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President : Mr. José MAZA (Chile).

AGENDA ITEM 8

Adoption of the agenda (*continued*)

**FIRST REPORT OF THE GENERAL COMMITTEE (A/2980)
(*continued*)**

1. The PRESIDENT (*translated from Spanish*): We will now take up paragraph 5 of the General Committee's report [A/2980], which contains its recommendation that item 3 of the supplementary list [A/2942], "The question of Algeria", should not be included in the agenda. The debate is open.

2. Mr. FAWZI (Egypt): It is not usual to start with quotations of a statement such as the one which I am about to make. This is, however, what I propose to do, for reasons which will instantly become obvious.

3. Mr. John Foster Dulles, in his book entitled *War or Peace*, referred to Article 10 of the Charter as follows:

"We saw that the only kind of power that could be counted on at this stage of world development was moral power and the power of world opinion. That is why we attached the utmost importance to provisions for insuring freedom of discussion in the General Assembly and at the Security Council."¹

Mr. Dulles proceeded to say:

"We wanted the United Nations to become, in Senator Vandenberg's words, the 'Town Meeting of the World'."

4. In his book entitled *The Law of the United Nations*, Professor Kelsen writes:

"If ... the question as to whether a matter is or is not essentially within the domestic jurisdiction of a State is to be decided by an organ of the United Nations, discussion and investigation of the matter must be considered to be an activity not prohibited by Article 2, paragraph 7. Especially investigation may be necessary to decide whether a matter is essentially within the domestic jurisdiction of a state."²

5. On 17 March 1948, at the 268th meeting of the Security Council, in which the question of Czechoslovakia was presented by the Government of Chile for discussion, Sir Alexander Cadogan, the representative of the United Kingdom, stated:

¹ John Foster Dulles, *War or Peace*, New York, The Macmillan Company, 1950, p. 38.

² Hans Kelsen, *The Law of the United Nations*, London, Stevens and Sons, Ltd., 1950, p. 772.

"... But nobody has yet asked the United Nations to intervene in matters of domestic jurisdiction in Czechoslovakia. That is not the question before the Security Council. What is before us is an allegation made by a Member of the United Nations ...

"... it is a charge of violation of the Charter ... and I cannot think that the Security Council should turn a blind eye to it. It seems to me that the Security Council should certainly investigate the charge."³

6. At the same meeting of the Security Council, Mr. Parodi, the representative of France, said:

"... if it is contended ... that a complaint submitted to the Council has no facts to support it, we must still be able to examine it to find out whether or not that is really the case; to do that, we must first of all include it in the agenda".⁴

7. At the same meeting also, Mr. Austin, the representative of the United States of America, expressed the view of his Government that a decision on whether or not to put a question on the agenda "would not constitute a judgment upon the merits of the question", and Mr. Austin added that:

"in order to be able to determine whether the case comes within the meaning of Article 2, paragraph 7, the Security Council must consider the Chilean complaint; and of course, it cannot consider the Chilean complaint if it is not put on the agenda".⁵

8. As the General Assembly is already aware, the question of Algeria has been submitted for consideration by no less than 14 Member States of the United Nations — Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Saudi Arabia, Syria, Thailand and Yemen. Member States all, who were in Bandung, where two thirds of the human race not merely put the question on the conference agenda but gave full and unequivocal support to the cause of Algeria.

9. This question transcends by far the mere matter of whether we should include just another item on the agenda. It is infinitely bigger than that. It is indeed a challenge to the vision of the United Nations and a vital link in the chain of events which will form its history and decide its future.

10. With the Charter in hand, and before I begin to make my submission regarding some legal and factual aspects which have a direct bearing on our present debate, I wish to express faith that this great Assembly and the countries represented in it and, indeed, all the countries of the world are fully aware of the wide-eyed present-day awakening of humanity to its rights, its dignity and its worth, and that the unprecedented upheaval, the glorifying of humanity which are clearly mirrored in the limpid words of the Charter will always

³ Official Records of the Security Council, Third Year, No. 36-51, p. 94.

⁴ *Ibid.*, p. 98.

⁵ *Ibid.*, p. 99.

find a place of honour in the minds and the hearts of everyone.

11. One hundred and twenty-five years ago France occupied an Algeria which was then a free sovereign State. One hundred and twenty-five years later Algeria is still struggling to regain its sovereignty and its freedom. But we are told by some that this is no concern of ours and that we have no warrant to intervene.

12. During that long stretch of history covering no less than a century and a quarter, empires were built up and empires tumbled down; the earth was torn by wars and the earth was oft reborn; freedom spread and shone over all Asia and much of Africa, while Algeria remains in bondage, trying still to break its chains. Yet the Charter speaks to us in its Preamble of "fundamental human rights", of "the dignity and worth of the human person" and "the equal rights of men and women and of nations large and small". It states, further, in its very first Article that among the purposes of the United Nations is:

"To develop friendly relations among nations based on respect for the principle of equal rights and the self-determination of peoples . . ."

The Charter tells us in Article 10 that:

"The General Assembly may discuss any question or any matters within the scope of the present Charter."

In Article 55 it tells us that:

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: . . .

"c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

And Article 56 states:

"All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."

13. Nevertheless, when it comes to Algeria, we are told that the question is none of our business and that we must not intervene. If we dare ask why — as we sometimes do — we are told that Algeria is part and parcel of France and that, therefore, one of the two opposing interpretations of Article 2, paragraph 7 of the Charter prevails; that is, the interpretation favouring the continued clamping of French rule on Algeria by force.

14. On the question of people of Indian origin in the Union of South Africa, this Assembly has steadily taken the view that the matter is within the Assembly's competence, and has treated it accordingly. The Assembly went further when it took the same attitude in relation to the questions of race conflict and the treatment of people of Indian origin in South Africa, considering those questions to be within its competence. In other words, not only did the Assembly consider as being within its competence the question of the treatment of people of Indian origin, in relation to which there were some international commitments: it also did not hesitate to consider as being equally within its competence the question of the treatment of people who are subjects of the Government of South Africa in South Africa.

15. If reason is the judge and logic is the guide, can the Assembly — which in the above-mentioned questions

took its stand so firmly on the Charter and refused to be confused or led astray — take a different course on the question of Algeria? If the Assembly found that race conflict and discrimination against persons of Indian origin in South Africa were ample cause and ground for intervening, if, in this case, it was not stopped by an extremely doubtful — nay, a definitely wrong — interpretation of Article 2, paragraph 7, can it really now shirk its duty to consider and deal with the question of Algeria — this question of which horrid discrimination in Algeria against the Algerians is but one feature? Will the Assembly really be abashed by a series of arbitrary, unilateral acts and so-called legislation under which France claims that Algeria has been integrated into France — although the Algerians, who are so profoundly and basically different in race, language, religion, customs and tradition from the French, never agreed to this and are still resisting and fighting, thus expressing their wishes, thus telling the whole world in this traditional though unconventional way, telling it clearly in this plebiscite — yes, this plebiscite — that they are determined to be free?

16. Even as recently as two days ago, the French Prime Minister, Mr. Edgar Faure, dealt another blow to the legitimate aspirations of the Algerian people and broadcast to the whole world a statement that the duty of every French Government was to maintain France on the two shores of the Mediterranean, and that his Government's aim was to achieve the complete integration of Algeria in the shortest possible time. We are not informed whether the Prime Minister of France took any note or made any mention at all of the wishes of the Algerians in this respect.

17. If we were to submit to the untenable attitude taken by France, the great confusion already rife in much of the world would become even more confused and the great injustices even more unjust, and — worst and most appalling of all — colonialism would gain a ready-made and cut-to-size device for perpetuating itself; colonialism would indeed be dipped in the liquid of immortality. In the future, all that a colonial Power would have to do in order never to get out of its colonies would be this very simple thing: emulate France and walk in France's steps. All that they would have to do would be to "promote" the people of a colony into a pseudo-status of equal citizenship with the people of the "Mother Country", and so lull those people in an eternal sleep into the dark night of colonialism, for ever and ever after. If that is to be the case, we had better pack up and go home. For what would there remain for all of us to do here? Fortunately, there is in this set-up an Achilles' heel — and colonialism shall not be immortal.

18. A moment ago, I mentioned discrimination in Algeria against the Algerians. Time and circumstances do not permit me to enlarge on this subject, although I am prepared to do so, if necessary. Meanwhile, I refer Members of the Assembly to descriptions of what is actually happening in Algeria given by some French authorities and writers — particularly in the report, published last June, of the mission which the French Parliament sent to Algeria; in the article written by Deputy Jacques Fonlupt-Esperaber, a member of that mission, and published by *Le Monde* on 27 July 1955; and in the article by Mr. Robert Barrat, the noted French writer, which *Le Monde* published on 12 July 1955. These descriptions agree with many others that — to borrow from the report of the French parliamentary

mission — an end must be put to the shocking inequalities and the misery of the population.

19. Is all of this really no concern of ours? Is it really true that we must not intervene, although we are bound by the Charter to do so, although we heeded the Charter's call when it beckoned us in the cases of race conflict and discrimination in the Union of South Africa, and although we believe in human rights and in the principle of equal rights and self-determination?

20. Each of the words which I have just spoken, or which I shall now speak, stems from a real desire to see France make the right choice between the use of force, which will inevitably end by jeopardizing the future and frittering away all the prospects of constructiveness, and the use of wisdom, which will earn for France the friendship and co-operation of a free Algerian people and will immensely contribute to France's regaining of an undisputed position among the principal standard-bearers of the high ideals of humanity and the United Nations Charter, the ideals which were so strongly extolled by the great French Revolution, whose resounding and crystalline voice, speaking on behalf of liberty, brotherhood and equality, reverberated — and still reverberates — through time and space all over the world.

21. We should all — even those among us of whom an illustrious newspaper editor recently wrote that they have remained mum so far and that they have no diplomatic right to offer suggestions for Algeria, having even aided French forces there — we should all co-operate, in the friendliest spirit ever, to urge France and help it to make the right and not the wrong choice, to take the good and not the evil course. Every word I am saying during my present submission is inspired by the best of feelings toward all and the desire to see this acute and agonizing problem speedily solved, for the good of all concerned. Everything I have said or shall say in this submission is permeated with an anxious hope to recapture whatever might have been lost of the traditional friendship between France and the Arab world and to see this friendship in full blossom once more, in freedom's name and under the sun.

22. So, pray, let no one misunderstand me if it seems occasionally that my words are not soft enough, are not sufficiently kind. Words, if they are to be truthful, are the reflection of reality, and the reality I have partly depicted is intolerably harsh. I also hope that I have not made any pair of scissors on the table jump, or hurt anyone's delicate eardrums, although, in some quarters, it does not seem that there are too many ears which are even barely aware of the groans of agony of the Algerian people.

23. This question of Algeria must not be made any longer to wait outside or be subjected to an indignified process of legalistic contortionism in order to find whether the question ought to be allowed to tip-toe its way into some hush-hush gathering of the United Nations. This question should, in justice and foresight, be admitted here and now, without any further hesitation or delay, for a friendly, full, robust and constructive debate in broad daylight.

24. In truth, if there is any question more deserving of consideration by the General Assembly than the question now before us, I do not know of it. I therefore trust that the Assembly will not adopt the recommendation of the General Committee in this respect and will decide instead to put this question on its agenda for the present session.

25. Mr. ASHA (Syria): The inclusion of the question of Algeria in the agenda of the tenth session of the General Assembly is one of the most important problems that have ever come before this Organization. It raises some of the fundamental issues at stake in the present world and reflects all the cleavages, conflicts and stresses of our time. The recommendation which the General Assembly will make today will inevitably be one not merely about the matter in hand but no less about ourselves and the future of our Organization.

26. My delegation was indeed perturbed to hear that the General Committee had recommended to the Assembly not to include the question of Algeria in the agenda of this session. In the opinion of my delegation, such a recommendation is unwise and even dangerous and, if it is adopted — and I hope it will not be — great harm will be done to the United Nations.

27. The inclusion of this item has been requested by 14 Member States, representing almost one fourth of the membership of the United Nations. They speak in the name of a large segment of the people of the world. The question of Algeria is one of an international character. The situation there concerns many nations. Twenty-nine States meeting in Bandung fully backed the extension of self-determination to the peoples of North Africa, including Algeria, and urged the French Government to grant them their independence without delay. These 29 States, representing two continents and more than two thirds of the world's population, have the right to be heard. Our discussion of the question of Algeria cannot harm anyone. On the contrary, it would help both France and the people of Algeria to see the true aspects of the problem and to arrive at the right solution. We can assure the representative of France that the idea of accusing his Government is far from our minds. We want to help in finding a reasonable and peaceful solution of this most important issue. We have here discussed the questions of Tunisia and Morocco. We have caused no harm as far as these questions are concerned. We have helped each party to understand the point of view of the other. We can be sure that the role played by our Organization in the question of Tunisia is of special significance. The question of Morocco was discussed at two previous sessions. We are waiting with hopeful anticipation that a happy solution acceptable to the peoples of Morocco and France can be arrived at.

28. Our action in submitting the Algerian question for the consideration of the Assembly has been prompted by the grave situation obtaining in that country, which is bound to us by ties of history, language, religion and culture. Those who are versed in the social and human elements colouring and characterizing that territory cannot deny that Algeria has far more in common with the Arab world than with France. Our relationship has been forged over long centuries of free association and common heritage, while the relationship of Algeria to France is basically a relationship predicated on force. The legal framework linking Algeria to France is one of those anomalies of history that are held and sustained by the imbalance of power. France today is trying to perpetuate this relationship and to maintain the *status quo*. The great changes which have occurred in the world in the wake of the last war do not seem to have brought the French rulers to the realization that the inexorable trend of history is toward greater freedom and equality not only in the domestic, but also in the international, sphere.

29. While we do not wish at this stage to allude to the utter denial of freedom and equality to the so-called Moslem French citizens of Algeria, we should like to stress the fact that no improvement in this connexion could possibly avoid the question of larger freedom and equality for Algeria as a distinct country from France. Herein lies the fundamental problem, and in this fact resides the basic cause of the present Algerian crisis. Whether we approach it geographically, historically or culturally, Algeria cannot be considered as French in character, and I submit that no juridical situation, however valid, can ignore or supersede these basic elements in the formation of the human society. No law is immutable, and for law to survive it must ever respond to the dynamic existence of those societies whose evolution it purports to regulate.

30. In the course of a century and three decades, France failed to engender in the Algerian conscience any links of a durable value, and the relationship unfortunately continues to reflect a wide human gap bridged only by force. Otherwise, how could we explain this violent upsurge of nationalism in Algeria; this strong yearning for independence from France; this turmoil of revolution and suppression in that unhappy country? This is a fact which must be faced, and faced now.

31. No legal niceties can suffice to explain the situation. It is undeniably a situation that calls for our concern as an international Organization, and France cannot claim in this respect some exclusive domestic jurisdiction.

32. The Charter of the United Nations has laid down the foundations not only of a new conception of international law, but has also given rise to a new spirit of international morality.

33. In their lucid and brilliant statements before the General Committee [103rd meeting], the representatives of Egypt, India and Pakistan — and the Foreign Minister of Egypt today — have already dealt with this aspect of the problem, and I need not take the time of the Assembly to repeat what they said. My delegation agrees with all the juridical and other arguments which they have advanced. These colleagues have already exposed the myth that Algeria is an integral part of metropolitan France, having no distinct status from other parts of that country. They have adduced cogent reasons and irrefutable facts to prove that Algeria has nothing more than a colonial status. In these circumstances, it is idle for France and those who support the French thesis to claim that this is a problem which essentially pertains to the domestic jurisdiction of the French Republic.

34. We are saddened, however, to note that even on clearly colonial questions, this argument is being used to prevent the United Nations from considering items relating to dependent areas. The Foreign Minister of Egypt cited a number of cases which were dealt with by the Security Council. When the Spanish question was considered by the Security Council in 1946, Mr. Parodi, the representative of France, rightly argued when he said, at the 46th meeting:

"It is quite obvious that events which, though taking place within the frontiers of one country, endanger world peace cease to be domestic affairs. From that point onwards, the overriding consideration is their international aspect; Article 2, referred to by the United Kingdom representative, does not refer merely to matters within the domestic jurisdiction of a State

but to matters 'essentially' within such jurisdiction. The first point to be decided is whether the recommendations proposed to us constitute interference in the domestic affairs of Spain and whether there is really a threat to world peace."⁶

35. At that time, we did not have any bloodshed in Spain. Today we have a real state of war in Algeria. *The New York Times* published, on Sunday, 25 September 1955, a telegram emanating from Algiers, which stated:

"French troops and national police forces killed almost fifty members of the Algerian "National Liberation Army" and other rebels in clashes in the Department of Constantine, army headquarters announced today."

36. Another dispatch from *The New York Times* of Monday, 26 September, reads:

"French forces backed by planes and artillery have launched a big sweep against the terrorists in the Nemencha Mountains on the edge of the Sahara south-east of the Aures Mountains. A French official here said: 'If we can clean up the Nemenchas the revolt will be practically beaten in the Aures and in a large part of Constantine Department.'"

37. I do not wish to take the time of the Assembly by quoting today's dispatches of *The New York Times*. I am sure that all representatives have taken note of them. But if we take the words of Mr. Parodi and apply them to the Algerian situation, we see that the General Assembly is competent and therefore should inscribe the question of Algeria on its agenda.

38. In conclusion, I should like to address an appeal to certain groups in this Assembly.

39. First, to the delegation of France which is bitterly opposing the inclusion of this item, I would say: In your negative attitude toward a discussion of this item, you are creating a greater and more difficult problem than the one at hand. Neither you nor anyone can foresee the consequences. It might become too late for you and your supporters to find a peaceful solution. You might regret the loss of this opportunity which the United Nations is offering you today. Algeria will be a running sore, liable to infect all Africa. It will become the focus of all the latent unrest of that continent.

40. To those delegations which oppose the inclusion of this item because of their belief that a question of domestic jurisdiction is involved, I would say: While we here appreciate this concern even though we completely disagree with you and with your interpretation as regards the juridical position, I must in good conscience tell you that your position will not be understood by the peoples of Africa and Asia. If you support the exclusion of this item from the agenda, you will be allying yourselves to European imperialism and you will become partners in a system which you have always fought. No arguments of mere expediency, no considerations derived from the European balance of power can conceal that fact nor justify it. If you cast your vote in favour of the exclusion of this item, you will cease to be, in the eyes of the Africans and Asians, the champions of freedom and the enemies of oppression. The people of Africa, supported by those of Asia, will say that the white men are all the same, all to be feared and fought.

⁶ Official Records of the Security Council, First Year, First Series, No. 2, p. 357.

41. We particularly regret that the United States, which as early as the latter part of the eighteenth century recognized Algeria as a sovereign State and had several treaties with it, has not found it possible to vote for inscription of this item. I do not think that the people of the United States among whom are 15 million of African origin, will be happy about that. It is indeed a tragic irony to see that the help which the people of the United States of America have so generously given to Europe for defensive purposes, seems now to be diverted to assist in the perpetuation of the subjugation of North Africa.

42. Then I would address a word to our friends the representatives from Latin America. You were and still are the champions of human rights and of the principles of self-determination. You have declared your undying devotion to the principles of the Charter, and I know that you will never forget the solemn declaration of purposes which says:

“We the peoples of the United Nations, determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, . . .”

Can we honestly say that the exclusion of the question of Algeria from our agenda under the present tragic and bloody circumstances shows a determination “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small?” I beg our Latin American friends, who for centuries have worked for independence and who have regained their independence, to think before they cast their votes.

43. I should like to say a final word. Let us consider for a moment the future of this Organization and of the peace of the world. The outcome of the voting today may be of decisive importance in the history of this Organization. Shall we allow the future to say of us that, under our auspices, the principles of self-determination were buried alive, and that a discussion of the question of Algeria was frustrated because of an erroneous interpretation of the Charter? Before committing ourselves to a course of action in its nature unjust, in its application impracticable, and in its consequences disastrous, let us think and think carefully.

44. In conclusion, my delegation will vote against the recommendation of the General Committee, and it will support the inclusion of the question of Algeria in the agenda of the tenth session of this General Assembly.

45. Mr. ALI (Pakistan): The Pakistan delegation profoundly regrets that the General Committee should have recommended that item 3 of the supplementary list, namely, “The question of Algeria”, should not be included in the agenda of the tenth session of the General Assembly.

46. Recent political developments and the prevailing conditions in Algeria are matters of deep concern to my people and my Government. They have created a problem of urgent international importance and merit immediate consideration by the nations subscribing to the Charter of the United Nations. For this reason, my Government has considered it imperative to join with 13 other Asian and African nations in the request for the inscription of the item, in order that this Assembly may assist the people of Algeria and the Government of France in resolving this problem by peaceful means, so

as to prevent further violence and bloodshed in that unhappy strife-torn land.

47. Before I deal with the arguments which have been advanced against the inclusion of this item, I would invite your attention to the scope of rule 40 of the rules of procedure of the General Assembly. The third sentence of this rule reads as follows:

“In considering matters relating to the agenda of the General Assembly, the General Committee shall not discuss the substance of any item, except in so far as this bears upon the question whether the General Committee should recommend the inclusion of the item in the agenda. . . .”

It is my understanding that the application of rule 40 is therefore confined to the General Committee, and cannot bar a discussion in the General Assembly of the substance of any item proposed for inscription in the agenda. Nevertheless, I shall abide by the spirit of rule 40, except in so far as the substance of the question involved is strictly relevant to the issue before us.

48. Although the question of Algeria has been proposed for inclusion as a new item, the problem is not a new one. It is strikingly similar to the questions of Tunisia and Morocco which have been discussed at past sessions of the General Assembly. It is tied up with the whole question of the resurgence of the North African peoples for self-determination and independence. It is the age-old problem of man's determination to assert his supremacy in the management of his own affairs. It is a part of the world-wide challenge posed by the demand for the fulfilment of the legitimate national aspirations of the peoples of Asia and Africa who are still under colonial domination.

49. The Pakistan delegation notes that earlier this year, by the conclusion of the Franco-Tunisian conventions, a measure of self-government has at last been conceded to the people of Tunisia. We take pleasure in paying tribute to France for this wise and courageous step towards the restitution of the inalienable right of the Tunisian people to self-determination. We also note that negotiations have at last been undertaken with the true representatives of the people of Morocco to meet to some extent their rightful demand for the restoration of their fundamental liberties. We pray that the difficult and protracted negotiations now in progress may lead to a settlement acceptable to the people of Morocco.

50. In contrast, may I ask what is the picture of the situation in regard to Algeria? Here the demand of the Algerian people for the fulfilment of its legitimate national aspirations is met by a policy of force. In Algeria today a virtual state of war exists in which nearly 200,000 French military and para-military forces, armed with modern weapons and sustained by the material resources of the North Atlantic Treaty Organization (NATO), are engaged in the suppression of a people's struggle for the attainment of their fundamental human rights. Yet when 14 Member States of the United Nations, after the most careful consideration, approach this Organization for a discussion regarding a real and present threat to peace and to friendly relations among nations, they are told that the question cannot be included in the agenda because a discussion would violate a fundamental provision of the Charter, namely, Article 2, paragraph 7, which bars from the intervention of the United Nations any matter which is “essentially within the domestic jurisdiction of any State”.

51. It is asserted that, Algeria being a part of metropolitan France, the situation in that Territory is exclusively a matter for France and of no concern to any other State or the United Nations. The delegate of France contended in the General Committee that Algeria has been united to France since 1834 and is therefore as much a part and parcel of France as Brittany, Auvergne or any other department of France. He maintained that the fact that Algeria was annexed by France by waging a war of conquest does not make any difference to this thesis, because some of the other departments of metropolitan France also were, and if the United Nations were to question the sanctity of national frontiers won by conquest there would ultimately be no security for any State in the world and this Organization would then invite its own doom.

52. We concede that it would indeed be a matter of grave concern to all of us if the United Nations were to take upon itself the task of revising the national frontiers and changing the political map of the world, but the analogy which he has drawn between Algeria and the rest of metropolitan France needs careful examination. In the first place, the population of Savoy, which the delegate from France singled out as having been part of France for a shorter period than Algeria, shares with the rest of the people of France a common culture and way of life. It considers itself a part and parcel of the French nation. It has manifested no desire for a separate national existence.

53. Consider how different the situation is in Algeria. Is it French in feeling, willing and thinking, in short, in all those subjective and spiritual attributes which, according to the great French scholar Ernest Renan, constitute the test of nationhood? For over 100 years the rulers of Algeria have pursued a policy of assimilation to make the native population French in feeling, willing and thinking to fit them into the Procrustean bed of French civilization and way of life for the greater glory and power of France. But the people of Algeria have stubbornly resisted this policy of assimilation and integration and remain adamantly Algerian, apart in language, religion, culture and way of life from their self-constituted benefactors. Why? For answer, I should like to quote from the maiden speech of an Algerian Deputy, Hadj. A Saadane, in the French National Assembly in 1946, as recorded by Herbert Luethy in his new book *France Against Herself*. Mr. Saadane raised the question of whether he, an Arabic-speaking Moslem, spoke as a French subject or French citizen. This is what he had to say:

"Many people say to us: Why do you not accept the policy of assimilation? We are making Frenchmen of you. Why do you reject the honour done to you? ... In a community like ours the national stage is an inevitable and natural stage of development, and I do not understand how any members of this Assembly ... could possibly condemn national feeling. You brought us your civilization — that above all I honour in the record of France — the ferment which should make possible the enfranchisement of man. You showed us the way, you gave us the taste of liberty, and now, when we say that we do not want the colonial spirit or the spirit of colonization, and that we wish to be free, to be men, no more and no less, you deny us the right to take over your own formulas,

and are surprised, you Frenchmen, that a few spirits among us aim at independence." 7

54. In the second place, although Algeria is claimed to be as much a part and parcel of France as Brittany or Savoy, yet there is no equality of status between the Algerian and the other Departments of France. There is no equality in the rights to franchise, to political representation, or to participation in the Government of the French Republic. The constitutional and juridical situation in Algeria, in law as well as in fact, rests on the principle of national and racial discrimination applied to all fields of life. Therefore, though France may claim that Algerians are French citizens under her laws, they remain French subjects in practice. The Departments of Savoy and Brittany are not subject to the peculiar constitutional and legal régime applicable to Algeria. They are not governed by a special instrument such as the Statute of Algeria of 1947 which prescribes that 12 per cent of the population of Algeria, of predominantly European descent, should be given equal representation with the remaining 88 per cent who are "natives". Again, Savoy and Brittany are not required to elect representatives to the French National Assembly on the basis of 15 seats for a population of 10 million Bretons and Savoyards while the other Departments of France are given the right to ten times the number of seats for the same number of people. Yet, under the Statute of 1947, Algeria is no doubt a part of France.

55. This question of status is the crux of the Algerian problem. It is the element of discrimination which deprives of its force the French contention that the Algerian Departments are as much a part and parcel of France as any other Department in the metropolitan territory. In spite of the new look sought to be given to the features of Algeria under the Statute of 1947, we can see clearly the classical profile of a colonial régime.

56. Were it otherwise, there would be no reason for the Asian and African nations to raise this issue in the United Nations. The Pakistan delegation does concede that legitimate national aspirations of dependent peoples can also be fulfilled by the free association of a territory with the metropolitan country, for there can also be systems of self-government other than independence. Resolution 648 (VII) adopted by the General Assembly at its seventh session [402nd plenary meeting] on 10 December 1952, envisages in the second part of its annex other such separate systems, for example, a territory may choose to be freely associated with other component parts of the metropolitan country. But the indispensable elements to the validity of any claim to such free association are the elements of consent on the part of the population of the territory and of equality of status of all the component parts of the union.

57. I shall not tax the patience of my fellow delegates by quoting *in extenso* the whole of the second part of the annex to resolution 648 (VII) but shall content myself by inviting attention to the following factors which, *inter alia*, are indicative of a free union:

"B. Status

"1. *Legislative representation.* Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.

"2. *Citizenship.* Citizenship without discrimination on the same basis as other inhabitants.

⁷ Herbert Luethy, *France Against Herself*, New York, Frederick A. Praeger, 1955, p. 223-224.

"3. *Government officials.* Eligibility of officials from the territory to all public offices of the central authority, by appointment or election, on the same basis as those from other parts of the country.

"C. *Internal constitutional conditions*

"1. *Suffrage.* Universal and equal suffrage, and free periodic elections, characterized by an absence of undue influence over and coercion of the voter or of the imposition of disabilities on particular political parties.

"2. *Local rights and status.* In a unitary system equal rights and status for the inhabitants and local bodies of the territory as enjoyed by inhabitants and local bodies of other parts of the country; in a federal system an identical degree of self-government for the inhabitants and local bodies of all parts of the federation.

"3. *Local officials.* Appointment or election of officials in the territory on the same basis as those in other parts of the country.

"4. *Internal legislation.* Local self-government of the same scope and under the same conditions as enjoyed by other parts of the country."

58. There is no need to paint the contrasting picture on the basis of the criteria which I have quoted between Algeria and the other Departments of metropolitan France and to point to the inequality in their status. Yet it is maintained that Algeria is as much a part and parcel of France as Brittany and Savoy, and that Algerians are French citizens.

59. Are we not reminded of the world of George Orwell in which, though all are equal, some are more equal than others? But the international order to which we belong demands that we live, move and have our being in a United Nations world in which all citizens within the State must be guaranteed the equal enjoyment of their human rights and fundamental freedoms.

60. I shall not dwell further on the first part of the French argument that Algeria is a part of France. I shall turn to the second part which, in fact, stems from the first. This is the contention that the question of Algeria is one which is a matter essentially within the domestic jurisdiction of France. We are all familiar with the language of Article 2, paragraph 7 of the Charter. There is therefore no need to quote it again. But before I attempt to deal with its interpretation and scope, I must confess that my delegation feels itself confronted with a sort of dilemma.

61. In the past when we have sought to base our appeals to the United Nations in such matters on the plea of the high moral principles of the Charter and the Universal Declaration of Human Rights, we have been accused of a sentimental and emotional approach in complete disregard of the letter of the Charter and the realities of the world. On other occasions, when we have sought to base our initiative on legal interpretations of the Charter, we have been charged with attempting to turn the United Nations into a court of law, whereas its primary function is that of a political assembly. And yet legalities are often invoked to oust the competence of this Organization to pronounce judgements on some of the great moral issues of our times.

62. The Pakistan delegation, which was given a hearing by the General Committee at its 103rd meeting last week on the item which we are now discussing, dwelt at some length on the meaning and scope of

Article 2, paragraph 7. I shall not, therefore, repeat the same arguments. The question is: how is this paragraph to be legally construed? The phrase "essentially within the domestic jurisdiction of any State" has nowhere been defined in the Charter. At the time of writing the paragraph in the United Nations Conference on International Organization, San Francisco, it was emphasized that it was not intended to use the measuring rod of international law in determining questions of domestic jurisdiction. I shall take the liberty of quoting a few relevant excerpts from the statement of Mr. John Foster Dulles at the time:

"In his exposition . . . , Mr. Dulles emphasized that the four-power amendment dealt with domestic jurisdiction as a basic principle, and not, as had been the case in the original Dumbarton Oaks Proposals and in Article 15 of the Covenant of the League of Nations, as a technical and legalistic formula . . . The scope of the Organization was now broadened to include functions which would enable the Organization to eradicate the underlying causes of war as well as to deal with crises leading to war . . . In summary, Mr. Dulles stressed the virtues of the principle — its breadth and its simplicity. The Organization in none of its branches or organs should intervene in what was essentially the domestic life of the member states. Moreover, this principle was subject to evolution. The United States had had long experience in dealing with a parallel problem, i.e., the relationship between the forty-eight states and the Federal Government. Today, the Federal Government of the United States exercised an authority undreamed of when the Constitution was formed, and the people of the United States were grateful for the simple conceptions contained in their Constitution. In like manner, Mr. Dulles foresaw that if the Charter contained simple and broad principles future generations would be thankful to the men at San Francisco who had drafted it." ⁸

63. In the passage just quoted, I would stress the words, "Moreover, this principle was subject to evolution". Since the Charter was written, several precedents have been set up which may be cited as the case law on the question of the application of Article 2, paragraph 7, and the manner in which the principle has evolved in the jurisprudence of the United Nations. The Pakistan delegation cited examples in the General Committee to illustrate the evolution of the principle. Here I wish to call your attention to the wide scope which has been given to the competence of the United Nations to overrule pleas of domestic jurisdiction in the discussion of questions ranging over a wide field, for example, governmental régime of a State, such as the change of the Franco régime in Spain; the Indonesian question; the change of government of a State, such as the Communist accession to power in Czechoslovakia; questions relating to Non-Self-Governing Territories like Tunisia and Morocco; and questions involving human rights, as in the case of the people of Indian and Pakistani origin in the Union of South Africa. This last question has been discussed in the United Nations almost every year since 1946, and the plea of domestic jurisdiction advanced by the Union of South Africa has been overridden again and again.

64. The obligation on the part of a State to treat all persons under its jurisdiction with respect for human

⁸ United Nations Conference on International Organisation, I/1/42.

rights and fundamental freedoms without distinction as to race, sex, language or religion has now become one of the basic duties of a State under international law in the light of the Charter of the United Nations and in the light of certain principles enunciated in the Charter and in the Judgment of the International Military Tribunal for the trial of German major war criminals at Nuremberg. It is for this reason that this obligation has been included by the International Law Commission in its draft declaration on the rights and duties of States. The members of the International Law Commission are second in authority only to the International Court of Justice, and therefore the determination by the Commission that respect for human rights is an international duty of the State removes any doubt that respect for human rights is now a part of present international law.

65. An international duty of the State cannot be regarded as a matter essentially within the sphere of domestic jurisdiction. What, then, is the verdict to be pronounced in the light of the practice of the United Nations and the rules of present international law in regard to the plea of domestic jurisdiction put forward to bar this discussion in the Assembly, a discussion of the violation of human rights and fundamental freedoms of the people of Algeria? To my delegation, there can be only one answer: the plea must be rejected.

66. My delegation is aware that the discussions in the United Nations of grave international issues which erupt in the world from time to time are not to be embarked upon solely with reference to the legal framework of the Charter. Their inclusion or rejection has also to be considered from the standpoint of what may be called expediency and in the light of the political facts of the world.

67. What are the political facts in the continents of Africa and Asia? We are witnessing in our time the phenomena of the awakening of the peoples of these two continents to their rightful destiny after centuries of slumber. They are no longer passive and submissive to the rule of their alien masters. Mr. Truman, a former President of the United States, has described this awakening in his Memoirs in the following words:

"What we have been living through is, in fact, a period of nationalistic, social and economic tensions. These tensions were in part brought about by shattered nations trying to recover from the war and by peoples in many places awakening to their right to freedom. More than half of the world's population was subject for centuries to foreign domination and economic slavery. The repercussions of the American and French revolutions are just now being felt all around the world."

68. These repercussions are sweeping across two continents of the globe, from the Pacific to the Atlantic. In all the regions encompassed within the confines of the two oceans we witness the phenomena of the rise of nationalism and the demand for greater equality of rights, freedom and economic opportunity. These are the significant circumstances and facts of our times. They represent the surge of historic forces which cannot be denied.

69. In the words of the Secretary-General's report for 1952 on the work of the Organization:

"They constitute one of the greatest challenges to contemporary civilization. The question is whether, by enlisting moderation and realism on all sides, we can find effective ways to answer this challenge by

peaceful and evolutionary means rapidly enough to prevent violent upheavals and widespread chaos that are likely if we do not."

The ferment in North Africa is part of this world-wide challenge. Algeria represents the heart of the North African problem. What is the answer of France to the challenge of Algeria? Is it peace or war? [*A/2141/Add.1, p. 2*].

70. Following the war of conquest, French presence in Algeria has been maintained by force. The native population has been meted out the treatment usually reserved by the conquistadors in past ages for the vanquished. Their material and human resources have been exploited for the benefit of France. Awakening to the humiliation of their subservience and spiritual and material impoverishment, the people of Algeria voice their demand for the rights of man, the glorious contribution of France to the story of human emancipation. The answer again is more force. What is the nationalist response? Mr. Messali Hadj, the President of the Algerian Nationalist Movement and identified by *The New York Times* as the most representative embodiment of Algerian nationalism, declares:

"We have been the people with the greatest patience. After one hundred and twenty-four years of slavery and oppression, the Algerian people are justified in doing something about their freedom."

And so, the Algerian national struggle enters the phase of a violent struggle for liberation. France reacts with the declaration: "The only negotiation is war."

71. The scene before us is dark with violence and bloodshed. Since last November the people of Algeria have risen in national insurrection to free themselves from foreign domination. France has answered this challenge by throwing into the scale over 150,000 troops and additional para-military forces using modern and heavy equipment, including the military aid received from the United States for its NATO formations. Conscripts and reservists are called up, French NATO divisions are diverted to Algeria, French colonists are armed; in fact, a mobilization of the military strength of France is ordered. These forces go into action supported by artillery, tanks and aircraft. Small towns and villages are bombarded, strafed and razed. Mass reprisals are carried out. Martial law is enforced and all fundamental civil and political rights and liberties are abrogated.

72. These are the political facts and moral issues which compel our consideration in deciding whether we should discuss the Algerian question in this world forum or pass over it in silence. If political expediency cannot be ignored in the balance of decision, neither can the moral factor be ruled out as irrelevant. As the head of the United States delegation, Mr. Dulles, has done well to remind us, this is a hall of judgement. The peoples of the world are entitled to ask the United Nations to pronounce its moral verdicts on the great and momentous issues of our times.

73. What is the alternative? Must war and violence be permitted to run their course unchecked and deluge Algeria with more innocent blood? If the French presence has to be maintained in that unhappy land, let it also be made acceptable to its people. The emphasis on naked force as the basis of French power cannot effect a pacification of the country and promote reconciliation with France. A policy of force and violence is self-defeating. Let me quote to the Assembly from a

penetrating commentary written by Mr. Christian Pineau, a French Deputy and former Cabinet Minister, entitled "On the Employment of Force", which appeared in *Paris-press* of 27 July 1955:

"... many French see 'the use of force' as the sole means for ending our troubles in North Africa.

"...

"What do they mean, actually?

"Not operations to maintain order, of which the only objective is to assure the safety of persons and property, but aggressive attitudes against the native population, intended to intimidate and to subjugate them, since one has given up trying to convince them.

"Let us take a concrete example:

"...

"It is a 'use of force' in the sense intended by our hectorers, when French planes bombard a native village on the pretext that the population has shown some sympathy for the rebels, or when Europeans are permitted to use the natives as targets without police interference.

"...

"... In Indo-China ... during a long period our expeditionary force devoted itself to actions of reprisal, destroying villages, punishing suspects, terrorizing the populations. The failure of this method has been complete.

"Hatred was stronger than fear, and the Viet-Minh found its best elements in the areas which we believed had been subjugated by our brutality ...

"...

"In reality 'the use of force' creates an embroilment from which it is impossible to withdraw.

"Has France the means to employ force over a long period, not only in Algeria and Morocco but in all the overseas territories where the major populations agitate and rebel in varying degrees?

"Can she contemplate a rule for ever by terror over millions of men while assuring the security of her own frontiers and maintaining her economic and financial equilibrium? ...

"...

"Actually, when one wants to employ force one first must have it, or risk becoming not only odious but, what is equally grave, ridiculous. It is much more intelligent, in my opinion, to try to acquire by political means what one is incapable of obtaining otherwise. The English have given us, on this point, lessons which we would do well to remember ...

"...

"Let us end the *rodomontades* and understand that the era of conquest and violence is finished for us.

"Nor is this indeed a catastrophe. Quite the contrary ..."

74. We are relieved to note that France has shifted the emphasis from a policy of force in Tunisia and, we hope, Morocco, to a policy of reconciliation, by offering a modicum of internal self-government to the two protectorates. But no such hopes have been held out to Algeria. Unfortunately for France, Algeria is subjected to the same political, economic and social pressures as Tunisia and Morocco, just as if it were not a part of France. The challenge of these pressures must be met by peaceful and evolutionary means rapidly enough to

prevent violent upheavals and widespread chaos that are likely if they are not.

75. It is for this reason that we would appeal, in all earnestness and humility, to the General Assembly to inscribe the Algerian question on its agenda.

76. Mr. AL-JAMALI (Iraq): The representatives who have preceded me have dealt so thoroughly with this subject that I do not have much to add. I simply wish to state that my delegation cannot support the recommendation of the General Committee not to inscribe the item on the self-determination of the people of Algeria on the agenda of this session of the General Assembly, and earnestly hopes that this recommendation will be reversed by the Assembly since it is a very unwise recommendation and one which is detrimental to the reputation and prestige of the United Nations.

77. The situation in Algeria is very grave indeed. Human lives are being destroyed practically every day. It was only yesterday that we read in *The New York Times* the following item of news:

"French forces, backed by planes and artillery, have launched a big sweep against the terrorists" — by "terrorists", of course, the reporter means Algerian nationalists — "in the Nemencha mountains on the edge of the Sahara, south-east of the Aures Mountains. A French officer here said, 'If we can clean up the Nemenchas the revolt will be practically beaten in the Aures and in a large part of Constantine Department.'"

I am sure the French officer is very much mistaken, for the revolt is not in the mountains: it is in the hearts and minds of the people of Algeria. National revolts cannot be destroyed for the spirit of nationalism is paramount.

78. In the issue of *The New York Times* for Sunday 25 September 1955 we read that 50 terrorists — meaning, of course, Algerian nationalists — have been destroyed by French forces in one day. In this morning's paper we read:

"French troops killed 24 rebels today in fighting that continued tonight near the village of Montergia in the hills of Eastern Algeria. One French soldier was killed and five wounded."

79. The fact is that there is a place in the world, called Algeria, where peace and security is being disturbed, and where humanity is bleeding. Can the United Nations close its eyes to this state of affairs? There are two peoples, the French and the Algerian, and while the Algerian people is fighting for liberation and self-determination, France is using brutal repressive measures to quell this urge for freedom and self-determination. The struggle is not a new one, for the Algerian people opposed French conquests from the very beginning of the last century, and Abd-el-Krim fought valiantly against the French forces for over twelve years.

80. During the nineteenth century the French, by military rule and by one-sided action, followed a double policy.

81. On the one hand, they decided to incorporate Algeria into metropolitan France and pursued a policy of assimilation, trying to make the Algerians forget their language and religion and become French. This policy of assimilation has not been so successful because the French are dealing with a culture which is both vigorous and alive. Islam and the Arabic language, which have been disregarded and discouraged by France in Algeria, are very much alive in our modern world today.

82. The second policy is that of discrimination against the overwhelming majority of the Algerian people which has resisted assimilation. Thus the French discriminate in Algeria against the non-European, Islamic population, the members of which are Moslems and speak Arabic, by denying them equal opportunities for education and equal political rights, and by having two electoral colleges where 900,000 French Europeans have an equal number of seats with 9 million Moslems. Thus one European equals ten Moslems in Algeria. The number of seats given to the 9 million Algerian Moslems in the National Assembly in Paris and in the Algerian assembly is equivalent to that given to 900,000 Europeans.

83. Furthermore, the best lands and the best opportunities go to the Europeans, while the Algerian population is left relatively backward, with no adequate education and no decent standard of living so far as its majority is concerned.

84. France has been too slow to catch the spirit of the age and it did not see that two world wars were fought for freedom and self-determination. These world wars have influenced humanity at large and put an end to the days of racial or national supremacy of one people over another, of one culture over another. The days of enslaving other peoples and ruling them by naked force are gone and humanity today must stand on principles of justice, freedom and equality, the very principles which France itself upholds in the metropolitan area but denies to its subject peoples in Algeria.

85. The right of self-determination and freedom has become the urgent and predominating force of the spirit of all peoples today, and the Algerian people are no exception. The Algerian people have made many attempts to convince France to recognize their identity and to treat them on a basis of equality. But France vacillated on the measures it took, and never yielded to the principles of self-determination and equality. The result has been a continual struggle since the end of the Second World War.

86. In 1945 some 45,000 Algerians were massacred in a revolt about which the world knows very little. Ever since, efforts by the nationalists were exerted to achieve, peacefully, equality and free association with France. But the successive French Governments, usually weak before the reactionaries in France and in Algeria, have not been able to act swiftly and amply. The result has been renewed national upheavals which have been suppressed mercilessly by shooting and bombing. Thousands of lives have been destroyed and will continue to be destroyed unless the United Nations intervenes.

87. Can we remain indifferent and inactive and shut our eyes, our ears, our hearts and the doors of this Organization to the call of the Algerian people on the ground that the question of Algeria is a matter of internal jurisdiction and that it concerns France alone? Can we watch the great forces of NATO, being transferred to Algeria not to defend the cause of freedom and democracy but to oppose and suppress the voice of the people asking for freedom and democracy and yet remain indifferent?

88. The situation is very grim indeed, for on the one hand we have this Organization standing for right and justice, for peace in the world, and on the other hand we see human life being sacrificed daily and we are told that we cannot deal with this situation. This is a paradoxical situation which this Organization is facing.

89. We wish to summarize the points of view prevailing with regard to the situation of Algeria today. We will draw from current presentations of these points of view. To begin with, in *The New York Times* of 22 September 1955, we can read the following:

"The bitterness generated by this violence has had two principal effects. First, as acknowledged by the military commanders in rebel-infested areas, the relatively small number of activists, probably no more than 1,000, now have the complicity of most of the Moslem population, either through fear or nationalist sentiment.

"Second, it has produced threats by Moslem Deputies to both the Algerian and French Assemblies to resign from both bodies. Dr. Mohammed Salah Bendjelloul, Constantine Deputy to the National Assembly, told this correspondent he and other heretofore pro-French Deputies no longer could support, in the face of prevailing Moslem opinion in his department, the idea of integration with France."

They can no longer endure the idea of integration with France.

90. Again, in *The New York Times* of today, we read:

"A majority of the elected representatives of the Moslem population of Algeria met in Algiers and were reported to have rejected the French policy for integration of their homeland with Metropolitan France. It was precisely this policy that Premier Edgar Faure yesterday called the only one that France would entertain.

"According to an announcement by Dr. Mohammed Salah Bendjelloul, Deputy from Constantine to the French National Assembly, the group decided also to refuse to discuss the reform program put forward by Jacques Soustelle, French Governor General.

"Finally the Moslem representatives, including quorums of the sixty Moslem delegates to the Algerian Assembly, the fifteen Deputies to the French National Assembly and Delegates to the French Senate and Assembly of the French Union, decided to 'seek a new formula for relations between Algeria and the metropolis,' Dr. Bendjelloul announced to the French News Agency.

"A motion adopted by the legislators tonight gave some idea of the 'new formula' by saying that the 'immense majority of the population now supports the idea of an Algerian nation'. They added that it was their duty to work for this 'aspiration'."

91. While we hear this Algerian point of view, we can read in yesterday's *The New York Times* declarations made by Mr. Faure. He said the following:

"Our goal is to achieve shortly the complete integration of Algeria, an integration that will respect its own origins and personality in such matters as language and religion..."

Then the article goes on to say: "France was devoting all the means at her disposal to restoring order in Algeria"—What does "restoring order" mean? It means brutal repression. —"where revolt broke out last November and again last August 20."

Mr. Faure went on to say:

"It must be understood everywhere, at home and elsewhere, that we find ourselves here faced with a vital imperative — that any Government must necessarily have for its first duty the task of maintaining France on both shores of the Mediterranean."

The article continued:

“Without Algeria, both the economy and world prestige of France would be compromised and she would be no more than the reflection, each day fainter, of her old grandeur”.

92. With all respect to the Prime Minister of France and affirming our desire for sincere friendship with the great French people, we believe that the language used is a pre-United Nations language, the language of the nineteenth century, the language of domination and enslavement of free peoples by sheer force. We have no quarrel with an association of Algeria with France, providing that such an association is freely entered into on the basis of self-determination. To achieve it by naked force is certainly contrary to the spirit of the Charter and detrimental to peace, harmony and security in this world.

93. Let us compare Mr. Faure's words with the words of the following telegram which has been sent to my delegation, and I am sure to other delegations, by the leader of the Algerian National Movement expressing his reaction to the decision of the General Committee not to recommend the inscription of the Algerian problem on the agenda of this session:

“The Algerian National Movement regrets that the General Committee of the General Assembly has voted not to recommend the inscription of the Algerian question on the Assembly agenda, since the Algerian people pin their hopes on the United Nations for the sole remaining possibility of a peaceful solution to the present struggle. The issue now comes before sixty delegations of the plenary session to approve or reverse this decision. While they ponder their decision, the Algerian National Movement wishes to emphasize to them that the votes they cast may determine the fate of war or peace in the area. The logic of the situation is not inherent in such legalistic or political arguments as would apply in the case of an ordinary petition, but in the grim reality of the situation. That reality is that a war now rages in Algeria in which Algerian people have no alternative but to fight, since France refuses to enter into peaceful discussion. The refusal by the Assembly to discuss the issue would close the second of the only two doors open to peaceful negotiation in this dispute. This being the situation, the factors in the Algerian struggle are such that final rebuff by the Assembly will necessarily intensify the resolve of the Algerian people and their gallant army to rely on their own resources and to intensify this struggle to dimensions which may imperil the peace of the region to a tragic extent. If this should happen, responsibility will fall upon those who have deprived the Algerian people of their rights under the United Nations Charter by prejudicing the issue in favour of France. To the Algerian people in particular and to the free world in general a vote cast against inscription on the French claim that Algeria is irrevocably part of France would be a stamp of approval of the worst of all colonial rights, the right of conquest. It is even more regrettable for us to note the position taken by the delegation of the United States, a traditional champion of human freedom and national independence. The Government of the United States knows that Algeria is not administratively an integral part of the Republic of France, and its adherence to that colonial fiction is a blow to the prestige, principles and interests of the American Republic, to the people of Asia and Africa and partic-

ularly to the millions of our American friends who through their labour leaders and all Congressional representatives have already upheld the right of Algeria to self-government. Neither the United States nor any other delegation is morally and legally justified to be the sole judge of the status of Algeria under international law. This matter can only be determined equitably by the proper organ of the United Nations, the International Court of Justice, from which we respectfully recommend our friends of the Asian-African group to seek an advisory opinion on this matter. I am sure that such procedural steps will receive the unanimous support of the General Assembly, particularly by those delegations who have expressed doubt as to the real status of Algeria under the United Nations Charter. Messali Hadj (Algoulême).”

94. The United Nations is faced with an international situation whereby the conflicting views of two distinct peoples have led to bloodshed and suffering. One party is organized and heavily equipped with modern destructive weapons, including those of NATO, trying to impose its will and authority on a more or less weak and defenceless people equipped only with small arms, people who are sacrificing their lives and property for the sake of achieving freedom and equality. Thousands of innocent people are losing their lives. Can we, in the United Nations, remain pledged to the principles of the Charter and yet be indifferent to this inhuman situation?

95. We are told that Algeria is part of metropolitan France, but this is refuted by the facts of geography and culture as well as by politics, for the Algerians were never treated as French people. When France tried to appease the British and the Russians after her conquest of Algeria, Napoleon III wrote a letter to the Duke of Malakoff stating that Algeria was not a colony in the proper sense but an Arab kingdom.

96. Is it not strange that in the age of the United Nations, the age of enlightenment, freedom and equality, we are told that Algeria belongs to France. Suppose the United States of America had adopted a law in its Congress claiming that the Philippines were part of the United States and later the noble people of the Philippines rose and asked for their independence and freedom. Could anyone say that the Philippines was a part of the United States, and, therefore, one was not entitled to deal with the issue because it involved the internal jurisdiction of the United States? But this is an exact simile. It is very much the same as the relation of France to Algeria. The General Assembly is entitled and required to look into the matter of Algeria in accordance with Articles 10, 11 and 35 of the Charter.

97. Article 10 reads:

“The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.”

98. Then, Article 11, paragraph 2, states:

“The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations or by the Security Council, or by a state which is not a Member of the United Nations,

in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion."

99. And Article 35, paragraph 1, reads:

"Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly."

100. There is a situation, there is a dispute, in Algeria. The Charter is so specific, so clear, in this regard. Who can deny that there is a situation in Algeria today? Who can deny that there is a dispute there? Who can deny that peace and security are disturbed in Algeria?

101. We are required by the Charter to consider the question of Algeria, but we are also required to do so on moral and humanitarian grounds. For we must put an end to the struggle, the strife and the loss of life in so sensitive an area of the world as Algeria. We cannot remain indifferent to the plight of the people of Algeria. We must see to it that peaceful methods, rather than methods of repression, are used in solving the Algerian question. In carrying out large-scale military operations in Algeria, France is not following the Charter, which calls for the avoidance of the use of force and for resort to peaceful methods of negotiation. The General Assembly must use its moral force to see to it that France stops its repressive measures and resorts to negotiation — and not for the good of Algeria alone, but for the good of France itself and for the good of this Organization.

102. Furthermore, the prestige and functioning of the United Nations are directly involved. For this Organization to turn down a request by 14 Member States that this item should be inscribed is not a matter to be taken lightly, especially when the item concerns the desire to solve a problem by peaceful methods, to achieve justice and self-determination and to put an end to bloodshed and strife.

103. The 29 nations represented at Bandung certainly voiced the urge of the peoples of Africa and Asia for brotherhood, for equality with their Western brothers; they unanimously appealed to France to see to it that the principles of the Charter were applied to the peoples of Algeria.

104. Can we let legalistic considerations and legalistic polemics deprive us of achieving our duty, as an Organization, to world peace and stability, to freedom and democracy? There are moral considerations that transcend legalistic considerations. The consideration of human liberty and human rights is certainly above these legalistic arguments that obstruct the path of freedom, peace and brotherhood.

105. Can we today accept and support legislation under which human beings may be enslaved and kept subjugated? Can we say that such legislation is a matter of domestic jurisdiction? Have we accepted South Africa's right to adopt legislation discriminating against the Indian and other coloured races? Were we not motivated by the spirit of the Charter when we asked that the problem of the Indians in South Africa should be inscribed on the General Assembly's agenda? We cannot accept the argument that, since France has

adopted some legislation under which the Algerians should be regarded as belonging to metropolitan France, the Algerians lose their rights as human beings, their right to freedom, brotherhood and equality.

106. We wish to appeal to all Members of the General Assembly not to be swayed by power politics, for no power politics and no desire for domination and false glory or grandeur will make the Members of this august body shut the Organization's doors in the face of a just and humane cause.

107. There are only two ways open to the Algerian people: the way of war and human destruction, and the way of the United Nations. It is for us to show the Algerian people which way they should take. We certainly hope that Members of this General Assembly will appeal to both parties to choose the way of the United Nations, the way of peaceful negotiation, and not the way of strife and struggle. May I appeal to all representatives here to apply the principles of the Charter and human rights to the Algerian people, to put those people above all other considerations in casting their votes?

108. Mr. SCHURMANN (Netherlands): The Netherlands delegation will vote in favour of the recommendation made by the General Committee not to include the question of Algeria in the agenda of the tenth session of the General Assembly. This vote is based on two main considerations.

109. First, we consider that on legal grounds this matter falls essentially outside the competence of the United Nations because, Algeria being an integral part of the French Republic, it would be contrary to the principles and the purposes of the Charter for the General Assembly to deal with this matter and thus to endeavour to bring about fundamental changes in the constitutional structure of France.

110. In the second place, my Government is of the opinion that the progress toward the establishment of satisfactory conditions which has been made in other parts of North Africa justifies the confidence that we have that in the matter of Algeria, too, the French people will find the right way to solve their own problems. Any interference by the United Nations might hinder rather than help the French people to perform this important task, and the aims of our Charter can therefore best be achieved by avoidance of a public debate.

111. Mr. DEJANY (Saudi Arabia): We were distressed at the decision taken by the General Committee not to recommend to the General Assembly the inclusion of the question of Algeria in the agenda of this session. Some representatives seemed to accept without question the French assertion that Algeria is part of metropolitan France and therefore falls within the purview of Article 2, paragraph 7, the domestic jurisdiction clause of the Charter. My delegation appeals to the members of the General Assembly not to accept this recommendation of the General Committee so hastily. It would seem absurd for the General Assembly to accept the assertion that it is incompetent to determine the nature of this question simply because France claims that it falls within its domestic jurisdiction. The question of Algeria is not a simple and clear-cut domestic issue, as the representative of France alleges. The Assembly itself — not France — should decide the competence of the Assembly, and only after the item is included in the agenda and the case is discussed in Committee. It is regrettable that some delegations seem to oppose the

principle of such free discussion in this case, although they strongly supported it in other cases which seemed much more debatable.

112. The representative of France alleged [103rd meeting] in the General Committee that Algeria has been united to France since 1834, is part and parcel of metropolitan France, and that discussion of the Algerian question is therefore barred on the basis of Article 2, paragraph 7, of the Charter. A general examination of some of the essentials of the unity to which the representative of France referred will refute his allegations and show how fictitious this relationship is. It would rather astound the Assembly to know how the people of Algeria fared during a period of 120 years under the false label that they were Frenchmen and that their country was part of France. One would look in vain for a reasonably acceptable legal basis upon which this unity could stand. Consent of the people of Algeria is totally lacking. There is not a single document to indicate the acceptance by the Algerian people or their representatives of this French régime. The French entered Algeria by force, and under the sheer weight of force they have maintained their position until the present time. Unrest among the natives never ceased, and nationalist uprisings persisted despite the ruthless manner in which they were always crushed.

113. For the first 40 years, the country was almost totally governed by the military. Only after 35 years of occupation were the Algerians given the right of French citizenship. But even this right of citizenship was conditional upon agreement to the substitution of French law for Moslem law in such matters of personal status as inheritance and adoption. It was therefore impossible for an Algerian to be French and a Moslem at the same time. It was not until 1944, 114 years after the occupation, that some break was made from this rule. What is more significant is that during the interim period of almost eighty years, during which Algerian Moslems could have become French citizens by renouncing part of the teachings of their religion, only some 3,000 chose to do so.

114. But French citizenship to the Algerians did not really mean equality with the French. They were considered second-class citizens, as may readily be shown, even under the Organic Statute of Algeria of 20 September 1947, which is supposed to have brought to Algeria most of the reforms. Algeria was allowed 30 deputies to the lower Chamber of the Parliament. Fifteen deputies represented essentially some 800,000 French residents in Algeria, and the other 15 deputies represented some 9 million Algerian Moslems, each group electing separately. The same voting arrangement and representation was maintained in all Algerian local elections.

115. The disparity between the two classes of people in Algeria is exceeded only by the disparity in the number of deputies from metropolitan France, which has some 544 deputies representing some 40 million inhabitants. Even the ancient colonies of Guadeloupe, Martinique, La Réunion fare better than the Algerian Moslems, for the population of each of those colonies is about a quarter of a million and each sent three deputies to the National Assembly. French Guiana with a population of about 26,000, also sends three deputies, as against the 15 Algerian Moslems who represent 9 million people.

116. If Algerians really were considered French, or even treated as equal to the French, the 9 million

Algerian Moslems would be allowed to send not 15 but some 120 deputies on the basis of representation in Metropolitan France. And lest there be any doubt about the nature of even this representation, I invite attention to Herbert Luethy's *France Against Herself*, in which he relates the reaction of the responsible French authorities as to how the Algerian Moslems vote:

"... in going to the polls the voter ... is learning to make the fundamental gestures of democracy; but he must be told how to fill in his voting paper, and, if he chooses wrong in spite of that, we must be able to correct the results".⁹

117. In order to have an idea of just how this correction is made, let us take the results of the 1951 Assembly election, where deputies were elected by the overwhelming majority. In the town of Boudjerba the Moslem voters gave their pro-Administration candidate the remarkable total of 800 out of 500 — and the town of Bibans, 862 out of 372. That tends to show whom these deputies represent.

118. Another important field which may be examined and which would show that Algeria could not be part of France is the administrative organization in Algeria. Only the northern portion of the country is considered as part of metropolitan France. It is made up of the Departments of Oran, Algiers and Constantine. It covers an area of some 80,000 square miles out of a total area of 850,000 square miles for the whole of Algeria. The southern part of the country does not constitute a department by itself nor is it subject to any. It is administered by military commanders and is under the direct jurisdiction of the Ministry of War. Thus, the major part of Algeria could not be classified as part of metropolitan France, even if it were granted that the three northern departments could be so regarded. The people living in that part of the country have no representatives or representative institutions of any kind. How could anyone claim that these people are equal to the Frenchmen in metropolitan France?

119. From a strictly legal point of view, the fact that 90 per cent of Algerian territory and the inhabitants of that portion are not constituted as departments of France is, in itself, sufficient to render the French argument untenable. But aside from these facts, there are scores of considerations the examination of which would accentuate differences between the French and the Algerian constitutional and administrative systems.

120. The discussion of these facts has become superfluous in view of the statements made two days ago by the French Premier, Mr. Faure. He stated, according to the article in *The New York Times*, that "Our goal is to achieve shortly the complete integration of Algeria, an integration ... which will confer on all its inhabitants, without discrimination, the rights and duties, the opportunities and obligations which are attached to the status of French citizens."

121. This statement is of special significance because it is an admission by the head of the French Government that after 125 years of occupation Algeria is still not integrated into France and is not part and parcel of France, as the representative of France alleged in the General Committee. On the contrary, it confirms our thesis that this relationship is fictitious and that Algeria is indeed a Non-Self-Governing Territory. It confirms the prevalence of discrimination in rights as well as in opportunities among the people. It indeed recognizes

⁹ Herbert Luethy, *France Against Herself*, New York, Frederick A. Praeger, 1955, p. 249.

the justification for the action of the 14 States which requested that the Algerian question be placed on the agenda of the current session of the General Assembly.

122. This honest admission by the French Premier is in contrast with the insinuation which was made and which reflected on the motives of those who sought to bring the question of Algeria to the General Assembly. Indeed, the French Premier's statement strengthens our arguments why the General Assembly should not accept the General Committee's recommendation concerning the inclusion of this item on the agenda. There is in the Premier's statement at least an implied admission that the relationship between France and Algeria is not as absolute and clear-cut as the representative of France had stated. It becomes incumbent on the General Assembly to agree to the inclusion of the item so that the various issues involved may be fully discussed in Committee.

123. The statement of the French Premier is significant also because it admits the justification of the present revolt by the nationalists against the sham French Administration in Algeria which rests on discrimination, prejudice and force. No one can therefore claim that the grievances of the Algerian people are unfounded and that their struggle is unjustified.

124. Another reason the Assembly should include the item of Algeria in the agenda is that the case of Algeria is unlike the case of Tunisia or Morocco. In those cases, considerable sentiment on the part of the representatives was displayed during the debates which favoured the minimum degree of interference on the part of the General Assembly. Those representatives were in favour of leaving those questions to be settled by negotiation between the representatives of France and the representatives of Tunisia and Morocco.

125. In those two cases, such a recommendation carried some weight because the relationship between the parties was governed by treaties. In the case of Algeria, no such treaties exist between the parties. France refuses to recognize the existence of Algerian representatives. Their relationship has been governed by the unilateral acts of the French Parliament. Reliance on those unilateral acts after a long period of 125 years confronts us with the ugly situations which we now see in Algeria. It would be most unfortunate if the General Assembly should decline to include the item on the agenda in the hope that France will unilaterally rectify the situation in a manner at variance with its previous actions.

126. It is ironic that on the same day that the French Premier spoke about France's goal in Algeria his Minister of the Interior had rejected emphatically the idea that France might negotiate peace with the leaders of the Algerian people. My delegation regrets to say that we have little confidence in any unilateral act of France with regard to Algeria.

127. Our attitude is based on the acts of France in Algeria during the past 125 years. To be sure, some legislation might be enacted to remove some of the existing injustices. But the enactment of legislation is one thing and its enforcement is another. All types of laws were enacted in Algeria in the past to meet emergencies when the situation became very acute. The same factors which frustrated their implementation and effectiveness, however, are sure to nullify the effectiveness of whatever France proposes to do for Algeria on the basis of the existing relationship.

128. It is not a question of good or bad legislation. It is primarily a question of national feeling and national pride. France admits today that the integration of Algeria into France after 120 years has not worked. Its policy of integration had its origin in the colonial ventures of the eighteenth century with all their crudities. Unilateral action by France backed by force characterized the failures which followed every move which France took to pacify the country.

129. After 125 years, in the present day and age, France insists on meeting the current situation by the use of the same outworn colonial means. It would be a great pity if the renewed French attempt at the unity of France and Algeria were to be brought about by the same unilateral action of France backed up by an unprecedented ruthless and extensive use of force to the full knowledge of the United Nations.

130. Mr. Faure chose yesterday to emphasize France's goals in Algeria. His emphasis was in anticipation of the demands that are expected to be made in the Algerian Assembly by Moslem deputies for abandonment of the policy of integrating Algeria into France. Deputies feel, it is reported, that bitterness engendered between the Moslem and French populations in Algeria by revolt and repression since last November, has made integration impossible and that it has turned their thoughts toward Algerian autonomy with federal links to France. This is not such a horrible arrangement as to warrant an advanced and emphatic rejection. Its outright rejection, coupled with France's assertion of its determination to continue to send military reinforcements to crush the nationalist forces, amply demonstrate the French attitude and the French frame of mind. They reveal not the slightest change in method. They contain not an inkling of reconciliation. To them force is the decisive factor — all of which makes the inclusion of the item on the agenda all the more urgent.

131. The Algerian people are within their rights when they reject the proposed integration of their country into France. Their right to self-determination is paramount. It is a basic and an inalienable right which is recognized in the Charter. It could not be denied them. It would be outrageous to wrest it from them for the mere reason openly stated by Mr. Faure, that without Algeria both the economy and world prestige of France "would be compromised and she would be no more than the reflection, each day fainter, of her old grandeur".

132. The Algerian people have withstood French repressive rule for 125 years. They have experienced and lived through this undisguised French colonial rule. They know the ineffectiveness of the laws and regulations which were made to calm the native inhabitants after every uprising. They are familiar with the power and influence which the French minority in Algeria can exert upon the French Government and French Parliament. They can recall the numerous instances when this minority had frustrated every single attempt whereby the French Government sought to meet the minimal needs of the Algerian people.

133. Most of all, the Algerian people cannot forget the French attempt to obliterate the national, cultural and religious characteristics of Algeria in the name of assimilation. Mosques were converted to churches. Scores of others are there no more. The extensive lands and buildings dedicated in trust for the maintenance of religious and charitable institutions were confiscated and made State property. The sermons to be delivered in the mosques had to receive the prior approval of the

French authorities. Islamic jurisprudence was rendered ineffective even in the simple matters of personal status, and the decisions of Moslem judges were subject to review by a court of appeals made up of Christian and Jewish judges.

134. The Algerian people recall with disgust the numerous ways by which the French authorities sought to undermine the position of Islam and its teachings with a view to its ultimate eradication. While this went on, every encouragement was given the "White Fathers", whose divine message was to "convert Algeria into the home of a decent Christian nation".

135. Just as outrageous as the interference in the people's religion was the French interference in the people's mother tongue, the Arabic language. Its use was prohibited in all government departments and records. It was decreed to be a foreign language and its teaching was restricted, and in most cases totally prohibited. This assimilation policy concentrated its efforts on de-educating the people in their mother tongue. This prohibition of the teaching of Arabic, their mother tongue, to the Algerians continued until the end of the Second World War. Even now the restriction is almost as effective because no teacher is licensed to teach Arabic unless he carries a certificate acknowledging his mastery of the French language. Since most of the teachers do not possess those certificates, the Arabic schools were kept closed for lack of teachers. The *colons* for their part, in the meantime, have done their best to preserve illiteracy among the natives. After 125 years of French rule only 60,000 Moslems have grammar school certificates. As Claire Sterling pointed out in *The Reporter* of 25 May 1954:

"Lack of education is one reason why so few Moslems have been permitted to share in administration... The fact that only 5,000 of the 60,000 functionaries on the French payroll are natives is in itself a poor showing. But the fact that 4,996 of these are either menial clerks or ushers is more appalling."

136. These are but a few facts, practically unknown to the outside world, which caused some of France's staunchest friends among the Algerians to become deeply disillusioned by the "lie" of assimilation. One such cultured French intellectual is Ferhat Abbas, the Berber, leader of the moderate Union démocratique du Manifeste algérien (UDMA) Party who still wants some ties with France. He said:

"It is an anachronism at the doors of Europe for the French to insist any further on colonial control over a white race, linked to all Mediterranean races, perfectable, and demonstrably sincere in its desire for progress. There is now a European bloc and a Moslem bloc in Algeria distinct from one another and without a common soul. It is impossible to go on hoping for reform through assimilation, when the *colons* have prevented it since 1887."

137. I bring this to the attention of the Assembly in the light of Premier Faure's assertion that France is determined to stick to the old road. Even Ferhat Abbas, who today has very few followers, has definitely rejected this course. The vast majority of the Algerians have, since the massacre of Constantine in 1945, concentrated their demands on complete independence. What outcome does the General Assembly expect under these circumstances by refusing to have the matter inscribed on its agenda?

138. The Government of Saudi Arabia was about to appeal to the General Assembly during the closing days

of the last session to consider the question of Algeria. Our people and Government followed the rapidly deteriorating situation with great anxiety so that on 5 January 1955, our delegation brought the situation to the attention of the Security Council by direct instruction of His Majesty King Saud. We drew the attention of the Security Council then to the gravity of the situation. No meeting of the Security Council was requested in the hope that diplomatic interventions might lead to some adjustment from which further discussions and negotiations would ensue.

139. By mid-April nothing fruitful had been done. At Bandung later that month, 29 African and Asian countries met. They discussed, among other questions, the question of Algeria. They agreed that "in view of the unsettled situation in North Africa and of the persisting denial to the peoples of North Africa of their right to self-determination, the Conference declared its support of the rights of the people of Algeria to self-determination and independence, and urged the French Government to bring about a peaceful settlement of the issue without delay."

140. On 26 July 1955, 14 African and Asian States, including my own, requested the Secretary-General to include "The question of Algeria" in the agenda of the current session of the General Assembly of the United Nations. This request naturally reveals the concern and desire of the requesting States, and many others who were at Bandung but are not Members of the United Nations, for a peaceful settlement of the question of Algeria.

141. We believe that enough has been said to prove that the alleged unity of Algeria with France is sheer fiction. We believe also that ample facts were advanced to establish irrefutably that Algeria could not be regarded by any stretch of the imagination as part of France. On the contrary, most of what has been said proves that Algeria could not be classified in any other way than as a Non-Self-Governing Territory.

142. I believe that I can advance another argument to show that even France, which claims Algeria as part of the metropolitan area, does not so view it in some of its official records or dealings.

143. For this purpose, may I invite the attention of the representatives to the *Statistical Yearbook*¹⁰ which is put out by the United Nations. Take the last issue of 1954, for instance. Table 1 deals with the population, area and density for each country, taken continent by continent. In each continent the countries are classified into the categories to which they belong. Under Africa, for instance, we find the following groupings. First, independent countries: Egypt, Federation of Ethiopia and Eritrea, Liberia, Libya and the Union of South Africa. The second grouping is headed Non-Self-Governing Territories and Dependencies. It is under this category that Algeria was listed. The third grouping was headed Trust Territories. The fourth grouping was headed former mandated territories, with only South West Africa listed. The fifth grouping was headed Condominium, with only the Sudan listed. The sixth was headed International Administration, with only Tangiers listed. It is worthy of note that in categories 4, 5 and 6 one single country was listed under each, which shows the extent of the accuracy which the compilers have striven to maintain.

144. If Algeria were part of France, surely it would have been listed with independent countries with a

¹⁰ United Nations publication, Sales No.: 1954.XVII.5.

footnote that it is the African portion of metropolitan France. Or it could have been listed in a category by itself, as in the other instances, without much trouble, as the compilers were pretty particular about being precise.

145. France would not have permitted the listing of a portion of the metropolitan area under the Non-Self-Governing Territories if it itself did not actually consider that it rightly belongs there. And lest it may be assumed that the classification was arbitrary or unofficial, a consultation of the introduction on page 13 leads to a sentence which reads:

"The absence of such a source reference indicates that the table has been compiled by the Statistical Office on the basis of information obtained directly from the national statistical offices and from official publications."

146. There was no source reference for Algeria, which is a further proof that the alleged unity of France and Algeria is a mere pretext, resorted to at will, to assure France the fullest and safest old-fashioned colonial exploitation of Algeria.

147. I do not intend to deal with the question of the Assembly's competence in any other respect, because that has already been ably dealt with by several distinguished speakers. I should like, however, to refer briefly to a few matters which in our view render the need for inscribing the question of Algeria on the agenda of the current session a matter of extreme urgency.

148. I should like first to point out that, since the date of filing the request for the inclusion of this item in the agenda, fighting has assumed such extensive dimensions that it has repeatedly been described as a small-scale war. The intensity of the operations may be gathered from the fact that in addition to the divisions of NATO which were dispatched to Algeria, some 60,000 French reservists were called to the colours, and over twenty battalions and other forces and equipment have been continuously pouring into Algeria, particularly during the past six weeks.

149. The French forces, true to their colonial tradition, have launched mad and ruthless repressive operations against the Algerian nationalists. Thousands of Algerian patriots were killed in the fight for their country's freedom. Several hundreds of defenceless men, women and children were also killed in this repressive undertaking. Conservative estimates have put the number of Algerians killed in two days in excess of 2,000. This brings to our minds the massacre of 1945, when some 45,000 Algerian men, women and children were exterminated.

150. In consequence of this horrible and systematic destruction of human lives, I am impelled to make the following remarks on behalf of my delegation. With all respect to the views of those delegations who continue to insist that this mass extermination of the Algerian nationalist appropriately falls within the domestic jurisdiction of France, and aside from all the legalistic arguments which have been advanced to the contrary, we believe that the military operations in Algeria have been supercharged with additional factors which render ridiculous all the strict legalistic dickerings.

151. The people of my country, as I am sure the people of several other countries, cannot accept the view that the question of Algeria remains within the domestic jurisdiction of France, when the French rely on the armed forces of other nations to keep the fort in the metropolitan area, thus relieving their own forces to

crush the Algerian nationalists. It is difficult by any sort of logic to avoid the implication that by such action the international aspect of the struggle in Algeria becomes more emphasized. How can you avoid the implication that such action amounts to helping one side against the other — aiding the French military forces to crush the Algerian liberation forces.

152. The second aspect in this situation which has caused us great anxiety and which is viewed with similar implication is the fact that the arms and equipment of the French forces which were sent to Algeria are provided or paid for by other Powers. It is difficult to clarify such issues on a legalistic basis. The cold fact stands that the colonial forces of one nation were aided by the arms of another nation to kill the patriots of a third nation. Equally confusing would be the fact that those arms were originally provided to ward off aggression and to safeguard freedom and liberty for the freedom-loving people of the world, not for the suppression of that liberty and freedom.

153. In view of all these factors the situation in Algeria has become one which might lead to international friction within the meaning of the Charter. It is likely that it might disturb the friendly relations which exist between them. Even if the argument of domestic jurisdiction is to be upheld, the situation in Algeria has assumed the proportion of a civil war, and owing to the various factors to which I referred, it could develop into a threat to international peace.

154. The question of Algeria is thus charged with so many factors contributing to its international flavour, that even if it was really domestic in the first place, it could no longer be so regarded under the circumstances. It would therefore be most unfortunate if the Committee's recommendation is accepted. It would be an unwise precedent which runs contrary to all previous precedents, consequently weakening the rule of law which emerges from precedents.

155. The General Assembly could not deal with the question of Algeria simply by rejecting the request of the 14 Powers and overlooking the sentiment expressed at Bandung by representatives of more than half the inhabitants of the globe. The General Assembly should not so summarily dismiss the legitimate rights of the Algerian people to self-determination on the basis of wobbly legal arguments. It would do the United Nations no honour to ignore the appeal for justice to the Algerian people. It would be perilous to place their fate at the mercy of France's ruthless forces.

156. For these reasons, we appeal to the General Assembly to reject the recommendation of the General Committee and to include the question of Algeria in the agenda of the current session.

157. Mr. ENGEN (Norway): I shall try to be brief. The request by a group of Member States that the General Assembly consider the question of Algeria raises some very difficult and important questions, to which my Government has given very serious consideration.

158. First, as regards the status of the Territory in question, the Norwegian Government has never questioned, and does not now question, the contention that Algeria is part of France and that the Territory enjoys a status comparable to that of any other region of the French Republic, with all the normally accepted consequences of such a status in the fields of national and international law.

159. Secondly, the Norwegian Government recognizes the fact that recent developments in French North

Africa, including Algeria, have created a disturbing situation in the area, a situation which has caused concern to a number of Members of the Organization. I should also like to say that the situation in North Africa has caused concern and anxiety in my country lest the developments there may lead to further loss of life and property and to the disturbance of friendly relations between nations.

160. Thirdly, the Norwegian Government recognizes the responsibility of the Members of the United Nations under the Charter to do what is possible within the framework of the law of this Organization to bring the influence of the United Nations to bear on the Governments directly concerned in order to find settlements of conflicts, disputes or whatever it may be which constitutes a disturbing element in international life. We have also held that the framework set by the laws of our Organization is a broad one when it comes to the rights of the Assembly to consider any such matter to which I have just referred. Furthermore, we have also reserved our right under the Charter to determine our attitude on the basis of our own evaluation of the facts and circumstances of each individual situation without being too much bound by general considerations.

161. Fourthly, though we hold the opinion that the Charter gives Member States wide latitude of action, we do with equal sincerity recognize the fact that the Charter also sets a limit on the rights of the Members to take up matters which fall within the domestic jurisdiction of Governments. We also think that this provision of limitation, which is Article 2, paragraph 7, is a key provision in the Charter because without this provision it may very well be that the acceptance of the rest of the Charter would not have been possible for a number of States which play a vital role today in the activities of the United Nations. As we see it, Article 2, paragraph 7 is a negative provision which is essential in the structure and laws of the United Nations. But it should be implemented only in a literal and broad way.

162. The question now is: Does Article 2, paragraph 7 preclude the General Assembly from discussing the Algerian question? My Government has considered this problem very carefully because, as I said at the outset of my intervention, we do not question the status of Algeria as an integral part of the French Republic. In spite of this, we are not able to come up with a clear-cut answer. But we entertain very serious doubts indeed about the wisdom of giving the provisions of our Charter such an interpretation as would make them almost meaningless or, for all practical purposes, treat them as if they were non-existent. We feel that this would not only be bad law but it would be dangerous politics. A law can be changed but it should never be ignored. That, in our view, creates a real danger to society, a greater danger than a too strict application of the law.

163. This consideration, however, is no expression of my Government's attitude regarding the situation prevailing in the area in question. We only want to say that the law of the United Nations makes us have grave doubts as to whether we are entitled to go into the question of Algeria in the forum of the United Nations. We are inclined to think that, in a situation like the one with which we are confronted here, if the Norwegian Government, or for that matter any Government, should decide to make its opinion known to another Government, it would have to do so through the normal channels of communication.

164. There is one more reason which is equally important, to say the least, which has determined my Government's attitude. The French Government is working continuously with persistence and patience to improve conditions in French North Africa. My Government warmly welcomes these efforts on the part of the French Government. We sincerely hope that the French Government will succeed in bringing about the good and friendly relationship between the two parts of France which, I am sure, all French citizens would like to see established, no matter whether they are of European or African origin. In order to achieve this, the French Government must be granted the benefit of time, understanding and friendly co-operation by all who are interested in the peaceful development of good relations between citizens and nations.

165. We do not believe that these aims will be furthered by heated debate in public. They will only be achieved by patient negotiations between the responsible leaders of the parties concerned.

166. On the basis of these considerations, which are fundamentally of a political nature, strengthened by the serious doubts which we maintain as regards the legal aspect of the matter, my Government has come to the conclusion that the General Assembly should not take up or debate the question of Algeria, and my delegation will vote accordingly in support of the recommendation of the General Committee.

167. Mr. URRUTIA (Colombia) (*translated from Spanish*): When the Charter was discussed at San Francisco ten years ago, the Latin American countries, as you know, urged that the principle of non-intervention in the internal affairs of States should be recognized as a *sine qua non*.

168. Some misunderstandings have arisen during the debate at the recent Assembly, which make it imperative for my delegation to give some clarification.

169. In the first place, an attempt has been made to show that Article 2, paragraph 7 conflicts with or contradicts Chapter XI and subsequent Chapters. In my Government's opinion, there is no contradiction between these Articles. The Charter establishes the obligation for Members of the United Nations which have responsibilities for the administration of Non-Self-Governing Territories to administer them in conformity with Article 74 of the Charter; but every obligation involves a right, and the right of the countries which have undertaken those obligations, i.e., which have assumed responsibilities for the administration of Non-Self-Governing Territories, is that their neighbours should not seek to intervene or stir up trouble or revolutions in their territories. That is an inviolable right.

170. Under the Convention on Duties and Rights of States in the Event of Civil Strife, adopted at Havana on 20 February 1928, the Latin American countries undertook to use all means at their disposal to prevent the inhabitants of their territory from participating in campaigns for the purpose of overthrowing a friendly Government, and they assumed the sacred and formal obligation to forbid the organization within their territories of expeditions aiming at the overthrow of the Government of a friendly State. For us, therefore, there can be no doubt on this point, and that is why we pressed so much at San Francisco for the adoption of Article 2, paragraph 7 relating to non-intervention. There can be no intervention in peace time; far less at times when, unfortunately, there are internal disturbances.

171. The Latin American countries have always been the most fervent anti-colonialists, but also the most determined non-interventionists. Of course, we expect a country like France to govern its territories in accordance with Article 74, under which France is bound to base its policy in respect to the territories to which Chapter XI applies, no less than in respect of its metropolitan areas, on the general principle of good neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic and commercial matters.

172. But what is intended here? Some of the representatives who have spoken before me have ventured to discuss the number of deputies that Algeria should have, the number of its representatives on the Council of the Republic; whether a *douar* should have the status of a French commune or not; and finally, whether or not France has complied with the Act of 1884 on municipal organization. We, however, will not enter into any discussion of those problems, because that obviously would be interfering in internal affairs: I am not conversant with the text of the French Act of 1884, nor do we need to know what a *douar* is or understand what the system of *communes* is. To go into such matters would be to interfere.

173. Other representatives have maintained that what is at stake is not a French problem, but a nationalist movement that aims at establishing an independent nation. If that is the case, we recognize France's inalienable right to insist that its neighbours should not encourage civil strife. I do not think that they have done so, because they are friendly countries; but France certainly has the right to expect that all the Members of the United Nations at least, should respect the sacred duty of preventing assistance or encouragement being given in their territories to revolutionary or separatist movements in a friendly country, such as France, which is one of the Members of the United Nations.

174. The basis of the United Nations, as of any other international organization, is mutual respect for the Governments and the authorities of Member States, whether or not we approve of their method of government. It is not for the United Nations to approve, condemn, or judge the action of the authorities or of the Government of one of its Members.

175. Some of my colleagues have maintained in this Assembly, quite rightly, that in conformity with the Charter, this Assembly has the right to discuss any conflict or situation which might endanger the maintenance of international peace and security. Of course; but only provided that such a conflict or situation is an international problem, only provided that a neighbouring country is endangered, and I do not think that when such a situation exists within the frontiers of one country it can be considered as an international danger. What occurs inside a country's frontiers is an internal affair which is the concern of that country alone.

176. The events which have occurred in Algeria may well imply civil strife. They may even, if you will, imply armed revolution, but under the constitutional law of nations, any rebel has the right as an individual to take up arms. Government cannot, however, be asked to accept the principle that a group up in arms against the established authority may obtain the support of neighbouring countries and, above all, of an international organization. In my Government's opinion, and certainly according to the principles we subscribed to in the Havana Convention on civil strife, it is our duty, if there really is civil strife in Algeria, to refrain from intervention, because the civil strife has occurred within a friendly country.

177. In the second place, I want to comment on the principle of self-determination. In our opinion, the principle of self-determination implies the obligation to respect the will of the Members of the United Nations, but never does it justify separatist campaigns, far less the use of force to achieve revision of freely negotiated treaties. There will always be minorities or isolated groups which do not agree with the clauses of this or that treaty, but it would be the end of international order and would mean reopening endless territorial disputes, now happily closed, if we were to abuse the principle of self-determination and use it to justify the indiscriminate revision of international agreements. For us, the sanctity of treaties cannot be challenged. For the rest, all the other rights recognized in the Charter are subject, and must be subject, to the overriding obligation of all States not to interfere in the internal affairs of others.

178. For these reasons, my delegation will vote in favour of the General Committee's recommendation.

The meeting rose at 6.10 p.m.