by France of disputes between the Berbers and Arabs was calculated to weaken the unity of the Moroccan people;

(11) French settlers, who represented less than 5 per cent of the population, enjoyed unheard-of social and economic privileges in Morocco;

(12) There was a sharp difference between the policy of the settlers and that of certain groups in

France. However, the will of the settlers had prevailed to date;

(13) It seemed as if the United States of America, the United Kingdom and other Atlantic Powers supported French policy in North Africa;

(14) The questions of Morocco and Tunisia raised serious issues as regards relations between Christendom and Islam.

10. Those fourteen incontrovertible theses were a summing up of the complicated problem to be studied by the First Committee.

11. The question of the General Assembly's jurisdiction was even more important than the Moroccan situation. There was no doubt that the provision of Article 2, paragraph 7 of the Charter dealing with the domestic jurisdiction of States prevailed over all the other provisions of the Charter, including Articles 10 and 11. Consequently, the United Nations was competent to deal with a problem only if it could first be proved that the problem was not among matters which were essentially within the domestic jurisdiction of any State. A conflict arose whenever there was disagreement as to whether or not the provision of Article 2, paragraph 7 was applicable to a problem which was within the scope of the Charter. In an extreme case, where a Member of a minority of Members held that that provision was applicable, their view could not prevent the examination of the problem, since there was no veto in the General Assembly and since even in the Security Council the question of placing an item on the agenda was not subject to the veto. On the other hand, if it was obvious that a problem was essentially within the domestic jurisdiction of a State, a proposal that the problem should be examined was not receivable. It would, in fact, be desirable to have an express provision prohibiting the examination of questions in that category. However, so far no list of problems which were essentially within the domestic jurisdiction of States had been drawn up. The establishment of such a list ought undoubtedly to be one of the aims of the revision of the Charter.

12. Without such a list or a definition of the matters which were essentially within the domestic jurisdiction of States, the only way to settle a disagreement was to apply Article 18 of the Charter, so that questions within the scope of the Charter would be examined by the appropriate organ of the United Nations if the majority of its Members voted for such examination.

13. He rather doubted the usefulness of a narrow definition of domestic jurisdiction, which would preclude all discussion of such subjects as colonial questions and problems relating to the observance of human rights. The great Powers would, no doubt, favour such interpretation. But the great Powers already had a number of safeguards and advantages denied to the smaller countries, such as the right of veto in the Security Council and the ability to protect themselves as a result of their military and economic superiority and their military alliances. Moreover, they exerted a strong influence in the General Assembly and if, by some strange chance, that body reached conclusions to which they were opposed, the great Powers could disregard them under the pretext that they were mere recommendations and therefore not binding. To give them another safeguard by avoiding the discussion of matters which were, strictly speaking, within their domestic

jurisdiction would be going too far. The price of power and responsibility was that they invited criticism, and the test of greatness was the ability to face, study and profit by such criticism.

14. So long as there was an international organization, the voice of the small countries would have to be heard. The question therefore was not whether it should be heard or not, but whether there should be an international organization or not. Any attempt by the strong to evade their obligation of listening to the weak was, in our time, doomed to failure.

15. The other day the United Kingdom representative had raised the question of the state of Moslem culture in Soviet Central Asia (630th meeting). It was an important question which called for explanations. Mr. Malik recognized that it was pertinent and was surprised that it had not been raised earlier. He had no definite information on the state of Moslem culture in that part of the world; but he wished to point out that no appeal had been received from there, whereas the indigenous population of North Africa had, as everyone knew, taken the initiative in the matter and those who supported it were merely following suit. Furthermore, a distinction should be made between the Moslem cultural community in general and the Arab cultural community in particular. No government was more aware of the existence of a separate Arab movement than that of the United Kingdom. The distinction between Moslems and Arabs, between religion and nationalism, had far-reaching consequences both politically and culturally.

16. The United Kingdom representative had said that the problems of Morocco and of North Africa in general were matters which were within the domestic jurisdiction of France. As he certainly included France in what he would call "the free world", the problems of North Africa were problems of the free world. Surely part of the free world's superiority lay in the fact that it promoted freedom, as the British Empire itself had recently proved in Asia. There could not be two standards of freedom, one for one empire, and one for another. The purpose of the authors of the draft resolution (A/C.1/L.60) was to discuss the Moroccan problem with their colleagues of the free world in order to arrive jointly at a fair and peaceful solution.

17. Since the General Assembly had adopted resolution 612 (VII), the situation had steadily deteriorated. He wondered whether those who claimed that intervention by the United Nations had contributed to the present hardening of attitudes on both sides would be prepared to assert that, if the United Nations took no action, the national aspirations of the Moroccan people would be satisfied more quickly. As there could be no certainty on that point, there was no choice but to press for a continuation of the debate in the United Nations, to note that the situation had worsened during the past year, and to indicate concrete measures by which it could be remedied. That was the purpose of the draft resolution contained in document A/C.1/L.60. The co-sponsors of that text were, of course, ready to consider any suggestions with a view to teaching a solution imbued with the spirit of co-operation.

18. When, during the debate in the General Assembly, Mr. Maurice Schumann had said (445th plenary meeting) that the basic principles of French policy in North Africa were "interdependence and democracy", he had no doubt meant by "interdependence" a permanent tie

with France, perhaps a tie precluding any possibility of real independence. By "democracy" he may have meant some form of representative government. But would the application of those principles permit Morocco to have free relations with the rest of the world, enable Moroccans to travel freely in the Moslem world and receive publications and visitors from abroad? Would the resulting mental ferment be allowed to express itself in political action? The real problem of Morocco was that of freedom. All efforts to segregate the Moroccan people from the larger group to which it belonged were doomed to failure. The course of wisdom for the policy makers was to guide the movement for independence, in the well-founded hope that an independent Morocco would freely decide to maintain close ties with the West, and in particular with France, Spain and the United States. No policy of "interdependence and democracy" founded on other principles would take into account the great spiritual awakening which was taking place in Asia and Africa.

19. The combined wisdom of United States, United Kingdom and French diplomats should be able to solve the problem. The Western Powers must agree to examine it in its proper perspective and within its larger context.

20. Mr. ZAFRULLA KHAN (Pakistan) recalled that the Moroccan question had been brought before the United Nations for the first time at the sixth session of the General Assembly, but had been placed on the agenda only at the seventh session. The Assembly had adopted at that time a resolution which was a compromise. It had not led to any progress; on the contrary, the situation had seriously deteriorated.

21. Before examining the subject, the delegation of Pakistan wished to state that its sole purpose was to seek a satisfactory and rapid solution based on friendly co-operation between France on the one hand and Tunisia and Morocco on the other and ensuring to the latter their right of self-determination and of directing their own affairs. It had never been his intention to create difficulties for France. Unfortunately, the French delegation had chosen to absent itself from the discussion. It was a matter for regret that it was thus depriving the Committee of a statement of its side of the case in the discussion in progress. Pakistan did not accept the French view that such questions were a matter of domestic jurisdiction. They in fact had a bearing on respect for human rights, the dignity and worth of the human personality, equality of rights for men and women, equality of nations both large and small and the right of national self-determination. Such a difference in approaching the problem of jurisdiction should not lead to conflict between Pakistan and France. Inspired by the principle that the United Nations was a centre for harmonizing the action of nations in the attainment of a common goal, Pakistan had always staunchly upheld the principles of freedom, independence and law within the United Nations. It was unfortunate that France had not recognized the sincerity of his delegation's motives. France itself, which considered no sacrifice too great when the triumph of its ideals was at stake, would appreciate that those ideals must be applied to all mankind and not merely to a privileged few.

22. He had recalled at the seventh session (552nd meeting) that, under the terms of the French Constitution, the peoples for which France was responsible



were to be led towards self-government within the French Union and had pointed out that progress in that direction was desired by a large part of the French population. He had also stressed France's appalling sufferings during the last war and had expressed the hope that it would ultimately attain security. Lastly, he had stated his desire to assist in solving the problems of Tunisia and Morocco before they assumed catastrophic proportions. It was in the same spirit that his delegation was undertaking a study of the Moroccan question on the present occasion.

23. Since all the aspects of the Moroccan question had already been touched upon in the course of the debate, he could confine himself to its salient features. The crux of the matter was that 9 million human beings desired freedom. If the people of Morocco were not inspired by so noble an objective and if they were not prepared to make every sacrifice for its attainment, they would not indeed deserve their freedom. They realized that they must attain it or die. What were the obstacles to the fulfilment of their wish?

24. It had been argued that a treaty existed and that its provisions must be respected. Those using that argument would do well to reflect on the circumstances in which such instruments were normally imposed. But, even supposing the Treaty of Fez might at the time have had some validity in the eyes of the Sultan, the people of Morocco would be quite entitled to plead that it was null and void today. Even if its present validity were admitted, it should be borne in mind how Marshal Lyautey himself had defined the relations established between France and Morocco when, in a report of 3 December 1920, he had stated that the concept of a protectorate implied the existence of a country retaining its own government and institutions, that Morocco was an autonomous State remaining under the sovereignty of the Sultan, to which France guaranteed its protection. How had France acquitted itself of its obligations? Marshal Lyautey had said that all administrative decisions were taken in the name of the Sultan, but that in reality the Sultan had had no real power and his views had only been requested as a matter of form. France, which claimed to have instituted a protectorate in accordance with the treaty, had speedily substituted its own direct authority for the power of the Sultan. From the very outset, the treaty had merely been a stratagem to permit the establishment of a French colonial régime in Morocco. Article III required France to protect the Sultan, his throne, heir and successors. But the threats to the Sultan's person and throne emanated from the protector himself, who had dethroned him and held him virtually prisoner in Corsica. In the absence of a satisfactory explanation, it might be concluded that France had committed a deliberate violation of the Treaty of Fez, which it had thus itself revoked. The crime with which the Sultan was charged was that of supporting his people's demands and its aspirations to liberty. With patience and perseverance, however, he had sought to reach agreement with France by means of negotiations. As the communiqué he had published on 8 October 1952 (A/2175/Add.2) indicated, his proposal had been that the Moroccan people should be permitted to administer its own affairs through a representative parliament and a constitutional government. In that communiqué, the Sultan had said that such a régime was not incompatible with continued Franco-Moroccan co-operation. France's counter-proposal had been "mu-

nicipal reform". Over forty years of continuous progress and achievement under the protectorate had thus led to the threshold, not of liberty or independence but of municipal reform. Such was the record. Any comment was superfluous. In spite of the reforms made, the situation imposed by France was that less than half a million colonists, who were French nationals and not Moroccans, enjoyed not only the same rights as 9 million Moroccans but occupied besides a privileged position. That was the principal factor which impeded all progress. It constituted a repudiation of the political situation which the Treaty of 1912 had sought to establish. It was a contrivance to perpetuate the dominance of a handful of Frenchmen. If the Moroccan people accepted it the chains of slavery would grow heavier and future generations would be betrayed.

25. Meanwhile, the country continued to be administered under martial law and more severe measures of repression than ever were applied. For eight years the peoples of Asia and Africa had passed through a phase of disillusionment. After the Second World War, when the Charter had been adopted, they had believed that a great organization had been created to defend the fundamental rights of man. They had believed that the Charter proclaimed the right of all peoples to self-determination, since special provisions had been laid down for non-self-governing peoples. They had felt that the world could not survive half free and half enslaved. In several cases, including that of Pakistan, that hope had become a reality. But today it seemed that the great Powers were ashamed of the ideals that they had proclaimed and were ready in certain cases to repudiate them deliberately. The peoples of Tunisia and Morocco who had, through difficult times, lent their support to what was proclaimed to be the cause of freedom had firmly believed that the days of their bondage were drawing to a close. Today they were disillusioned. Even if the French régime were the most benevolent possible, it would be no substitute for freedom. It was claimed that remarkable progress had been made in Morocco and that was to a great extent true. But would it be just to maintain that any act of benevolence on the part of a western Power could serve as an excuse for the maintenance of its dominance?

26. With regard to the question of the competence of the United Nations, it was enough to recall that the General Assembly, by placing the item twice on its agenda, had declared itself in favour of its own competence. But it was better to lay aside all juridical considerations and ask a few questions.

27. Were the claims of the Moroccan people to freedom legitimate and reasonable? If they were, were they justified in seeking to have their claims recognized by France through negotiations which the Sultan had sought to initiate? Since France had refused to act, were the people of Morocco justified in bringing the matter to the United Nations? What answer did the Assembly propose to give to legitimate and reasonable claims submitted, with all moderation, to the United Nations? The terms of the draft resolution (A/C.1/L.60) were fully justified, although the Pakistan delegation did not adhere to the strict letter of it. It was anxious that substantial progress should be made and that the United Nations and France should clearly recognize the justice and validity of the Moroccan people's claims and should indicate the procedure to be followed so that those claims could be satisfied

within a reasonable period. If that minimum was not achieved, would not the people of Morocco be justified in concluding that the much vaunted ideals of the Charter were based on hypocrisy and that they would have to knock on other doors? The world was in a state of constant change; history showed, as proclaimed in the Koran, that the rise and fall of nations proceeded in cycles. In the future the Western countries might again need the peoples of Asia and Africa. Those

peoples were not asking for favours; they were demanding justice in conformity with the principle of the Charter. Later the roles might be reversed. On the action of today depended the way in which one might be treated tomorrow. It would therefore be wise to strive to win now the gratitude, the confidence and the friendship of a free Morocco and a free Tunisia.

The meeting rose at 12.50 p.m.