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Held at Headquarters, New York,
on Tuesday, 12 February 1957, at 3 p.m.

Chairman:

Mr. BELAUNDE

(Peru)

The Algerian question [62] (continued)

Note:

The Official Record of this meeting, i.e., the summary record, will appear in mimeographed form under the symbol A/C.1/SR.844. Delegations may submit corrections to the summary record for incorporation in the final version which will appear in a printed volume.

QUESTION OF ALGERIA (A/3197; A/C.1/L.165, 166, 167) [Agenda item 62] (continued)

The CHAIRMAN (interpretation from Spanish): The Committee will now proceed to discuss the draft resolutions that are before it. May I draw the attention of the representatives to the documents that are before the Committee? They are documents A/C.1/L.165, the eighteen-Power draft resolution; A/C.1/L.166, the three-Power draft resolution; and A/C.1/L.167, the six-Power draft resolution.

Mr. CARBAJAL-VICTORICA (Uruguay) (interpretation from Spanish): In speaking on the Algerian question, the delegation of Uruguay must first of all make known its views with regard to the statements of the French delegation concerning the competence of the General Assembly, and then make known its views on the substance of the question.

The Foreign Minister of France, Mr. Pineau, in his serene and carefully prepared statement on Algeria, in which the vigour of his expression was accompanied by a permanent nobility of mind, began a debate which was worthy of the General Assembly. He stressed that France did not oppose the inclusion of the question on the agenda because the General Assembly can discuss a number of subjects without necessarily having the right to make recommendations and because France wanted to reply to the systematic campaign of defamation in which a number of States had co-operated, and especially to stress the foreign intervention that has been duly proven in the insurrection in Algeria. I must say that we have been very happy to see France participating in a debate of such great human interest, despite its conviction that the matter is essentially within the domestic jurisdiction of France and, therefore, in accordance with paragraph 7 of Article 2 of the Charter, cannot be discussed by any one but France.

The debate has been extremely enlightened. The statements in general reflected a triumph of the methods of persuasion. The Assembly endeavoured to elucidate this problem by examining all the aspects of it, as though no questions had arisen regarding the competence of the General Assembly.

(Mr. Carbajal-Victorica, Uruguay)

This attitude may be due to the conviction that was held that an unrestricted exchange of views in a discussion would permit France to follow the purposes and plans already suggested by it and would lead to a solution of the problem without the General Assembly having to present any recommendations to France. Otherwise, before the General Assembly could adopt recommendations, it should study the question of competence and then take a decision, having previously sought the advice, for example, of the International Court of Justice. Since the question has not been discussed and no decision is called for, I feel I should make known the view of Uruguay regarding the question of the competence of the General Assembly. We wish to do so because we wish to avoid setting a precedent, and also because we want to make it known how much we respect fundamental human rights and the self-determination of peoples. If the question of domestic jurisdiction is to be given an undue scope, then all these principles will be cancelled out.

Leaving aside for a moment the question of Algeria, we should like to say that opinions should not be given until due weight has been given to the arguments raised on both sides, otherwise human rights would not be safeguarded in any way. That is a fundamental reason for the statement that we shall make, and it is also a safeguard for the peoples of the world. The dialectics which may be inspired by a similar cause cannot be utilized to overthrow these principles, for if those principles were to be destroyed, then we would have to sacrifice human prerogatives and the logical conclusion of that would be the destruction of democratic principles.

The clause relating to domestic jurisdiction in the Covenant of the League of Nations was proposed by the United States, but at that time it appeared to be an exception to the rule concerning the peaceful settlement of disputes. However, in the Charter this principle is more important than a general principle limiting the competence of the bodies of the United Nations. The text is very wide, since it states quite clearly that:

"Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State..."

(Mr. Carbajal-Victorica, Uruguay)

It sets forth quite clearly the fact that the United Nations and its Members are not competent to deal with such matters. The word "intervene", which has been discussed by Lauterpacht and others who have raised the question, refers to matters of competence only. In the Covenant of the League it was stated that the exception would apply when international law attributed such matters purely to the domestic jurisdiction of States. The words used in the Charter, however, are "essentially within the domestic jurisdiction of any State". The change of adverb seems to increase the possibility of the existence of an exception. Although this may cause an international position to have been taken if a matter is within the domain of a country, then it must fall within the exception. The Charter is still international law and, as such, must be utilized as the yardstick for solving all these problems.

Mr. Evatt, with his usual wisdom, stressed this at San Francisco, and the United Nations has followed that interpretation. A State itself cannot declare that the Organization is not competent to judge a matter. It is the United Nations which must decide upon competence or non-competence, in accordance with the Charter, of course, and it is thus that all problems which have arisen have been solved. The predominant criterion has been juridical rather than political, and the usual yardstick has been that one cannot invoke domestic jurisdiction even though there may be questions of police, immigration, nationality, tariffs and taxes, when the emerging privileges and duties are under the jurisdiction of international instruments.

In some cases this question of domestic jurisdiction is an obstacle created by sovereignty against the development of international law; in others -- and this has applied to some of my own countrymen -- it is a war of impunity against domestic despotism. I think that we can interpret this provision reasonably without falling into either of these two extremes. The exception safeguards the relative independence of national States, but under the norms set by the Charter, there can be no possible sovereignty invoked against human rights and fundamental freedoms. There can be no illicit power of a State against the self-determination of a people.

I do not wish to repeat what I said in my lengthy statement in the general debate; I shall try to sum it up.

(Mr. Carbajal-Victorica, Uruguay)

It is stated in the preamble to the Charter that fundamental human rights will be safeguarded. Article 1 (3) also takes this into account. Article 55 states that respect for the principle of human rights and fundamental freedoms is the basis for peaceful and friendly relations among nations. Later on, this is placed among the matters which fall within the competence of the Economic and Social Council. Chapter XI, Article 73 refers to the Members of the United Nations having accepted "as a sacred trust the obligation" to promote the interests of those Territories whose peoples have not yet attained a full measure of self-government. The so-called colonial States are committed to the fulfilment of this sacred trust, and the Article imposes on them the obligation "to promote to the utmost" the political, economic, social, and educational advancement of the peoples and to assist them in the progressive development of their free political institutions. Chapter XII stresses the duties of the Administering Authorities, calling upon them to further and promote the political, economic, social, and educational advancement of the peoples; and the ultimate goal is emphasized, namely, self-government and independence.

There are provisions in the Charter which grant to the General Assembly extremely wide competence in examining and recommending. Here I refer to Article 10, which reads as follows:

"The General Assembly may discuss any questions or any matters within the scope of the present Charter... and... may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters". (Article 10 of the Charter)

The very wise representative of Australia at San Francisco said that this Article included the entire content of the Charter, from the preamble, through the purposes and principles -- among which are mentioned human rights and fundamental freedoms and the principle of self-determination -- through all the powers and competence of the organs of the United Nations, all of which fall within the scope of Article 10.

Article 11, after speaking of the general principles of co-operation, including those governing disarmament, states in paragraph 4: "the powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10".

(Mr. Carbajal-Victorica, Uruguay)

According to Article 13, "The General Assembly shall initiate studies and make recommendations for the purpose of promoting international co-operation" and mentions in this connexion "the realization of human rights and fundamental freedoms".

Article 14 reads as follows:

"Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin... including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations." (Article 14 of the Charter)

These Articles are of great importance. They were a triumph of the smaller nations at San Francisco when they were confronted by the greater nations. This competence permits the General Assembly to recommend measures for the peaceful settlement of any dispute, granting wider powers even than those given to the Security Council. The Security Council certainly cannot hand down recommendations or resolutions for the purpose of solving every problem. It can only do so in accordance with Article 34 (7), when a matter is likely to endanger the maintenance of international peace and security. I believe that it is clear that problems of human rights and fundamental freedoms and questions of self-determination of peoples are all within the competence of the General Assembly for study and recommendation. With all due respect to those who hold contrary opinions, I wish to say that this question of Algeria is not concerned with Chapters XI and XII of the Charter. The ownership of the Algerian territory has been stated purely for political purposes, following in part the section of the Charter which refers to Non-Self-Governing Territories, as though parts of the planet could be personified and put into the dock like a miscreant.

Since 1830 Algeria has been owned by France. France has exercised its sovereignty over that part of the earth in every aspect, without any other State having disputed its rights. France has permanent possession of that territory, a possession understood and accepted by all States. I might refer here to NATO, whose security system covers all events which may occur within the different Departments of France and Algeria. We might also cite the words of the

(Mr. Carbajal-Victorica, Uruguay)

International Court of Justice with regard to questions concerning territories. France has had exclusive authority over this area, with exclusive sovereign powers. I am raising this argument only to strengthen points of view because, as far as I am concerned, this claim of self-determination by Algeria, discussion of possession, ownership, or suzerainty -- a word which I dislike -- over the territory of Algeria could lead us to an absurd position without helping the viewpoint of those who support the right to self-determination of the Algerian people.

If the territory did not belong to France, then no state of sovereignty over that part of the world by that country would exist. I believe, however, that this problem has been placed before us badly. The only thing that is being sought is to make sure that the people of Algeria are able to exercise their right of self-determination. But this can be done politically and not by discussing the juridical titles and deeds over the territory. The doctrine whereby a civil war or an insurrection is primarily a domestic issue can be discussed. Goodrich and Hambro, in their comments on the Charter of the United Nations, say that States cannot intervene in a domestic matter such as a civil war without violating their rights and privileges. Aid to the insurgents can be termed aggression.

The United Nations itself cannot intervene unless the civil war is a threat to international peace and security -- and may I stress the words, "international peace and security". Personally, I would add: or if there is a violation of human rights, which is one of the fundamental freedoms. In that case, the United Nations can decide on measures for international peace without adopting such measures for domestic affairs. Naturally I want to add that this in no way excludes the United Nations from taking part in a matter if there is a violation of human rights.

I must stress that there is one precondition; that is, that there must exist solidarity on the part of all democratic nations against despotism, which solidarity, I think, is implicit in the spirit of the Charter of the United Nations.

In its usual way of seeing things, France illuminated the world. In its Constitution of 1791, it renounced all wars of conquest and stated that it would never use force against the freedom of any nation. First of all, it was the American Republic and then it was the French revolutionaries who raised the Republic as a concept of universal satisfactions and as an achievement of the true dignity of the human being.

Domestic jurisdiction, the so-called reserved domain, is not a shield which enables States to violate human rights, destroy fundamental freedoms or blind themselves to the self-determination of peoples. A few years ago there were not many who helped us when we defended this point of view. Today, many nations

rally to help us. But what is more important is that three eminent thinkers who have written about the United Nations have stated that in accordance with the Charter no one can contend that a sovereign State can permit itself the inequity -- and I repeat the word "inequity" -- of violating the dignity and the worth of the human person or of overlooking the fundamental freedoms.

We were very happy to hear both Mr. Pineau and Mr. Soustelle affirm the repudiation of repression as a way of ending this Algerian question. Their message, I think, won our respect and also created confidence on the part of the General Assembly. France has expressed most noble purposes, and along the road pointed out to us I think a satisfactory solution can be found: first of all, a cease-fire; secondly, elections, it naturally being understood that these are elections as prescribed and defined by France with recognized political rights, no discrimination and wide electoral freedom so that all the Algerian peoples will be entitled and permitted to express their points of view, proving their political unity; and, thirdly, negotiations to solve the problem.

I should have liked France to accept elections under the surveillance of the United Nations. But I understand what France is doing here, and I must recognize, too, that the United Nations has become, I am afraid, a council of preaching devils. We preach theory and practice dictatorship of classes. We speak with spontaneity of cherubs against authoritarianism. Yet we do not grant even one possibility for the development of the exercise of human rights; yet we talk about the need for guarantees. Our political life might be synthesized in the dictatorship of one party, and the Assembly speaks of democracy and asks for respect for the rights of peoples that are rather expert in the art of razing and destroying.

France can well ask the Assembly: What sort of organs of control are you planning for me with respect to the elections in Algeria? Are they the ones that have reduced 100 million people to slavery? Is this the control group that has never yet guaranteed or allowed elections? France can well say, "No, that sort of people I will not allow to control any election whatever that is being held if the election is truly being held in order to have a people express its will."

I should have preferred it if France, as a consequence of that tragic truth under which we are all labouring, could accept elections under the control of the

United Nations, reserving to itself the right of finding out whether the States on this control body are worthy of sitting on it; could help us in the task of electing those who will sit on the control body; could help those people who are going to try to express their will; and could also help us to solve the problem, which is worthy of United Nations concern, of alleviating the life under which many European countries are labouring. This life has been denounced in a document that should be about to arrive at the offices of all delegations. It is put out by the Association of the Captive Nations of Europe, which is made up of the most eminent thinking values of the old continent.

With respect to the possibility of solving the Algerian question, I would like to take advantage of this opportunity to remind the Assembly that it has a duty, that is, to gauge problems by their world importance. It is the obligation of the Assembly not to forget that 100 million Europeans are living under the yoke of dictatorship, with respect to which the emancipation of Hungary has given us a moving example of human rights and is a title and deed which can teach us respect for the self-determination of peoples.

Sir Percy SPENDER (Australia): Australia did not participate in the general debate on this item. We refrained for the reason that we regard the question of Algeria as being essentially within the domestic jurisdiction of France, a position which we have based upon our interpretation of Article 2, paragraph 7 of the United Nations Charter. This, as you know, is not a new attitude on the part of Australia so far as domestic jurisdiction is concerned. It is one we have pursued with consistency from the very beginnings of this Organization.

On previous occasions, I have developed our reasons at considerable length. Accordingly, I do not need today to elaborate them again. We adhere firmly to that view, and we do so notwithstanding the argumentation put forward so ably by the representative of Tunisia. We are convinced that this question is not within the competence of this Committee. It is also perfectly plain to us that this Committee is not competent, nor indeed is the General Assembly competent, to give an interpretation having any legal validity of the Charter of the United Nations.

(Sir Percy Spender, Australia)

That Charter represents a contract in which the signatories sought specific protection of their rights to their own essentially domestic affairs. No amount of recommendations adopted by this Committee or by the Assembly, in our view, can alter that. This also applies to any application of the Human Rights clause of the Charter, specifically to internal situations within Member States unless the United Nations was conceded special competence regarding such rights by separate international agreement as in the case, as I see it, of the peace treaties with Bulgaria, Hungary and Romania, the infringement of which was debated, and in our view quite properly debated, in the United Nations for a number of years. Nor is it relevant to argue, as some have, that the political structure of Algeria is such that the political rights of one section of the population are less -- let it be assumed much less -- than those of another section, and on that premise to conclude that Algeria is not constitutionally part of France and so takes this item outside of the provisions of Article 2 (7). If this argument is sound, which clearly we think it is not, I think that a few nations within this Committee will find that they are diligently sharpening a two-edged sword, one edge of which one day may be turned against them in respect of matters which, in our view -- however we may deplore certain conditions concerning human rights within one or two other countries -- are nonetheless matters essentially within the domestic jurisdiction of such countries.

Australia's wish not to enter into the general debate, however, does not preclude us from entering into the debate on the draft resolutions although, in doing so, I shall continue to be guided by the principle that any interference by the United Nations in this question is improper and outside the competence of the Organization.

We have listened with care to this debate and I think, irrespective of what views we hold on this issue, that we are all indebted to the representatives who have expressed the views of their Governments in so much detail and with so much research. But I am particularly guided by the very important fact that the Foreign Minister of France, Mr. Pineau, has come before this First Committee and has given us in a most lucid and brilliant address a full account of the events of recent years, as well as a review extending back over the last century and more of the association between Metropolitan France and Algeria.

Similarly, we have been given most important factual information in reply to the representative of Syria by Mr. Soustelle whose eloquence has been reinforced by his intimate personal experience as a former Governor-General of Algeria.

In making these statements before this Committee, even though in our view they were not obliged to do so, the representatives of France have unquestionably shown a most sensible and reasonable approach. Their appearance here is a recognition that although essentially this question is one of domestic jurisdiction, it is nevertheless a matter which has aroused wide concern and continues to trouble us.

I should now like to make a few brief remarks on the draft resolutions before the Committee in the light of the following general considerations which in my view should govern the approach of the United Nations to this matter. There is no doubt in our minds that Algeria is constitutionally an integral part of France. Politically, I see it as a country deeply involved in the evolution of a new political relationship between Algeria and Metropolitan France. Surely no one here would want to suggest that the political evolution of areas and peoples within various national territories, which are for various reasons less advanced than other parts and sections of their populations, is a matter that can be solved overnight. These characteristics are not peculiar to Algeria. They are to be found within the constitutional boundaries of more than one country represented in this Organization. Such development takes time. It takes wisdom, humanity and understanding and, above all, it takes a calm deliberation and determination that the form which political evolution shall take shall be based upon the fully understood and ascertained desires of the people of the territory concerned. On this aspect I was greatly impressed, if he will allow me so to call it, by the sound sense of the observations made by the representative of Costa Rica yesterday. It is surely a political absurdity if pressure foreign to the country concerned for a particular kind of evolution is to be made the main factor without an orderly consideration of local needs, local desires and the best interests of the population as a whole. It seems to me that such an orderly process is precisely what the French Government has in mind and is wisely determined to pursue.

I find it hard for anyone who has heard Mr. Pineau and Mr. Soustelle to question the humanity of France's approach.

I have no wish to enter at this stage into an argument as to whether there can be a resolution on this problem, having regard to the challenged competency of the Committee. It is sufficient to say that, consistent with what we have said on previous occasions on this item, on the basis of Article 2 (7) of the Charter, the Australian Government must reject the draft resolution of the eighteen Powers. We must welcome the constructive declaration of the representative of France, notably French willingness to conclude a cease-fire without conditions and without recriminations. We must applaud the declared intention to hold general elections under universal suffrage, and we must acclaim Mr. Pineau's promise to work out with the new representatives a new relationship between Algeria and France. If so, we are sufficiently wise to refrain from seeking to impose a settlement from outside and leave this problem, in the light of the declared intentions of the French Government, to be worked out between the French Government and the new representatives in Algeria, we will, I think, have so acted as to produce in the most orderly manner a proper solution.

Mr. Soustelle has very wisely pointed out to us that there is no profit in turning back the pages of history. It is fruitless to examine now the conditions existing in the early nineteenth century. If we were to do so in detail, the frontier configuration of many States would be quite different from what they are now or, indeed, non-existent. The colonial ideas of a century ago have been and are being subject to very great changes. To speak today in terms of colonial ideas of a century ago is surely an unreal and profitless exercise.

We in Australia have not been without experience of political evolutionary processes in the past century, and we believe that there is much in our experience that can be of value. There are human elements in this problem which cannot be solved in an atmosphere of passion and haste and constant pressure from other countries, frequently pursuing primarily national interests. Such problems require time and the exercise of much wisdom. In the case of Australia there was patience, and I believe there was wisdom on both sides. That wisdom was reflected in the desire to achieve, without too urgent thought of specific time, the absolutely best

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relationship between our country and our mother country. I think the lesson from this is that the constitution of any country, and its relationships with any other country, must be a logical development of the wishes of the people themselves. If new relationships are established in an atmosphere of hatred, violence, distrust and outside interference, there is a distinct danger that forms will be imposed which do not reflect the real wishes of the people but of those who are foreign to the real wishes of the people themselves and, as well, the views of those who have by violence or by manoeuvring forced their way to the leadership of dissident groups, a subject matter so well developed by the representative of Costa Rica.

(Sir Percy Spender, Australia)

It is the considered view of the Australian delegation that the new proposals coming from the Foreign Minister of France provide the basis for a settlement which can do justice to all the peoples of Algeria. We believe that the problems which exist can be worked out and should be worked out, with more justice, outside the United Nations. To that end we are obliged to oppose the eighteen-Power draft resolution (A/C.1/L.165).

May I now turn to the draft resolution (A/C.1/L.166) which has been sponsored by the representatives of Japan, the Philippines and Thailand. Australia regrets very much that, consistent with the views expressed above, it is unable to support this draft resolution, firstly, because it assumes competence, and secondly, because it implies that negotiations should take place between France, on the one hand, and an entirely separate entity, namely the Algerian people, which is undefined, on the other. This latter implication, in our view, is consistent with the constitutional position which exists in relation to Algeria. We recognize, however, the very proper motives which inspire this draft resolution on the part of the sponsors. Their aim is, as is ours, a peaceful solution of this problem through appropriate discussions.

The difference in our approach is that we would find it, first, difficult to support negotiations within the framework of the United Nations, for the reasons on competency which we have given, and second, that while all, of course, hope for a peaceful outcome, this we believe must be sought and secured within the constitutional means which are available. We applaud and understand their worthy purpose and I am sure that my colleagues from Japan, the Philippines and Thailand will understand why in this case we cannot support them.

There remains the draft resolution (A/C.1/L.167) which has been put before us by the representatives of Argentina, Brazil, Cuba, Italy and Peru. This draft resolution is consistent with our attitude and with the views I have expressed. It also expresses a hope, which we fervently share with them, that there should be a peaceful and democratic solution of this question; and we hope that that will be found quickly.

For those reasons, we will support that draft resolution.

Mr. NUNEZ-PORTUONDO (Cuba) (interpretation from Spanish): Before we go into a discussion of the draft resolution contained in document A/C.1/L.165, we would be interested, even if very briefly, in replying to a number of allusions which have been made here by some representatives and bearing on our previous statement in the debate. The representative of Syria gave an argument, to rebut our argument, which we feel was presented only for effect. But I am sure that he was not adducing such an argument seriously. When we said that Algeria was an integral part of France when France became a Member of the United Nations and therefore the General Assembly had no right and had no power a posteriori to change the political geography of France, we did not have to take into account whether the present French Constitution had been promulgated one year earlier or one year after the Charter of San Francisco, since everybody knows that it was not in 1946 that the French State was established; nor was it in 1940 that the Cuban State was established, despite the fact that in 1940 the Constitution in force in Cuba was adopted.

We said that, as all other Member States, France entered the United Nations as a founding Member with its historical frontiers, and it appears to us to be erroneous to state that France did not have a constitution when it became a Member of the United Nations. It is perfectly true that the Constitution of 1875 was in force then, although that Constitution was being revised, and that 1875 Constitution subsisted until the 1946 Constitution was put into force. This responds to the principle -- universally accepted in countries with the written law -- that a legal or constitutional text cannot be annulled except by an act on the part of a legislative power, or the constitutional power, as the case may be.

Algeria was declared a metropolitan French territory in accordance with the Constitution of 1848. That situation in no way changed despite the fact that France modified its Constitution a number of times. At present the Departments of Algeria are metropolitan Departments and not overseas territories. In accordance with the French Constitution, they have the same metropolitan French status, with which, constitutionally speaking, they form one body.

The metropolitan character of Algeria, from the point of view of the French, and from the point of view of the French Constitution, is confirmed by the historical fact that during the last World War, the illustrious General de Gaulle went to

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Algeria to transform the Committee of National Liberation, with residence in London, into the Provisional Government of the French Republic.

My friend, the representative of Ceylon, asked what we would do if Spain were to declare that Cuba is a Spanish province? Naturally, this idea is inadmissible, because we have the highest concept of the Spaniards' intelligence. But were this to take place -- and we will only take it as possible in order to prove that our colleague is wrong -- we would come to the United Nations, and maintain and contend that Spain had no right to change our political geography and, by a stroke of the pen, make us disappear as a sovereign State; and if, instead of a mere declaration, that situation was to be imposed on us by force, then the United Nations would also have to protect us, all in accordance with the precepts clearly and finally accepted by the Charter.

But if a foreign minority -- of which there are plenty in Cuba enjoying civil rights -- or a Cuban group, by the use of force, endeavoured to change our political geography, to separate a region of the island from the others, for example, and if the Government had to act to avoid such a grave danger to our national unity, and if the rebels were to find here the friendly voice of the representative of Ceylon, who would contend that the United Nations should recognize the right of these people to what is known as self-determination, we would oppose the action of these people with the same vehemence. We would contend that the General Assembly had no competence in this matter, in accordance with Article 2, paragraph 7 of the Charter.

May I say that we are convinced that if a similar situation were to occur in Ceylon, because a religious minority wanted to set up another State, a neighbouring State -- naturally, all these are suppositions for argument's sake, as the representative of Ceylon suggested in the case of Cuba -- we would hear the eloquent voice of the representative of Ceylon also denying the competence of the United Nations to decide on that conflict.

(Mr. Nunez-Portuondo, Cuba)

There was another statement made by the representative of Ceylon which also concerned us, and which was much more than this supposed theory which he had voiced -- which we think was a charming joke and we received it as such, and I am sure that the representative of Spain has received it in the same way. When we heard the representative of Ceylon say, "As a member of the Special Committee of investigating the problem of Hungary, I would not express any views; my lips are sealed. But I am convinced that there is a great deal of information that can be obtained before a verdict is passed" (A/C.1/PV.839, page 32), we were struck dumb, first of all, because the findings and decision of the tragic case of Hungary has already been given by an overwhelming majority in the General Assembly and, more than that, by all the free and dignified peoples of the earth. That Special Committee, however worthy it may be, has not been given powers to hand down a decision or to revise facts that are known by all. In one word, we hopefully trust that no one will try to prove to us that it was the Soviet Union that was invaded and that the Hungarians are the invaders, nor that it is Rachtic system and regime of Kadar that governs in Moscow and not the Soviet armies that give the orders in Budapest.

(Mr. Nunez-Portuondo, Cuba)

As we said in our previous statement we shall vote against the draft resolution submitted by the eighteen Powers. If we examine all the parts of this resolution we will find that never before has such an open defiance been shown to Article 2, paragraph 7 of the Charter. We want to warn all Member States once again that a precedent of this nature can produce incalculable consequences for the future of our Organization.

We are also convinced that many of those who in all good faith and in all good will propose this, will raise their voices most noisily when this precedent is applied to them in the future if the case calls for it. I am not speaking vaguely, let us see what this draft resolution says. It states:

"Recognizing the right of the people of Algeria to self-determination according to the principles of the Charter of the United Nations."

Now, in your minds' eye change the word "Algeria" for any of the other hundreds of geographical regions of the world and you will see that no one will be satisfied, no one will be care free regarding its political geography if this precedent obtains a two-thirds majority in the General Assembly.

I quote:

"1. Requests France to respond to the desire of the people of Algeria to exercise their fundamental right of self-determination."

I must say that it is somewhat contradictory to ask France to satisfy the desire of this people if France has no right to be in Algeria. The logical consequence in accordance with this thesis would be to tell France to get out of Algeria immediately. But let us repeat, and here we can stress our disagreement, once again, gentlemen, in your minds' eye delete the word "Algeria" and put in its place geographical zones that might be interpolated and then think of the international anarchy that would reign.

I am still reading from document A/C.1/L.165:

"2. Invites France and the people of Algeria to enter into immediate negotiations with a view to the cessation of hostilities and the peaceful settlement of their differences in accordance with the Charter of the United Nations."

(Mr. Nunez-Portuondo. Cuba)

This precept is practically speaking inapplicable. Who are and what are the people of Algeria with whom France has to enter into immediate negotiations with a view to the cessation of hostilities on the peaceful settlement of their differences? Are the people the National Liberation Front as was suggested by the distinguished representative of Syria? Are the Moslems then not part of the people? They have suffered from aggression and they have died by the thousands. Are those colons or settlers who were born in Algeria not the people -- and their parents, grandparents and great-grandparents Algerians too, are they not the people?

How can you even implement a resolution where one of the parties is not described in such a way that we could recognize him if we meet him in the street.

Can the United Nations establish the precedent of placing on an equal footing an official Government of a Member of our Organization and the adversaries of that Government? Or is it a case where the settlement of disputes between States, as the Charter mentions, will now be carried out by means of agreements or negotiations between a State and a group that opposes that State? Is the General Assembly also going to recognize belligerency in internecine wars when we are an Organization that proscribes war? Or is it perhaps that in accordance with our Charter we cannot ask for anything except a cessation of hostilities immediately between any two combatting and fighting bands or groups?

I am still quoting this document:

"3. Requests the Secretary-General to assist the parties in conducting such negotiations and report to the twelfth session of the General Assembly."

I recognize and appreciate that our Secretary-General has an extraordinary talent and that he is most capable; but if this resolution is adopted we immediately condemn our Secretary-General to failure, because though he seeks it, one of the parties cannot be found. He cannot seek that party in the guise of the National Liberation Front because if the General Assembly wanted that to be the other party, the General Assembly would call it by its name. It would say between the National Liberation Front and the Government of France. Yet the draft resolution does not say that. Because of this logical reason the National Liberation Front is eliminated or excluded.

(Mr. Nunez-Portuondo, Cuba)

Well then, with whom must the Secretary-General speak and negotiate? May I point out that we are also setting a very serious precedent here when we pass this problem to the Secretary-General. We insist that as far as the Algerian people are concerned we have great warmth and friendship. We hope and we trust that all differences existing today will be solved by peaceful means. But we are sorry that we cannot vote on a draft resolution which would dislocate our Organization and redound to the benefit neither of France nor of the people that we believe that in all good faith we are defending. Now with regard to the draft resolution submitted by the distinguished delegations of the Philippines, Japan and Thailand, it is more acceptable than the previous one that we have, I think, successfully analysed. It falls much closer to what a resolution should be. It does not violate the Charter so openly. But as far as the Cuban delegation is concerned, and we are sorry to have to say this, this draft resolution will not be supported by us because as the representative of Australia said a few moments ago, it presupposes the absolute competency of the General Assembly to deal with this matter. It also refers to the Algerian people in such an indeterminate and vague way that it would be impossible to make certain that negotiations would be of some use or even be held. It makes this draft resolution very difficult to implement. That is why in our desire to achieve something and to make a declaration that would be possible within the very stringent limits of our competence and without in any way violating clear-cut precepts of the Charter of San Francisco, the delegations of Argentina, Brazil, Italy, Peru, the Dominican Republic and Cuba have submitted a draft resolution for consideration by this Committee and in due course by the General Assembly. We feel this is a perfectly simple draft resolution, but it is a very significant one. It expresses the hope that a peaceful and democratic solution of this question will be found after having heard the statements of the representatives of France and of other representatives and having discussed the question of Algeria.

(Mr. Nuñez-Portuondo, Cuba)

We attach great importance to the statements made by the French delegation because we are convinced that, by those statements, France has proved its eagerness to solve this problem peacefully and for the benefit of the people of Algeria. We accept those declarations because so far France has strictly fulfilled its international obligations in the United Nations, and we have no right whatever to doubt its goodwill or to cast aspersions on its position when it makes such suggestions.

I am sure that the representatives who have supported the contrary point of view, and who have defended it with great efficiency and courage, should be extremely satisfied if we are able at least to adopt this draft resolution unanimously. I believe that they would feel themselves successful if this draft resolution were unanimously adopted. It would be a mandate, an order, on the part of the General Assembly, by which France would be morally bound to abide.

I believe that all these matters have to be achieved stage by stage, at a prudent tempo, without causing situations of anarchy which are good for no one. That is why the Cuban delegation appeals to the other delegations to vote in favour of this draft resolution.

Mr. SCHURMANN (Netherlands): My delegation wishes to associate itself with the many speakers who have paid tribute to the French Government, so ably represented here by its distinguished Minister of Foreign Affairs, for its decision to take part in the debate and to inform the Committee as completely as has been done on the situation in Algeria and on the French plans for achieving a speedy and a lasting improvement of that situation.

The statements made by Mr. Pineau and Mr. Soustelle have opened up a vista of peaceful development that will take into account the rights and interests of all the different groups of the inhabitants of Algeria. They have also made it clear that the main obstacle which remains to be removed before the French and these groups can jointly travel along the road to peace and co-operation is the interference from outsiders who, for reasons of their own, aim at creating and maintaining a state of lawlessness and anarchy and do not count the cost in blood and suffering to Algerians and French. What is principally needed for any improvement of the situation in Algeria is that this interference, not only in the

(Mr. Schurmann, Netherlands)

form of delivery of arms and other military assistance but also in the form of incitement of dissident groups and terrorist organizations, should cease. If that can be accomplished, then my delegation has confidence in French wisdom and ability to solve its problems in a constructive manner which will serve the cause of Algeria and of France and indeed of the world. French history and French tradition point the way to a satisfactory solution, provided that France is given the chance to work in an atmosphere of peace and order.

It seems inconsistent, to say the least, first to obstruct French policies by propaganda and incitement to revolution and then to blame France for not being able to carry out those policies.

Under these circumstances, the Netherlands delegation considers that the United Nations would do more harm than good by adopting any resolution seeking to impose its will on the French Government and thereby keeping the fires of passion burning.

Quite apart from the weighty legal considerations, on which we share the views of the French delegation and which have just been so eloquently and convincingly underlined by the representative of Cuba, it is our opinion that on practical grounds, too, the best contribution the United Nations can make toward the solution of the Algerian problem is to refrain from any interference.

The eminent Minister of Foreign Affairs of France has given proof of his Government's good faith by coming here, by explaining the French position in the traditionally lucid and frank French style, and by correcting some of the mistaken views which have been expressed. The Netherlands delegation feels that the General Assembly should reciprocate and, in its turn, give proof of its good faith by giving to France the required opportunity to work in peace for peace.

That these remarks will compel us to vote against the resolution proposed by the eighteen delegations in document A/C.1/L.165 needs no further elaboration, I should think.

As to the draft resolution contained in document A/C.1/L.166, introduced by the delegations of Japan, the Philippines and Thailand, my delegation greatly appreciates the spirit of conciliation and understanding which has prompted these delegations to make their proposal. Nevertheless, we hold that their text is open to the interpretation that it implies the competence of the General Assembly to deal with this matter -- a thesis which we cannot accept.

HA/tc

A/C.1/PV.844
33-35

(Mr. Schurmann, Netherlands)

The draft resolution proposed by the delegations of Argentina, Brazil, Cuba, Italy and Peru in document A/C.1/L.167 is, in our view, not open to this objection, as it is in essence no more than an expression of the hope that the Government of France will be successful in carrying through its plans. We shall cast our vote accordingly.

Mr. PERERA (Ceylon): My delegation intervened in the general debate and stated the fundamental principles which motivated us in asking France to recognize Algerian independence. Now, as a co-sponsor of the eighteen-Power draft resolution, my delegation presents the case for its adoption by this Committee.

I shall not state the obvious and oft-repeated argument that the Algerian question is an international question and therefore the concern of the United Nations; that has been very ably done by several delegations which support my delegation's point of view. But from this position arises, if I may say so, the rationality of the draft resolution now before us, that is, the eighteen-Power draft resolution. But I regret that certain Powers, and among these two great Powers whose voices should have been raised in vindication of the Charter and the competency of the United Nations to demand of one of its Members to conform to the principles of the Charter, have seen fit to dismiss the matter in a peremptory manner. I am constrained to say that the Algerian people have been treated, to use the words of Kipling, as "lesser breeds without the law".

In his statement in this Committee on 6 February Mr. Noble, the representative of the United Kingdom said:

"... my Government shares to the full the position of the French Government in regard to the question of the competence of the United Nations in this matter. Under Article 2 (7) of its Charter, the United Nations is precluded from intervening in the domestic affairs of any Member State and the General Assembly has no right, under the Charter, to discuss any matter or adopt any resolution in that field. The question of Algeria is incontestably within the domestic jurisdiction of France and as such is outside the competence of the General Assembly."

(A/C.1/PV.834, p.2)

Speaking in the afternoon of the same day, Mr. Lodge, representative of the United States, said of the eighteen-Power draft resolution:

"We are also opposed to proposals which we believe constitute intervention in matters essentially within the domestic jurisdiction of France." (A/C.1/PV.835, p.67)

(Mr. Perera, Ceylon)

I have no intention of reagitating issues dealt with in the course of the general debate but I shall deal with the prosaic, cold and hard facts involved in the resolution, with the object of prevailing upon this Committee to adopt it. The resolution is the culmination of efforts made by several Members of the United Nations to work out a solution of the Algerian problem. May I remind the Committee that those efforts were made because it must be admitted that France has failed to solve the problem. If it were otherwise, there would have been no problem placed before the United Nations. The gravamen of my case is that France, having failed to solve the problem -- and I say this without any disrespect to the great Power which it is -- should at least seek the assistance of the United Nations; this would be no insult to its self-respect. Legally or politically there should be no objection, for there are precedents. Morally, I can assure you, its stature would grow. But I am not pressing the moral argument. That has been done by several delegations with distinction and great ability.

How did the legal and political situation arise to justify the eighteen-Power draft resolution? Even on the assumption that Algeria provided a case sui generis where France could attempt all sorts of experiments in colonial rule, it still remains a colony. We must not forget that fact, that Algeria remains a colony. It is not how France looks at Algeria that matters. What is it in fact? Writing in 1928, this is how the Australian scholar Stephan H. Roberts in his book "History of French Colonial Policy 1870 - 1925", summed up the position:

"It is a piece of Islam thrust within the European orbit and looking, not towards the centre of Africa, but northwards, and with its difficulties partly lessened but mostly increased by its proximity to the French mainland. At the outset, these confused characteristics best explain why Algeria's history has, for a century, been largely one of contradictions and futilities, with policies inapplicable to any colony and suicidal for a Moslem population. Algeria has been a synonym for confusion in French colonial annals and by reason of its inordinate influence on colonial policy in general, has thus largely aided the anti-colonial cause."

(Mr. Perera, Ceylon)

In our view, this is a judgement which errs on the side of generosity towards France. Algeria has been, if I may put it this way, a human guinea-pig for experimentation by France in colonial rule and up to date every policy pursued by successive French Governments since 1830 has failed for the reason that policy was determined by anything but the facts of the situation in Algeria.

The Statute of Algeria of 1946 is the law which, according to France, determines the present juridical position of Algeria. No doubt it is, like previous schemes and laws, the manifestation of French colonial policy at this particular time. Article 1 of this Statute stipulates that "Algeria constitutes a group of departments which have been granted a civic personality and financial autonomy, and endowed with a particular organization defined by the articles of the present law."

Does this Statute, I ask you, detract from the colonial status of Algeria? Does it in any way invest Algeria with a status which justifies replacement of the words "colony" and "empire" with "Algeria as an integral part of France"? On the other hand, to defeat the plea of domestic jurisdiction I may take just one view expressed at various times and more especially in the review Afrique Latine for May 1922:

"We French are in our own home in Algeria. We made ourselves masters of the country by force because a conquest can only be achieved by force and necessarily implies that there must be both conquerors and vanquished. When the latter had been mastered, we were able to reorganize and this reorganization affirms once more the idea of the superiority of the conquerors over the vanquished, of the civilized man over the uncivilized. We are the legal owners of the country."

At this stage if I may present the judgement of Roberts, whom I cited earlier, after having reviewed the position up to 1925 he comes to this conclusion on Algeria:

"Looking at the Algeria of our times, one sees how tragic a disillusion of the imagination was Prevost-Paradol's vision of a new France, a dream so dear to the Ferrys and the Etiennes of the last century. Algeria has not been a successful episode in French colonization and has survived more in spite of than because of French policy."

(Mr. Perera, Ceylon)

If one reviews the legislation for Algeria put into effect by the French Government since the conquest of 1830, there is nothing to indicate that Algeria has ceased to be a colony. If a French minority in Algeria accepts metropolitan France as the mother country, and accepts the French culture as its own culture, that is in the nature of things and we do not cavil at that position. That this should lead to the domination of the vast majority -- and I emphasize that, with due respect for what my friend from Cuba had to say -- nay, more, to suppression and repression is the very reason for interference by the United Nations.

The representative of France argued on the footing that France was defending liberty, instituting social reforms and raising the status of the under-privileged and therefore, in essence, denying the charge of colonialism. I would draw the attention of Mr. Pineau, the Foreign Minister of France, to his own report made on 1 July 1955 to a Parliamentary Committee of his Parliament, in which he spoke of the extreme poverty and want of the people of Algeria, a prey to hunger and unemployment, in contrast with the vast wealth of the colonial settlers. This was a confession of failure, I submit, after 125 years of rule and yet we are asked in this Committee by certain representatives to remember that France, and France alone, can solve this problem and to give it a few more years. After all, the besetting sin of imperialist rule is the indeterminateness of that rule. Are the Algerians to wait till doomsday for their emancipation and liberation? I am afraid my delegation cannot agree with that view.

Is it therefore unreasonable, I ask, to ask France in the first place to recognize the right of Algeria to self-determination which we in our draft resolution have presented in the forefront of that resolution? Is it unreasonable to ask France, apart from its recognition of this fact, in the second place to negotiate with the Algerians and thirdly to accept the assistance of this body of the United Nations? Is it not in the nature of things that if a Member nation does want the assistance of this Organization, that is always available without any strings attached, if I may use that term? In what manner is France's sovereignty impaired by the course of action suggested in the draft resolution?

I submit that, taking the preamble as well as the operative part of the draft resolution, there is nothing which impairs in any way the sovereignty of France as a Member of the United Nations.

The plea of domestic jurisdiction, after all, as most political scientists will know and the eminent jurists sitting in this Committee will certainly know, arises from the theory of sovereignty. Nothing can be further from the truth when it is sought to argue that the draft resolution is an infringement of the sovereignty of France, an interference with a domestic matter. The representative of New Zealand yesterday adduced a novel argument for the rejection of the draft resolution, namely, that the Charter does not refer to the right of self-determination; hence the second preambular paragraph and the first operative paragraph are untenable. My delegation yields to none in our concern for the Charter and respect for the sovereignty of other Member nations.

(Mr. Perera, Ceylon)

In this statement, we seek to counter the arguments adduced in favour of the rejection of the eighteen-Power draft resolution. We act in the spirit and the letter of two documents which have, today, passed into history. The first is the 1954 Declaration by the Republic of India and the People's Republic of China, the document known as the Five Principles of Panch Shila. This Declaration referred to "mutual respect for territorial integrity and sovereignty". The second document is the Bandung Resolution of 1955, which insisted on "respect for the sovereignty and territorial integrity of all countries". May I add that, in section D of the Bandung Resolution, the twenty-nine participants in the Conference appealed to all States to "declare their support for the cause of the liberty and independence" of all peoples living in colonial dependency, and called upon "the interested countries" -- and I emphasize this point -- "to grant liberty and independence to such nations".

I submit that the interpretation of the conception of sovereignty given in the Five Principles to which I have referred is not limited to the old conception of State sovereignty, but links respect for sovereignty with the guarantee of mutual benefits. Here, we have moved from the abstraction to the reality, and an essential guarantee of sovereignty is the non-intervention of one State in the internal affairs of others. Is that, however, what is happening in the case with which we are now dealing?

I go further. The logical conclusion to be drawn from this is to be seen in Article 2, paragraph 1, and Article 76, sub-paragraphs (a) and (b), of the Charter. I should like to quote these provisions, and I make no apology for doing so.

Article 2, paragraph 1, reads:

"The Organization is based on the principle of the sovereign equality of all its Members".

Article 76 reads:

"The basic objectives of the Trusteeship System, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be: ...

"b. to promote the political, economic, social, and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes

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of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

"c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the inter-dependence of the peoples of the world ...".

Having quoted these provisions from the Charter, I would put the following question to the representative of New Zealand: Must the words "the right to self-determination" appear in the Charter for the United Nations to take cognizance of a people's struggle for independence? I shall deal with this question later. Furthermore, are international relations to be bound by a canon of interpretation to the effect that the absence of specific words excludes every generic meaning which could be attached to those words? If that were to be the case, international law would be like Herbert Spencer's "social statics". Fortunately, the draftsmen of the Charter thought in terms of an ever-changing political society, and today we have a code of international law accepted by the vast majority of the world's States. The principle of national self-determination and sovereign equality has acquired the character and significance of a generally accepted rule of operative international law, and any deviation from this principle must now be regarded as an infringement of international law.

The Yearbook of Practice of United Nations Organs, published by the United Nations, gives numerous instances of the application and acceptance of that view of "self-determination". In the context of this draft resolution put forward by eighteen Powers, my delegation emphasizes the difference between the will of the Algerian people, struggling for independence and the creation of a sovereign State for themselves, and the imposition by the French nation of its sovereignty on the Algerian people by force. The resulting position is obvious: on the one hand, we have the imperialism of France; and, on the other, an oppressed nation fighting for liberation.

Let us examine the Charter a little further, with respect to the observations made by the representative of New Zealand. Does that representative believe that Article 1, paragraph 2, refers to sovereign States only? That provision reads as follows:

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"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

Do the words "self-determination of peoples", as used in Article 1, paragraph 2, apply only to relations with sovereign States represented in this Organization? My delegation submits that that is not the case.

Article 73, sub-paragraph (b), makes the position abundantly clear. There, we find the conception to which I referred earlier -- namely, that to develop self-government one must assume that there are countries which have either not achieved self-government or are on the road to self-government, assisted by a great Power or a Power which has an interest in them. It is exactly the latter position which applies to Algeria.

Finally, on this question of the Charter, we have Article 78, which reads:

"The Trusteeship System shall not apply to territories which have become Members of the United Nations, relationships among which shall be based on respect for the principle of sovereign equality".

If we read these Articles of the Charter, not in isolation, not separately, but together -- as any good lawyer must do -- we see the true spirit of the Charter. But to all this, France has one answer: There are no Algerians; there are only Frenchmen. A uniform Frenchman has been created, a Frenchman whose allegiance is to France. In this connexion, I would remind representatives of the very able presentation of the case made by the representative of Greece. We have been told that Algeria is a paradise. Yet there are men prepared to die, to leave that paradise -- or perhaps, to use the words of AL Bokhari, the Arab fighter, they are willing to be killed, but to be born again to be killed again for the cause.

I would ask members of the Committee the following question: Can we blind ourselves to the fact that, even if France bases its case on the two cornerstones of international law -- sovereignty and State equality -- there is one interest which must of necessity be paramount? In this connexion, I submit, in all seriousness, that we have all been prone to read Article 2, paragraph 7, of the Charter without the proviso. We are all prone to read only the first phrase of

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this provision, as follows:

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter...".

But there is a proviso, contained in the last phrase of Article 2, paragraph 7, "but this principle shall not prejudice the application of enforcement measures under Chapter VII".

It is this proviso which many a jurist has forgotten, and I submit that it is the clue to the problem of Algeria.

The maintenance of world order is, I submit, within the competence of the United Nations. Representative after representative has presented the facts of the situation in Algeria. There is open warfare in Algeria. An army of nearly half a million men has been stationed there. France is pursuing a policy of repression. The representative of France has presented the facts as he sees them. He has listed a legion -- if I may put it that way -- of French achievements in Algeria. The representative of the United Kingdom has said, "We are not here discussing history". I agree. We are not here discussing history. It is for the future historian to assess France's work. But, until that time, it is for us, I submit, to go into the facts as they strike us today, in the contemporary world.

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International relations since the establishment of the United Nations have increasingly indicated the principle of peaceful co-existence of States with different political systems. If the Charter is to serve well the cause of international peace and justice, then we must be ever vigilant. The United Nations Charter can fulfil its task, for it expresses the desire to save future generations from the calamities of war and to create conditions which will ensure justice and respect for obligations arising out of treaties and other sources of international law. The Charter prescribes that all States should be tolerant towards each other, and should live in peace and concord and unite their efforts with a view to maintaining world security. It is in that context that I cite the words of President Eisenhower: "It"-- that is, the Charter --"still represents man's best organized hope to substitute the conference table for the battlefield".

In the light of that statement I ask the Committee whether it is unreasonable for France to grant the bare minima which are contained in this draft resolution presented by the eighteen Powers. After all, what is it that we have asked? We have asked for the recognition of the right of the people of Algeria to self-determination -- an inalienable right inherent in any people, and this is a people which had a culture of its own and which still has a culture despite all acts to suppress or destroy that culture. We have asked that the two Powers -- that is, France and Algeria -- should come together to negotiate. Is there anything unreasonable in that? In what way does it affect the question of domestic jurisdiction?

And finally we have requested that, if they so desire, the Secretary-General should be called upon to assist the parties. Not that we are thrusting the Secretary-General on the parties, but we suggest this with the best of intentions with a view to the fulfilment of the task for which the Charter was framed and of a policy which has been determined in these eleven years since the clause was put in.

Those are the submissions which I wish to make on this particular point. Then I pass on to this position. As it stands, does it constitute a threat? I am not going to ask representatives to consider that this is a question which at the moment comes under Article 39. On the other hand, can we refuse to accept

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the National Liberation Movement in Algeria as a popular mass uprising? By merely calling it a rebel element are we going to solve the problem, and leave it at that? Are we going to say that this is an uprising which has been backed by the neighbouring Arab States? On the other hand, during the last two years, thousands of Algerians have died for the sake of freedom. Did those men die merely because they wanted to safeguard Islam? On the contrary, they died because they wanted the acceptance of the principle of self-determination that had been preached by this very Organization and the protagonists of those who stand for the principles of the Charter.

I submit, therefore, that if we are going to consider this question on the footing that it is not a matter which concerns the world Powers, the nations of this Organization, then we might as well, to put it very mildly, close up the books, close up the Charter and leave the United Nations. But that is not the case. The very purpose for which the Charter was framed, the very purpose for which the draftsmen embodied the sum total of human wisdom as it was then known, at the end of the second World War, not only enhanced their reputation but gives us, perhaps, a way of life. Peaceful co-existence with the people of colonial countries needs no new, special wording -- and this is a submission which I make in all seriousness -- because it is inherent in any people struggling for freedom. And not only does it require no special wording; it requires no special pleading from me. I know, the moment I say this, I, or others who have argued as I am arguing previously, are referred to as the devil's advocates. I am happy in this context; I am happy that I am the devil's advocate in this instance. Yes; for the simple reason that here we have a downtrodden people, a people which has been held down for over a century, and it now only requires the fulfilment of obligations which have been thrust upon France. If France claims to be an enlightened colonial Power, then it is France's duty, I submit, to see that the Algerians are helped on to statehood and nationhood, and not to convert them into Frenchmen.

I myself have a great respect for French culture. That is obvious, I think, and as the statements of most delegations have revealed, I believe, none of us is here to dispute that fact. France is a great nation, and it has a great culture. But let us all remember that Mr. Pineau said here in this Committee that, as the discussion unfolded itself, he thought at one time that history was an art, and at another time that it was a science, but, at the same time, history was a

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sport. Although Mr. Pineau is an historian himself, we may tell him that while men such as he have no doubt written history and made history, one wonders, when one hears the submissions he has made, whether he has read history. After all, it is only in the correct interpretation and reading of history that even France, a great Power, can find a solution. The writing on the wall is clear. Here a nation is struggling for independence, and, if there is no assistance from the very Power that claims to have civilized it, is it unreasonable to expect that the people will revolt and rebel against that colonial Power?

In this respect, I submit, the United Nations Charter has clear provisions to the effect that sovereignty and the right to self-determination of each people can be limited only when the rights of other equal nations or the requirements of international security are infringed. There is no such infringement in respect of France, and it is in that spirit and on that basis that I commend the eighteen-Power draft resolution to this Committee.

I pause now because there are two matters which have been raised by the representative of Cuba with regard to certain comments made by my delegation in the general debate. In connexion with the first question he raised I submit that, as in the case of Hungary, if I may put it that way, my delegation has never accepted the position that there are double standards to be followed. If Cuba were to be annexed or absorbed, or if an attempt was made by a great Power to convert Cubans from being Cubans to being something else, Ceylon would be the first to defend Cuba's position despite any plea of domestic jurisdiction.

The second point raised by the representative of Cuba was that here was a minority -- the French minority in Algeria -- and he maintained that in a sense the interests of that minority could not be ignored, and that it was that minority which brought culture and civilization to Algeria. But that is not the case. Here we are concerned with what was the position in Algeria before the French, and what it is today after some 125 years of French rule. I submit that there are limits to human fallibility. There is no need for France to be ashamed to admit that it has erred. Even a great Power can err, and we saw, not so many months ago, that two great Powers erred and that their erring ways were pointed out by this very Organization.

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History has been invoked, and I should say that history has been invoked in this instance, perhaps, to plead for the case of France. But equally, if history has been invoked in that context, the Algerians could also invoke history -- and, perhaps, a history with a long line of distinguished achievements. No doubt, under the power of superior armaments, the Algerians went down, and that is why, at Bandung, we repeatedly presented the world with a case, not on the basis of great Powers, of material resources or of strength, but on the principle of self-determination.

I am afraid that if our draft resolution were rejected it would mean that the Algerians would finally be condemned to be, in the words of Mazzini, the bastards of humanity. That is not, I trust, the position which the Algerians will have to face one day. If I may conclude in this context, I would say that it is not a question of this draft resolution's being accepted or rejected. On the contrary, I myself, and my co-sponsors, would certainly like to see it accepted, because it represents the bare minima which we can offer as consolation to the Algerians. But I say that it is not a question of acceptance. It may be rejected if representatives so feel, but, despite rejection, let Algeria live.

The CHAIRMAN (interpretation from Spanish): Before I call upon the next speaker, the representative of the United States, I should like to tell the Committee that we are all happy, and in that I include myself, to hear statements made, but I should like to make the following statement. Those representatives who have already taken part in the general debate should endeavour to be brief in this debate on the draft resolutions. Their statements should deal mainly with the text of the draft resolutions, without excluding any pertinent prefatory remarks.

Mr. LODGE (United States of America): A number of representatives have asked questions of me concerning the United States position on the draft resolutions introduced by the delegations of Japan, the Philippines and Thailand and, accordingly, I wish to make a statement.

While acknowledging the good and helpful motives which actuated the authors of this draft resolution, the United States, for the same reasons it gave earlier with respect to the eighteen-Power draft resolution, opposes its adoption. The United States will vote in favour of the draft resolution submitted by Argentina, Brazil, Cuba, Dominican Republic, Italy and Peru. It seems logical to us that we should conclude the Committee's consideration by the adoption of this draft resolution.

The United States attaches the greatest importance to the cessation of bloodshed and the achievement of a just and peaceful settlement as soon as possible in Algeria. We think that it is important and of considerable significance that France, in spite of the fact that it does not recognize the Assembly's competence, has seen fit not only to participate in this discussion but also to explain in detail its proposals with respect to Algeria. We believe that we should avoid any action here which would complicate or make more difficult the task of achieving a solution in Algeria which is just, which is reasonable, and which is of good promise for the future. The United States believes that France, in the circumstances, should be given the opportunity to work out the future status of Algeria with the duly elected Algerian representatives, as Mr. Guy Mollet has indicated the French Government desires to do.

Having taken this position, we believe that it logically follows we should conclude this discussion by adopting the draft resolution sponsored by Argentina, Brazil, Cuba, Dominican Republic, Italy and Peru. We are convinced that any attempt to go beyond that draft resolution would only make more difficult the achievement of a just and peaceful settlement in Algeria.

Mr. Krishna MENON (India): My delegation has not intervened in this debate until now, but, at the same time, I recognize the spirit of the Chairman's suggestion to the Committee that at this stage we should not seek to prolong the debate on general principles. I shall, therefore, try to make my statement as brief as possible and to fit it round the draft resolutions that are before us.

So far as my Government is concerned, it is necessary to place before the Committee what may appear to many to be obvious but which, it appears from some of the debates, is not so obvious to some others, that is, the general context of the situation in Algeria and how the people in our part of the world view this problem. It is not a question of some people being difficult. It is not a question of some others interfering. We must first look at the whole of the Algerian movement as a national movement in which there is a great mass upsurge and in which great passions, hopes and aspirations are involved, and unless this rising tide of nationalism and the feelings of the people, which cannot be suppressed by force of arms -- that has been the verdict of history over a long period -- are recognized, we shall not be anywhere near finding a solution.

It is possible to argue about the expressions, the terms that should be used to a nation that enjoys independence, whether you call it a dominion, a State, an entity or a personality -- these are all matters that can be argued in negotiations -- but the fact of the matter is that there is today an Algerian nation whose desires for self-expression, whose desires to be part of the international community in its own right, cannot be ignored.

Neither France nor my country, nor any Member State around it, can disregard the lessons of history and, what is more, the experience of mankind, particularly during the last half-century in which masses of people all over the world, formerly subject to empires, have become independent nations. Here I should like to interpolate that they have become independent nations not only to their advantage,

but with a capacity to contribute to the common good of humanity. Therefore, the liberation of nations, the establishment of national liberty, is not merely a national concern, it is also an international concern.

I am not today going to argue the question of the competence or otherwise of the General Assembly. Last year, when we discussed this subject in plenary session, practically the whole of the discussion centred round this question of competence and the position of Algeria in terms of the French Constitution. I should like to ask whether we in the United Nations, in asking this question, are not over-simplifying the question of competence. Competence is not something that is monolithic. There are degrees of competence. There is competence to consider the inclusion of an item, there is competence to discuss an item, there is competence to recommend, and there is competence to take action. There are various degrees of competence and, therefore, all that we have to think about is that there have been few items in which so many Member States have participated with their varying views. Competence or no competence, the international concern in this matter, the concern of the United Nations in this matter, has been placed beyond dispute. Therefore, to argue about competence at this stage, while it is certainly relevant to the Charter of the United Nations and each of the participants involved, it is not relevant for the finding of a solution. The fact is that we have been discussing it. The fact is that there is a draft resolution before us which asks that a solution be found. Why should we speak about finding a solution unless we were competent to consider it? Therefore, I should like this question of competence to be considered by us in terms of common sense and realism.

The next aspect of the question to which my Government desires to refer is that this is not merely a question of national independence, of a community seeking liberation, but around it is centred the whole of that vast problem of the solution of the conditions that exist in a multi-racial society on the African continent. In the decade and in the century that is before us, Africa will present challenges by the side of which some of the problems that we face may appear very small, because here is a vast continent, with vast riches, thinly populated by populations that in a very short time have emerged from primitive civilization to the position of being independent nations, in some respects, and where they are not so permitted they are using the meagre power they have, which is the greatest power that man has,

namely, the exercise of their determination and will to establish their positions. We are not merely discussing the rights and wrongs of the Algerian people, the rights or otherwise of the French Republic, but also this problem of the liberation of a people, of a human spirit and its organized expression in a community, and the existence on that continent of a nation which is multi-racial, and multi-national, if you like. If the problem of Algeria is settled, as it must be, then we would have made a great contribution towards this.

My country does not regard nationalism as being based upon race or religion. We, by our Constitution, by our upbringing, by our background and by what we regard as a cause of the Charter, have set our faces against the conception of theocratic and racially-based nations. Nationalism in the modern world is territorial. It is the home of the people that make them the nationals of that country. I would go along with the Foreign Minister of France in regard to the doctrine, with which our Latin American friends are familiar, namely, uti possidetis with regard to many matters, and I believe it is an applicable juridical maxim which should not be lightly disregarded, and I believe it is applicable to France. But it is applicable in terms of the French Constitution only to the 200,000 square miles of France which forms Metropolitan France.

Article 3 of the French Constitution says: "National sovereignty belongs to the French people." It does not say "to the Algerian people." The most important part of this argument, in terms of the view that Algeria is part of Metropolitan France, is denied by Article 6 of its Constitution, because Algeria does not come into the Republic of France. Algeria comes, even under the existing Constitution, into the French Union; that is to say, into a system where other territories have established themselves, either by their consent, or by French decree, or French decision, in a relationship with the Republic of France. My submission, therefore, is that this doctrine would be applicable to the sovereignty of Metropolitan France, but not to its dependent empire.

Secondly, as my delegation pointed out on the last occasion when we discussed this matter, it is not possible for us -- and I feel sure that it is not possible for the United Nations -- to recognize rights of conquest as having anything more than a factual basis. But, carried with the right of conquest written into the American Declaration of Independence, is the right of liberation. Suppression at once gives the right of revolution.

We have been told several times, with some force -- and it is an argument that cannot be easily dismissed -- that there was no Algeria before the French arrived; there were Berbers, or whoever they were. We may not forget that this is an argument which applies to every Member State around the table in this room. The representative of the United States would have no national status in this world if he was still told: "You are just the Thirteen Colonies, and therefore you are no nation." The twenty or so States of Latin America who have separated themselves from the hegemony of Spain -- not as we did, but by violence -- would have been ordered folded back. You can no more fold back a national community into its origin than you can fold back a baby into its mother's womb, and, therefore, the conception that there was no Algeria before shows that it is all to the credit of France, if the facts are true, that out of the wilds of Africa, if you like, out of the scattered tribes, it has assisted in creating a nation. And history will record that verdict. In the same way we in India are prepared to say that the domination of Britain, characterized as it was by many evil traits, forged many links of our unity, probably built aqueducts and works of usefulness; but that

would not have been the answer to the expression of our national entity. Therefore let us not argue this question whether there was an Algeria a hundred years ago. According to history, there appears to have been one because France apparently received, according to French documents, in 1830 the surrender of Algeria.

We have not accepted this position, but, even assuming for argument that there was no Algeria a hundred years ago, the United Nations cannot be invited to consider the proposition in the context of a hundred years ago alone. It is a factor that enters into it and, what is more, if we are going to look back into a hundred years, how do the one and a half million colons have any status in Algeria, because they were not there a hundred years ago? They would have to be folded back into France.

The people in my country, if we push it back a little and, instead of a hundred, say seven or eight thousand years back, would have to be pushed back into Central Asia -- and I do not think that our friends in the People's Republic of China would like that. Therefore, we cannot fold these things back to the centuries that have gone behind or to the millennia behind. We must take facts as they are, and the facts today are represented, on the one hand, by the great military effort that is put into France and, on the other, by the diplomatic effort being put into France, in order to get a reconciliation or a resolve of the problem of resistance in Algeria.

I think that the test of nationality is function; and these people do function. They kick -- and I think the kick is the sign of life. I am not saying that because somebody kicks you, you just have to concede, but you know I cannot ignore that. I do not refer to kicks in any derogatory fashion; I mean here the movement of a limb -- it happens to be the lower limb in this case. Therefore, the Algerian people do function.

I have been instructed by my Government to state its position in these terms. It desires me to say that our objective for Algeria is the same as has been our objective for ourselves. I believe that is a good Christian maxim, and although I am a heathen, I propose to adopt it for the time being. That objective is the independence of a territory. We in India recognize that administrative arrangements for a relationship with its present rulers -- who will become its former rulers and Algeria can then become an equal member of the world community --

would be worthwhile and ought to be established in terms of free discussion and free unity. I do not hesitate to point out that it would be in the interests of Algeria and of France to establish not only terms of fraternity, but cultural, economic, political or other bonds based upon the free will of either side, so that the present Union of France -- as under its Constitution it is a Union -- will even become more truly a union of independent communities.

My Government goes on to say that it is our experience, as indeed it is of our past rulers, that this association of the free union of peoples out of free will is profitable to both sides. In my own country there are more personnel of United Kingdom nationality today than under British occupation. What is more, it is a contribution that can be made to this distracted world if one national strife is out of the way. This is generally our position.

As we stated at the tenth session of the Assembly -- and again I used these words purely in terms of political description and not in any derogatory sense -- Algeria is part of the French colonial empire. Whether it is different from Morocco and Tunisia -- it certainly is different from Morocco and Tunisia -- is beside the point, but I can remember sitting at this table three or four years ago and listening to the arguments that Morocco and Tunisia were also not competent to have independence, although they were independent territories which had invited the protection of France.

Now, in the whole of this struggle that goes on, it would be very wrong for the United Nations and, if I may say so, through you, Mr. Chairman, for our Arab friends, who have kinship with these Algerian people by race, by blood, by culture, by proximity, to look upon the struggle in Algeria as though it were a racial conflict between one race or one group or one religion and another, because, as in the case of the struggle for Indian independence, on the side of Algerian nationalism today are ranged vast masses of French people. It is heartening that this is not a quarrel between Frenchmen and Algerians. There are not lines, there are whole sections of the speech of the Foreign Minister which breathe the spirit of French liberalism -- I am sorry; he is a socialist, but you know what I mean. It is also heartening that, as I believe, there are as many people in France who are concerned about this question as there are in other parts of the world, or even in Algeria.

MW/gd

A/C.1/PV.844
59-60

(Mr. Krishna Menon, India)

When I categorically state, on behalf of the Government of India, that any independence of the country of Algeria must be established on the basis of total equality, irrespective of race, that works both ways. That is to say, it would not be possible or conceivable that there could be a second-class citizenship for some people who belong to a particular race or nationality; and the General Assembly must be happy that that is not the conception of the present Government of France.

(Mr. Krishna Menon, India)

We have moved a long way. Last year, the Government of France was not willing to have the subject discussed, and I believe that the moderation and the common sense which the Assembly displayed has persuaded the Government of France to give us the benefit of its assistance in our debates this year. We are hoping that freedom will broaden from precedent to precedent, and if it does not take too long we shall all be happy.

Mr. Pineau, the Foreign Minister, has done us the honor of referring to my country or the head of my Government on many occasions. He stated:

"Last year, I had occasion" -- in New Delhi -- "to ask Mr. Nehru, Prime Minister of India, the following question which remained unanswered: 'Do you think that you would have come to terms so easily with the British on the solution of independence that you sought had there been 47 million Englishmen in India?' For, taking into account the respective population figures, that is the exact ratio of the French of European origin in Algeria." (A/C.1/PV.831, page 28)

My Prime Minister sometimes does not answer all questions. But I can take the liberty of answering this because, having responsibility for collective government, I would not make an irresponsible statement in this matter.

If there were 47 million Englishmen in India, we would have achieved independence with much less struggle because we would have been able to speak to them directly. They would be with us. They would not be what in the British system is called by historians government from a distance. In fact, the complaint about the Englishmen in India has been that they bring a little bit of Tooting with them. Tooting is a suburb of London. They bring it with them, they live as they lived there and they are isolated from the community. I do not say that this is a justified statement; there is an element of justification in it. So if there were 47 million Englishmen in India, they would be Indians today.

We have people of pure English birth who have no other racial or blood mixtures who are citizens of India today. Having lived in India for a long time and, after independence, having gone back to their home country, they found the climate and the general conditions in India better, so they came back. Under our law, if a person or his father or his grandfather or his mother or his grandmother was born in India he can lay a rightful claim to citizenship. And what is more, the United States, out of its great generosity, permits a quota of 100 people to come into the

(Mr. Krishna Menon, India)

country from India and become nationalized. The great majority of that quota goes to people of English birth because they were born in India. Therefore, if there were 47 million Englishmen in India, it would have been our good fortune. We would have had people of a different talent -- they regard it as a better talent, a superior talent maybe. Anyhow, it would have added to the richness of our country. Consequently, the answer is very simple.

The presence of one and one-half million Frenchmen in Algeria is no bar to independence because I refuse to believe that Frenchmen anywhere, whether in France or in Africa, are against liberty or against national expression. Therefore, the answer is that if the presence of the settlers does present problems, it is not because they are French but because economically they are in a privileged position. That is the conflict. It does present problems to Mr. Pineau and his Government. I have no doubt about that. But then you know that if Governments have no problems what are they for?

While I am on this subject, I want to discuss another matter. Reference has been made to the intervention of foreign countries in the Algerian movement for resistance. I believe that conquered people have always had the assistance of others. I believe that the British had something to do with the liberation of Italy and of Greece, and I believe they even had something to do with the liberation of our country, though they were not foreigners at that time -- we were foreigners. When France was conquered by Germany, other people assisted in its liberation. I believe that when other countries were conquered the same thing took place.

But in this particular case the reference is not merely so respectable. It is to what is popularly called gun-running. In order that there may be no future misunderstanding, I am asked by my Government to speak on this. I believe the reference by the Foreign Minister was not made with any desire to cast any bad light upon us. He made a reference to the ship Athos and to the fact that certain arms were found in it. I have no doubt that these Algerians do get arms, but I imagine that the majority of them must be French arms. That does not mean that the French Government is supplying them. Mr. Pineau said:

"The inspection then conducted by experts" -- of the ship -- "disclosed that some of these weapons -- rifles and automatic rifles -- had been manufactured in India after 1953 and that others were of British origin."

(Ibid., pages 24-25)

(Mr. Krishna Menon, India)

You see we are in good company. The next part is where I feel a little sad. He continued:

"The latter had probably either been turned over at one time to the Egyptian army by our British friends, or had been stolen from camps in the Suez Canal zone." (Ibid.)

Although there is the explanation for the British arms, there is no explanation for ours. It is true that arms are manufactured in India. We sell very small quantities of them, which are surplus. But so far as my Government is concerned, we desire categorically to state that no arms have been sent to any French possession or any country that is not a sovereign nation entitled to deal with us in a normal way. Any suggestion in this matter that there has been gun-running from India is something that must be repudiated. I want to say again that that was not the intention of the Foreign Minister. But he will appreciate that when something of this kind has been said, it is a little difficult. Arms of all kinds get into the hands of people. That is the worst of arms. I have said this in the disarmament debate. The arms that can be used only by one people in only one direction have not been made. So the best thing is not to make them. But we all make them. That is our position in this regard.

The Foreign Minister also referred to the question of the region not being treated as a religious problem but as a political problem, and has quoted this view that had been advanced in this Committee or in the Assembly by the Indian delegation. We totally subscribe to this. We are a secular State, and we desire the United Nations to be a secular organization. Therefore we have no quarrel with this, and we do not regard Algeria as becoming a nation either on a racial or a religious basis. As I said a while ago, nationalism is territorial.

In this conflict, large numbers of people on both sides have been killed -- young Frenchmen, veterans, large numbers of Algerians. I am sure the Assembly will feel, as my Government will feel, that the loss of life, the infliction of casualties of this character and, what is more, the hatred that it engenders are matters of common concern. The purpose of the discussion in this Assembly, and certainly the intervention of my Government in this matter, is not to add to these conflicts or to add to friction. I want to say here and now that the proper way, the quicker way and the easier way to settle this Algerian problem, as it is called, is by negotiations between France and those who desire Algerian independence.

(Mr. Krishna Menon, India)

I have no desire at this present moment to go into the details of the proposals that have been made on either side because that would take me into the realm of the general debate. But I would say this: I believe it was two or three years ago that my delegation submitted to this Assembly an observation, that is, that it is convenient to speak to those with whom you agree but that it is perhaps often useful to speak to those with whom you do not agree. At that time the Press of this country, and some of our colleagues, regarded that as a very damaging statement. But, happily, the other day the President of the United States seems to have said the same thing, so now it is respectable. Negotiations in Algeria therefore means negotiations with those who can deliver the goods -- and that is the only way to negotiate. Otherwise negotiations are in a vacuum. Negotiations with those who are created in our own image give the whole thing a context of speaking to one's self, and you know that it is not a very sane exercise to speak to one's self. Therefore, negotiations, if they are to be successful -- I cannot say must because I am not for a moment suggesting that the United Nations should direct these negotiations in the present draft resolution or anything of that character, but we hope negotiations which are the method of conciliation, which is a method of adjustment of different points of view -- which alone can pave the way to that fraternity between France and Algeria which is in their common interests and, what is more, in the interests of world peace -- can come about. Therefore, we should like to wish France well in the efforts that it makes to negotiate, and we further urge that such inhibitions as might have arisen in the past should be cast to one side. After all, if there were no opposition or differences, there would be no point in negotiation, and therefore these negotiations should be of a character that will enable a settlement to be reached. No conditions should be attached to it which prevents that negotiation.

My Government, therefore, desires to draw attention to the statement made by the head of the Government five or six months ago which, as the whole world knows, has been the basis of diplomatic and other talks with all parties concerned at various times. We believe that the first essential for the settlement of the Algerian problem is the creation of that peaceful atmosphere and that peaceful approach which can come from the release of political prisoners, the slowing-down of conflict -- even if the cease-fire conditions and so on are to be negotiated

afterwards. A general resolve to find a solution and a peaceful atmosphere is the first condition that is required. I feel sure that if the French Government, its Prime Minister and its Foreign Minister pursue this task with the degree of earnestness that we expect of them, responses could be expected from the other side.

It would be the duty of the United Nations, the Secretary-General included, in his non-official and non-public capacity, to exercise immense virtues in the way of assisting in any of these tasks if it should be necessary. But whoever it is, whether it is the newspapers, the politicians or the people of other countries, the creation of this peaceful atmosphere should be that which creates in the Algerian national movement the feeling that what is desired by the other side is a settlement and which equally creates in France the confidence that what is desired is the establishment of a relationship whereby stability can be secured as the first step that is required.

We also think that the time has passed when we could run away from the question of the recognition of national freedom. It is not necessary to be unduly concerned, except for the purposes of parliamentary difficulties in each country or for other reasons, or to be exercised about the term one applies. But it is obvious that the national entity and the freedom of Algeria, in whatever form it is, and its freedom to establish its relations with the present rulers of that country: that should be recognized. It is not possible to have free union in conditions where the clear terms of that union are dictated beforehand.

The third of these conditions which was difficult in the old days has fortunately become easier since the present Government of France has assumed office, and that is with regard to the equality of the peoples of Algeria. The Assembly may remember that when this problem first came before us the position was that eight Algerians were equal to one Frenchman with regard to votes, or something of that character; I have forgotten the figures. Now it is recognized, at least in terms of the policy of the French Government, that the equality of the peoples of Algeria, irrespective of race, must be recognized. That of course follows from territorial nationality, the recognition of Algeria as the homeland of all people, whether they be white, brown, dark, yellow or whatever they may be. Those who have their homes there are Algerians in the same way as Dutchmen who went

to South Africa are Africans, as Indians who live in Kenya are Africans and Englishmen who live in the United States are called Americans; of course, it does not include South America.

Similarly, we think that negotiations which must, as I said before, necessarily take place between the parties concerned is of importance. It is for these reasons that we think that the debate has been valuable. The attitude that has been displayed by the French Government, while it would not be accepted by the Algerian National Movement as it stands, certainly is an improvement on previous situations. And there is no doubt that the speeches made by other representatives who are nearer to the Algerian point of view -- and I can sense them, notably the speech of the representative of Syria -- show this desire for a negotiated settlement. Here is one of those problems where the benefit and the necessity of a negotiated settlement is more or less common ground. For these reasons, I would submit to the Foreign Minister of France to regard the observations that we have submitted as offered in a constructive spirit and with a genuine desire to see the end of this trouble, so that in another part of the world there would not be a running sore which may well become the centre of greater conflicts.

We have it on the evidence of distinguished Frenchmen, members of the French Parliament, that nearly half a million French soldiers or French military personnel are now engaged or locked up in Algeria which, as far as the protection of the population of European origin alone is concerned, really makes it out to the proportion of two and a half people to one soldier. Equally, large numbers of Algerian men and women are tied up and locked in deadly conflict. This is a great waste of human life, of human endeavour and human capacity. Therefore, cannot the voice of this Assembly now spread out and be heard in all the quarters where it should be heard?

We do not merely say that there must be an end to this conflict, but the attempt that is made should be of a character that is not merely an offer that will not be accepted or cannot be accepted or a condition of acceptance that cannot be offered, but will be something that shows a degree of mutual accommodation. I believe myself that if the Algerian National Movement were assured of their

territorial freedom and the recognition of their territorial nationality, then the way would be opened for the cessation of hostilities, especially if it is preceded by an appeal for a peaceful atmosphere, with the liberation of those who are in prisons or in other conditions of detention on both sides; that is, it is not necessary at this stage to consider what exactly would be the nature of the relationship between the two free entities because that would be by definition erroneous. That definition must come in conditions of freedom. If the Foreign Minister of France will forgive me, in this problem there may appear to be risks, but those risks are far less than the risks engendered by a continuing hatred. The longer this goes on, the gulf between the two peoples and the intervention of other forces, including the debates in this Assembly, will continue. Therefore, we must wish well for the efforts that are being made; we must wish that those efforts will go further so that negotiations will assume a greater air of reality and so that they will be more consonant with the genuine desires of the French people, to which the Foreign Minister has given utterance.

(Mr. Krishna Menon, India)

In making this request, we are not saying anything that is not strictly in accordance with French conceptions itself, to which I shall refer in a moment. It is for that reason that, irrespective of whatever views may have been held, and in the light of the interpretation of competence which I have submitted to the Assembly -- and which I earnestly request it to consider, because competence is never a hundred per cent; it is not merely legal competence; one cannot speak of competence in the abstract -- it is in that light that I would ask the Foreign Minister of France to look at the draft resolution that has been submitted by eighteen countries, among which my country is not one and therefore I have no vested interest in this draft resolution.

I think each one of us might have drafted it in a different way. But I submit that there is nothing in this to which the Fourth Republic of France has not already subscribed. It has subscribed to everything in this in its own Constitution and in the Charter, to which France owes allegiance very willingly. It is by way of a request. There is no demand in it. It is the request to France to respond to the desire of the Algerian people, and it is an invitation to France to negotiate for the cessation of hostilities.

I do not know whether this is what the Algerian National Liberation Front would have put forward as a resolution if they had the capacity to do so. I believe myself that this formulation is one which is an attempt to present to the General Assembly something that is practical, something which the Government of France can be requested to consider without any violation of its sovereignty or its dignity.

Therefore, I would very humbly suggest, even at this stage, whether a more beneficent view cannot be taken of the draft resolution that is now before the Committee in document A/C.1/L.165. Some such resolution, if adopted, would change the face of the Algerian situation and would probably show the Algerians, who are far away from any reach of the impact of our discussions, that there is some concern about their conditions, that there is some desire to respond to them.

(Mr. Krishna Menon, India)

I do not think it is appropriate for me to speak about other draft resolutions, because it would be like the man who said that he had the faith that would move mountains, and then opens the window to see if there is a little mound of earth outside. Therefore, I believe that this draft resolution should be adopted and I am confining myself to that at the present time.

I conclude by saying that the appeal I have made and the observations I have made are in entire conformity both with the words and the spirit of the Constitution of the Fourth Republic of France, which in its preamble sets out the following:

"The French Republic" -- that is France, not the French Union --
"faithful to its traditions, shall abide by the rules of international public law." -- and here is the important passage -- "It shall not undertake wars of conquest and shall never use force against the freedom of any people."

This comes from the Constitution of France and I believe that it expresses the will and the soul of the French people. It says that the French Republic, faithful to its traditions, shall abide by the rules and it shall never use force against the freedom of any people. It then goes on to say:

"France shall form with the peoples of her overseas territories a Union based upon equality of rights and duties, without distinction as to race or religion."

All I have said is in conformity with the French Constitution. Although I do not live under it and I have never lived under it, it is a Constitution for which we all have great respect. It is a Constitution to which everyone who has spoken in this debate, in one way or another, has paid tribute, not only to its text but also to the traditions and contribution to human liberty that this great country, has made. It is in that spirit that we appeal to the Foreign Minister of France.

Mr. KING (Liberia): The Liberian delegation considers it opportune at this stage of our debate on the question of Algeria to state its attitude and position on the three draft resolutions which have been tabled by the eighteen Powers, the three Powers and the five Powers respectively, and to state how its vote will be cast.

(Mr. King, Liberia)

My delegation recognizes that the draft resolution (A/C.1/L.165) which has been tabled by the eighteen Powers contains controversial and yet fundamental issues of juridical significance to our Organization and which also have tremendous bearing on world affairs at this time. It also contains issues related to the attainment of other objectives, aims and purposes of the United Nations, and that is the right of peoples to self-determination.

My delegation, while agreeing in principle with many of the clauses laid down in the eighteen-Power joint draft resolution, has gathered from the arguments raised in this Committee that this draft resolution, even if it should receive the required affirmative votes, would not ease tensions or allay feelings between France on the one hand, and the Algerian movement on the other, but would rather tend to aggravate the present situation. The issues over which important viewpoints have been expressed in this Committee would seem almost unsolvable in view of the position which has been taken by the delegation of France on the one hand and, on the other, by the opposition on the part of the supporters of the National Liberation Movement Committee of the Algerian people to the proposals and suggestions offered by the Foreign Minister of France on behalf of the French Government.

The opinions expressed on both sides which seem to involve questions which my delegation believes would have to be squarely met and answered by both parties on the level of complete understanding and mutual good will. The United Nations, for its part, would have to recognize these difficulties and, at the same time, it would also have to offer or present a reasonable and practical solution to the problems involved, if it is to courageously perform the role outlined in the Charter.

Bearing these points in mind, we have decided to abstain on the eighteen-Power draft resolution. In deciding upon our position with regard to the other two draft resolutions, my delegation's primary consideration is to associate itself with any Member State whose aim is to endeavour to bring about a cease-fire in Algeria, with a view to creating favourable conditions and an atmosphere of reasonable calm, in which the parties directly involved would find it possible to negotiate a peaceful settlement. These, we believe, should be the wishes of the parties involved in the armed conflict in North Africa, as well as the cherished hopes of all Member States. Such a course, we believe, would be in keeping with the purposes and aims of our Organization.

AW/bd

A/C.1/PV.844
74-75

(Mr. King, Liberia)

As regards the introduction and submission of the three-Power draft resolution (A/C.1/L.166) by the delegations of Japan, the Philippines and Thailand, my delegation notes the difference between its text and that of the eighteen-Power draft resolution, to which reference has already been made.

(Mr. King, Liberia)

The three-Power resolution, in endeavouring to meet the aims and purposes of the United Nations, which is the maintenance of world peace and security, would seem to avoid the juridical issues apparent in document A/C.1/L.165. It does recognize that the unrest in Algeria if allowed to continue, we all are agreed, would cause more human suffering and loss of lives. It expresses the hope that endeavours be made by France and the Algerian people to bring an end to bloodshed with a view to negotiations being embarked upon for a peaceful settlement of their present difficulties.

This resolution, if we understand it correctly, aims at three primary objectives -- a gradual three-phased settlement over which there could hardly be disagreement among Member States, namely, the saving of lives on both sides with the coming into force of a cease-fire; negotiations by both parties to the armed conflict; and restoration of conditions to normalcy.

My delegation is of the view that since all resolutions adopted by the General Assembly must be implemented by the parties to whom they are directed if such resolutions are to have any effective and practical application, it is necessary for the General Assembly to approach political questions of such magnitude as the present question of Algeria, in a spirit of helpful understanding and goodwill, with full recognition of its limited scope of competence as outlined in the framework of the Charter. The General Assembly would seem to lack the authority to enforce compliance with any of its resolutions. It relies only upon the goodwill of the parties concerned and the moral prestige of the Organization in world affairs. Therefore, to spell out in any resolution terms and conditions to parties which are unacceptable to them, could hardly serve any practical or useful purpose.

We have witnessed many important resolutions adopted by the General Assembly, even by the Security Council, for that matter, which have received major setbacks and which, up to this date, remain unimplemented. My delegation does not agree with, nor does it subscribe to the practice in which we have found ourselves, that is, the mere passing of resolutions when we know in advance that such resolutions have hardly any possibility of being implemented. This state of affairs neither lends nor adds to the prestige of the United Nations but rather would seem to expose its weakness and to derogate from it its position in the world community of nations.

(Mr. King, Liberia)

My delegation did not participate in the general debate, not because it lacked genuine interest in the principle in the right of peoples to self-determination; nor that it could not have contributed in its own small way to the legal arguments advanced in respect of the juridical question raised on the competence or non-competence of the General Assembly to be seized with this question as well as to the historical dissertations, philosophical and political systems, which were so ably expounded by the distinguished representatives. The experience of my delegation in this respect dictates a course of moderation because such debates often tend to sharpen and widen differences and exacerbate the feelings of parties rather than meet the objectives sought. Acrimonies are generally the resultant effect. Hostility and hatred are perpetrated and relations between friendly countries more often become strained.

It is therefore in recognition of the grave responsibilities of the United Nations at all times and particularly in the present state of world crisis that my delegation approaches this question, and in all sincerity has decided to vote in favour of the three-Power resolution tabled by the delegations of Japan, The Philippines and Thailand because this resolution seeks a solution based upon cessation of hostilities and negotiations, without involving any of the controversial issues raised in this Committee. If this resolution does not receive the required votes for adoption, my delegation will then vote in favour of the resolution tabled by the delegations of Argentina, Brazil, Cuba, Italy and Peru.

It is in this sense that my delegation makes an appeal to France and the supporters of the Algerian National Liberation Movement to accept and implement the resolution by Japan, The Philippines and Thailand. If the Committee adopts this resolution, we believe it will restore normal conditions in Algeria and make for a harmonious country which would benefit the peoples of both France and Algeria.

The CHAIRMAN (interpretation from Spanish): We shall adjourn the meeting. We will continue the debate on the resolutions tomorrow morning at 10.30.

The meeting rose at 6.05 p.m.