



Thursday, 22 September 1955,  
at 4.25 p.m.

**New York**

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**Chairman: Mr. José MAZA (Chile).**

**Consideration of the agenda of the tenth session and allocation of items to Committees (A/2915, A/2942, A/2949 and Add. 1, A/BUR/141) (*continued*)**

**ITEM 60**

1. The CHAIRMAN invited the General Committee to continue its examination of the Secretary-General's memorandum (A/BUR/141) concerning the adoption of the agenda and the allocation of items to Committees. The Committee was required to take a decision on the inclusion of item 60 (the question of Algeria) in the agenda. The representatives of India, Iraq and Pakistan had requested permission to participate, without vote, in the discussion of that item, in accordance with rule 43 of the rules of procedure of the General Assembly. He would accordingly invite Mr. Menon (India), Mr. Al-Jamali (Iraq) and Mr. Brohi (Pakistan) to take seats at the Committee table.

*Mr. Menon (India), Mr. Al-Jamali (Iraq) and Mr. Brohi (Pakistan) took seats at the Committee table.*

2. Mr. ALPHAND (France), on behalf of his Government, requested the Committee to decide against the inclusion of the question of Algeria in the Assembly's agenda. The French Government believed that Algerian affairs were essentially within the domestic jurisdiction of France and that neither the United Nations nor the General Assembly was justified in intervening in them. Algeria had been united to France by the Ordinance of 1834 and had since formed an integral part of metropolitan France on an equal footing with the Ile-de-France, Brittany or Auvergne, such that any Algerian, whether Moslem or Christian, was a French citizen and, from the age of 21 years, an elector; Algerian Departments were represented in the National Assembly and in the Council of the Republic on an equal footing with those of continental France. It was clear, therefore, that Article 2, paragraph 7, of the Charter applied to Algeria.

3. Those who maintained that the United Nations was competent in the matter recalled that Algeria had been conquered; but that was true also of Flanders, Burgundy, Aquitaine and Roussillon. If the United Nations were to assume a right to question all frontiers resulting from wars, there would no longer be any security for any Member State possessing such frontiers. The an-

nexation of Algeria by France had been recognized in the nineteenth century by the Ottoman Porte and by all the Powers that held international status at the time. Some advanced as an argument the fact that the union of Algeria with France had been accomplished only recently. But what was recent in terms of history? Some French provinces, whose French character no one dreamed of disputing, such as Savoy or the County of Nice, had been French for a shorter period than Algeria. Others said that two or three different peoples, varying in origin, race and religion, were together occupying the territory of Algeria. That was no doubt true, but to what conclusion did it lead? The situation was the same in almost all countries in the world, in almost all Member States of the United Nations. But that was not to say that the United Nations could meddle in the affairs of each of its Members on the pretext that their populations were not homogeneous and that certain elements were demanding independence.

4. Those who supported recourse to the Assembly had invoked the right of self-determination of peoples and Article 1 of the Charter. That Article defined the purposes of the United Nations. Among them it included, in paragraph 2: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". That paragraph gave the United Nations only the competence to develop friendly relations among nations; the principle of equal rights and self-determination of peoples appeared there merely secondarily; it was simply a means, which could hardly be employed in a way likely to run counter to the objective intended. It was doubtful, however, whether friendly relations between peoples could be achieved by the constant reopening in the General Assembly of quarrels in which some Member States were accusers and others accused. Moreover, from the point of view strictly of competence, Article 1 was a general statement of purposes; it did not lay down any special method for attaining them and, in particular, it did not specify which organ of the United Nations was competent to attain them. It was true that other Articles in the Charter endowed the Security Council and the Assembly with express competence regarding the purposes mentioned in those paragraphs. Thus, Article 11 gave the Assembly an express power of recommendation regarding the purposes included in Article 1, paragraph 1, while Article 13 contained similar provisions regarding the purposes mentioned in Article 1, paragraph 3. However, the principle of "self-determination of peoples" enunciated in Article 1, appeared neither in paragraph 1 nor in paragraph 3 of that Article, but in paragraph 2, and there appeared to be no specific provision granting the Assembly competence in that respect. That omission, which was undoubtedly intentional, was significant in itself. Could it, in fact, be hoped to "develop friendly

relations among nations" by means of controversial resolutions arising out of stormy debates?

5. The General Committee was about to take a decision which would go alarmingly far beyond the limits of Algerian affairs. Indeed, the problem was one which vitally affected every Member State of the United Nations. If the Assembly, at the will of shaky majorities, were to seize every pretext for interfering in the domestic affairs of Members, that would mean the end of tranquillity for all, of security for many, and of existence itself for the weakest. It would mean, too, the end of the United Nations. The greatest experts in international law had recognized, as one of the surest foundations for peace, the principle set forth in Article 2, paragraph 7, of the Charter, that the United Nations should not intervene in matters which were essentially within the domestic jurisdiction of States. The United Nations had been created for the preservation of security and harmony between nations. It would be singularly failing in its mission if its action were to lead to violence and disturbances.

6. France deserved that confidence should be placed in it. Its recent policy, both in Asia and Africa, and the actions it had effected in spite of immense difficulties showed that it was behaving in accordance with the international obligations it had undertaken and that it was alive to the realities of the present time.

7. The French Government had so far refrained from denouncing before the United Nations the cases of gross interference in its domestic affairs; it would simply ask the Organization not to lend them its support, for that would be both unjust and fatal.

8. Mr. LOUTFI (Egypt) recalled that the inclusion of the Algerian question on the agenda had been requested by 14 Member States. The reasons which had induced those delegations to take that decision had been carefully considered. The Asian-African group had felt constrained to place the question before the United Nations only after prolonged diplomatic negotiations had unfortunately proved unsuccessful.

9. It was common knowledge that since the end of the Second World War the situation in Algeria had worsened and that a régime of violence had been imposed on the country. The severe repressive measures of the French Government had only aggravated the difficulties between France and the Algerian nationalists. Since 1 November 1954, the French authorities had been faced with a large-scale nationalist uprising. In fact, war had broken out in Algeria. In trying to restore order, the French Government had been forced to send to Algeria substantial reinforcements, drawn from contingents which France had undertaken to keep at the disposal of The North Atlantic Organization (NATO); the States members of that organization were seriously concerned at that fact. The Saudi Arabian delegation had brought the situation to the notice of the Security Council (S/3341), since it might endanger peace and security in that part of the world. The 29 States represented at the Bandung Conference (18 to 24 April 1955) had considered the situation in Algeria. They had affirmed the right of the peoples of Algeria, Morocco and Tunisia to independence, and had urged the French Government to seek a peaceful solution. That stand of the States represented at Bandung showed the concern felt by the international community and its desire to see the earliest possible solution of the Algerian question.

10. Since the time when the Asian-African group had submitted its explanatory memorandum (A/2924 and Add. 1) in support of the request that the question be included in the agenda, the situation in Algeria had deteriorated further. Serious disturbances had broken out and had claimed numerous victims among both the Algerian nationalists and the French armed forces. The Asian-African group had consequently met again and, on 23 August 1955, published a declaration expressing the views and concern of the participating States in the light of the occurrences in Algeria. In that declaration, the countries in the Asian-African group had pointed to the repressive measures of the French armed forces and the gravity of the resulting situation, and had asked the United Nations to take the necessary measures to put an end to the policy of repression pursued against a people whose only crime was its struggle for independence and freedom. The French Press had itself reported the bloody acts of repression which had provoked widespread indignation in France. In the French National Assembly, several deputies had already protested against that policy, which had assumed mass proportions. The French political parties had also been stirred by the situation.

11. In requesting the inclusion of the Algerian question on the agenda, the countries of the Asian-African group were relying on Articles 10 and 14 of the Charter. Those Articles gave a clear definition of the functions and powers of the General Assembly. Under Article 10, the General Assembly could discuss any questions or matters within the scope of the Charter and make relevant recommendations to the Members of the United Nations or to the Security Council. Under Article 14, the General Assembly could also recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deemed likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the Charter. The French Government was now denying the Algerian population its right to self-determination, which was recognized by the Charter and confirmed by various General Assembly resolutions, including resolution 545 (VI) and 637 (VII). Moreover, there was little doubt that if the situation prevailing in Algeria were to continue and if the French Government refused to seek a satisfactory arrangement with the Algerian nationalists, the friendly relations which had always existed between France and the countries which asked for the inclusion of the item on the agenda would be impaired.

12. The proposal to include the Algerian question on the Assembly's agenda should not have aroused any objections. By refusing to include the item, the General Assembly would be refusing to exercise the functions and powers which it had under the Charter. It would also be shirking its responsibilities.

13. The French representative opposed the inclusion of the Algerian question in the agenda by arguing that Algeria was an integral part of France, representing three component departments, and that the United Nations was consequently precluded from intervening in the matter by reason of Article 2, paragraph 7, of the Charter.

14. In the first place, it was worth recalling that until 1830 Algeria had been an independent country, maintaining diplomatic relations and concluding treaties with numerous States. In 1830, after an incident between the Dey of Algiers and the French Consul,

French forces had landed in Algeria, occupied Algiers and forced the Dey to abdicate. At that time, France had only occupied some of the larger cities on the Algerian coast. Only some thirty years later had Algeria been completely conquered; its present status had been defined in 1870, when the French Government had decided that Algeria should be an integral part of France (decree of 24 October 1870). The Algerian people, however, had never been asked to express their views on that unilateral decision. Nor should it be forgotten that the Algerian people's dissimilarity from the French in matters of language, customs, origin, race and religion had greatly impeded its integration within the French community.

15. While the Algerians, according to the constitutional status of Algeria, were in theory Moslem Frenchmen and should accordingly enjoy the same rights as other Frenchmen, no such equality existed in practice. One million Frenchmen, for instance, elected the same number of representatives to the Algerian Assembly as 9 million Algerians. In any case, from the standpoint of Algeria's international status, it made no difference as far as United Nations competence was concerned whether Algeria was an integral part of France or a French colony over which France exercised sovereignty. The United Nations had declared itself competent to deal with such questions as the treatment of people of Indian origin in the Union of South Africa, and the race conflict in South Africa resulting from policies of *apartheid* of the Government of the Union of South Africa, although there was no doubt that that Government exercised sovereignty over its own territory. Similarly, the United Nations claimed competence in such questions as the observance in Bulgaria, Hungary and Rumania of human rights and fundamental freedoms. The General Assembly had always claimed competence in questions involving the exercise of human rights—and the right of peoples to self-determination was one such fundamental right.

16. The inclusion of the question in the agenda could not in any way constitute intervention within the meaning of Article 2, paragraph 7, of the Charter. The term "intervention" had a clearly defined meaning in international law, and he cited in that connexion the definitions given by Professors Charles Rousseau<sup>1</sup> and Hersch Lauterpacht<sup>2</sup>.

17. Furthermore, the inclusion of a question in the Assembly agenda did not prejudice the question of competence. That could be discussed in committee when the main facts of the case had been assembled and delegations were in a position to judge it on its merits. Rule 81 of the Assembly's rules of procedure, incidentally, gave priority to the question of competence.

18. Hence it was clear that the request for the inclusion of the Algerian question in the agenda was in accordance with the Charter of the United Nations and that the provisions of Article 2, paragraph 7, of the Charter did not apply.

19. The Egyptian delegation was therefore convinced that the Committee would recommend the inclusion of the question of Algeria in the agenda of the General Assembly.

20. Mr. AL-JAMALI (Iraq) recalled that his country was one of the 14 Member States requesting

the inclusion of item 60 in the agenda. The considerations underlying that request were mainly humanitarian ones. Somewhere in the world, human beings were suffering, and the countries of the world being now interdependent, none could ignore events going on elsewhere. That was why the 29 States represented at the Bandung Conference had been so moved by and concerned with the situation in Algeria.

21. Two world wars had been fought to free oppressed peoples. The right of peoples to self-determination had been solemnly recognized after both conflicts, and many peoples had won, or been granted, independence. The Algerian people, however, which likewise yearned for freedom, had had its hopes dashed to the ground. The promises made after the Second World War had not been kept, and the reforms announced by France had been only partial and had come too late. The situation had now become critical and the United Nations could not ignore it. Violence reigned in Algeria and there had been many victims. Severe repressive measures had been taken. Moreover, the French Government had had to direct to Algeria large armed forces withdrawn from the contingent which France had undertaken to supply to NATO — thereby weakening international security.

22. On the ground that Algeria formed three French departments and was an integral part of France, the French representative had invoked Article 2, paragraph 7, of the Charter in support of the contention that the question came solely within the domestic jurisdiction of France. It was surprising, however, that the French representative should invoke the authority of the Charter when his Government held the ideals it proclaimed in such low esteem.

23. As the Egyptian representative had rightly pointed out, Algeria had already existed as an independent State before being conquered by France, and had, incidentally, concluded treaties in that capacity with France and the United States of America.

24. The right of peoples to self-determination must be universally respected, and could not be denied to the Algerian people, which was as far advanced as the people of Tunisia or Morocco. The United Nations, as the conscience of mankind, had fundamental responsibilities in that field. It could not remain indifferent to the repressive measures taken against the Algerian people or to the massacres to which it was subjected. Personal slavery had been abolished; the enslavement of peoples must be abolished too.

25. In the question of Algeria three principles proclaimed by the United Nations were at stake: the right of peoples to self-determination, the maintenance of international security, threatened by the withdrawal of French forces from NATO, and the development of friendly relations among nations based on respect for equal rights of peoples. It was for the United Nations to see that those principles were observed.

26. The United States representative, at the previous meeting, had dwelt on the advantages of "quiet diplomacy". As far as the Algerian question was concerned, however, all the resources of diplomacy had been used in vain, and the States which viewed the fate of Algeria with concern had no alternative left but to bring the question before the United Nations. The General Assembly was perfectly competent to deal with the matter on the authority of Article 10 and Article 11, paragraph 2, of the Charter. The Algerian

<sup>1</sup> *Droit international public*, Paris, Recueil Sirey, 1953, p. 321.

<sup>2</sup> See *International Law and Human Rights*, London, Stevens and Sons, Ltd., 1950.

question was incontestably bound up with the maintenance of peace and security in Algeria, and accordingly with the preservation of international peace.

27. The Algerian people must decide its own fate. France must choose between violence and co-operation. If it proposed to follow the path of violence, the United Nations could not remain indifferent to the bloodshed which must result.

28. The Government of Iraq, in common with those of the 13 other States which had requested the question's inclusion in the agenda, hoped that the General Committee would unanimously accede to their request.

29. The CHAIRMAN reminded speakers that, under rule 40 of the Assembly's rules of procedure, the Committee could only consider the inclusion of questions in the agenda and could not discuss their substance. He hoped that the remaining speakers would adhere to that rule.

30. Mr. BROHI (Pakistan) pointed out that, while rule 40 of the rules of procedure provided that the General Committee should not discuss the substance of any item, it did nevertheless leave the Committee a certain latitude; and delegations were frequently obliged to quote facts in support of the legal arguments they put forward for or against the inclusion of a particular question in the General Assembly's agenda.

31. The legal argument put forward in regard to the question of Algeria was that in virtue of Article 2, paragraph 7, the question was outside the competence of the United Nations. If that argument were sound, clearly the United Nations could not examine the question, since no country challenged the provisions of the Charter. However, the Pakistan delegation would try to show that the provision in question could not be applied in the present instance.

32. Two arguments would help to clarify Pakistan's attitude in regard to the Algerian question. In the first place, Pakistan could not disregard the events which had taken place and which had been reported in the Press throughout the world. Secondly, Pakistan had obtained its independence in 1947, after undergoing the bitter experience of a colonial régime. It knew the meaning of colonial administration and the degradations it implied. That was why his country championed the cause of peoples under colonial régimes.

33. In his view the word "essentially", used in Article 2, paragraph 7, of the Charter, justified a more flexible interpretation of the text of that paragraph. Not all matters within the domestic jurisdiction of a State were ruled out, but only those "essentially" within that jurisdiction. The commentators who had studied the text had been unable to arrive at any definition of the term "domestic jurisdiction". It was an elementary principle of Anglo-Saxon jurisprudence that in the absence of a clearly defined rule, the practice became the law. Hence in the present instance, the precedents must be examined. They included General Assembly resolution 39 (I) concerning the fascist régime of Franco in Spain; the Security Council debates of 1948<sup>3</sup> concerning the violation of the political inde-

pendence of Czechoslovakia; and General Assembly resolution 44 (I) concerning the treatment of Indians in the Union of South Africa. If the concept of "domestic jurisdiction" were interpreted in the light of established practice and precedent, clearly Article 2, paragraph 7, did not apply to the Algerian question.

34. The French Government maintained that Algeria was neither a colony nor a protectorate; that the Algerian people enjoyed the same status as French citizens; and that Algeria formed an integral part of France. But that view was not shared by the Algerian people, which had clearly indicated that its status had been imposed on it without its consent. Moreover, whether France's allegations were correct or not, there was no denying that a dispute existed, and it was the General Assembly's duty to hear the parties to the dispute. Millions of people were subject to a régime they did not accept, and the dispute could at any moment become a threat to international peace and security. Possibly the question was within France's domestic jurisdiction, but certainly it was not "essentially" within that jurisdiction.

35. He quoted an article from *The New York Times* of 22 September 1955<sup>4</sup> which in his view gave a clear and accurate picture of the situation in Algeria. The article pointed out that since November, Algeria had been the scene of armed revolt and terrorist activity. According to the writer, as a result of the bitterness created by the disturbances, the extremists had the complicity of most of the Moslem population, and Moslem deputies had threatened to resign from both the Algerian and French Assemblies on the ground that they could no longer support, in the face of prevailing Moslem opinion in their Department, the idea of integration with France.

36. If the members of the General Committee viewed the actual situation in its proper perspective, they would have to admit that Article 2, paragraph 7, did not apply to the question of Algeria and would not hesitate to vote in favour of placing the Algerian question on the Assembly's agenda.

37. Sir Leslie MUNRO (New Zealand) suggested that, in view of the lateness of the hour and the number of speakers still remaining, the Committee might wish to consider adjourning the meeting.

38. The CHAIRMAN pointed out that the General Committee ought to finish its work as rapidly as possible. Hence the meeting might be adjourned, and the Committee might meet again at 8.30 p.m.

39. Mr. ALPHAND (France) proposed that the meeting should continue until the Committee had completed its agenda.

40. Mr. LODGE (United States of America) proposed that the meeting be suspended and resumed at 8.30 p.m.

*The United States proposal was adopted by 8 votes to none, with 5 abstentions.*

*The meeting was suspended at 6 p.m. and resumed at 8:50 p.m.*

41. Prince WAN WAITHAYAKON (Thailand) was anxious to assure the French delegation that in co-sponsoring the request for the inclusion of item 60 in the agenda of the tenth session, Thailand had no

<sup>3</sup> See *Official Records of the Security Council, Third Year*, 268th, 272nd, 273rd, 276th, 278th, 281st, 288th, 300th, 303rd and 305th meetings.

<sup>4</sup> Robert C. Doty, "Algeria: Core of Paris' Problem with North African Nationalism".

intention of making any kind of accusation against France, which it had always regarded as its good friend. It was indeed in that same friendly spirit that it had joined with the co-sponsoring delegations in the conviction that the question of Algeria was one that could not but benefit by discussion in the United Nations. Article 1, paragraph 4, of the Charter provided that one of the purposes of the United Nations was "to be a centre for harmonizing the actions of nations..."; Thailand therefore considered that when any matter of international concern arose it should be brought before the General Assembly for discussion in a spirit of mutual consultation and co-operation.

42. Another Purpose of the United Nations, laid down in paragraph 2 of the same Article, was "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples...". There was no doubt that the people of Algeria constituted a "people" in the sense of that Article.

43. As the explanatory memorandum (A/2924) pointed out, the request had been prompted by the unfortunate situation in Algeria, with its armed clashes and general unrest — a situation which was undoubtedly likely to endanger international peace and security and as such came clearly within the scope of Article 11, paragraph 2, and Article 14 of the Charter. The Thailand delegation had no intention of suggesting that France should submit the matter to the General Assembly for settlement; indeed, it was particularly careful to avoid any kind of recommendation that might constitute intervention in the domestic affairs of France. All it was urging was a discussion of the question by the General Assembly and there was nothing in that suggestion that ran counter to the provisions of Article 2, paragraph 7, of the Charter.

44. His delegation agreed with the legal interpretation that had been put forward by the Egyptian representative. He himself would not presume to argue the case legally but would close his statement by recalling the words of Mr. Cassin, who, speaking in the Third Committee at the third session of the General Assembly (92nd meeting), had declared that in the matter of human rights the competence of the United Nations was an established fact and that the provisions of Article 2, paragraph 7, could not be invoked against such competence, since by the adoption of the Universal Declaration of Human Rights the question of human rights had ceased to be a domestic matter and had become one of international concern.

45. Sir Pierson DIXON (United Kingdom) did not propose to follow the representatives of Egypt, Iraq, Pakistan and Thailand in the legal and other considerations that they had raised, for in his delegation's opinion there was one sole consideration that should determine the Committee's decision with regard to item 60: namely, the bearing of Article 2, paragraph 7, on its inclusion in the agenda.

46. The United Kingdom had always maintained that under Article 2, paragraph 7, the United Nations was precluded from intervening in the domestic affairs of any Member State and that the General Assembly had no right under the Charter to discuss any matter or adopt any resolution in that field.

47. Algeria had been part of metropolitan France since 1834. The question of Algeria was therefore

incontestably within the domestic jurisdiction of France and as such outside the competence of the General Assembly. The United Kingdom delegation would consequently vote against the inclusion of item 60 in the agenda.

48. Mr. MENON (India) reminded the Committee that, under rule 43 of the rules of procedure, his delegation was entitled to be present at and to participate at its discretion in the discussion of item 60. He would endeavour to abide by rule 40 and refrain from discussing the substance of the item.

49. The French representative, in his statement, had spoken of accuser and accused; but it was in no spirit of accusation and with no desire to condemn any country that his delegation had co-sponsored the proposal for the inclusion of the item in the agenda of the General Assembly. Its only intention had been to draw the attention of that body to a situation which deserved consideration, for it was likely to lead to a breach of peace in the area. After discussing the matter, the General Assembly could request both sides to settle their differences by peaceful negotiation and thus avoid further bloodshed. It would thereby truly fulfil one of the Purposes of the United Nations, that of harmonizing the actions of nations.

50. That the situation was indeed fraught with danger was obvious from the great concentration of troops in Algeria and the armed action that had already taken place there. His delegation was particularly concerned because the French Government was alleged to be using the resources of the North Atlantic Treaty Organization. If more than one country was involved, the danger that the conflict might spread, as had happened in Indo-China, was all the greater. The General Assembly had in the past included similar items in its agenda over the protests of some of the countries concerned, and its debates had paved the way to successful negotiations between the parties. It was in the hope of obtaining similar results that his delegation had co-sponsored the present item.

51. The main objection advanced against such inclusion had been that the General Assembly was precluded from considering the matter by Article 2, paragraph 7, of the Charter, because Algeria was part of metropolitan France, and France had full sovereignty over it. But according to the French Constitution itself, Algeria was not part of metropolitan France, since the Overseas Departments — of which Algeria formed part — and metropolitan France together formed the French Republic. Algeria was thus merely a part of the French Union — part of an empire acquired by force. The rights guaranteed to all Frenchmen by that same Constitution were not applied to the inhabitants of Algeria, who were not Frenchmen either in fact or in law. When France had conquered Algeria, the sovereignty which resided in the Algerian people had not been extinguished; it had merely become latent, and could be revived once again by just such a national movement as was now taking place. The Algerian people were seeking to exercise their right of self-determination, and if the United Nations were to decide that it could not deal with the matter, that right, consecrated in the preamble of the Charter — and in both domestic and international law the preamble of a statute was part of that statute — and in General Assembly resolution 637 (VII) would indeed become a dead letter, as the French representative

regrettably considered it to be. Worse still, violence would succeed violence in Algeria.

52. Thus, Article 2, paragraph 7, did not apply to the present case, because no intervention in matters essentially within the domestic jurisdiction of France would take place if the item were included in the General Assembly's agenda. First, as he had shown, France exercised authority, not jurisdiction, over Algeria; secondly, a debate by the General Assembly and a recommendation to both sides to come to a peaceful settlement did not constitute intervention, as would a punitive action.

53. The applicable provisions of the Charter were, rather, Article 2, paragraph 4, Article 11 and Article 14, which clearly established the competence of the General Assembly to deal with the item. The title of the item was merely "The question of Algeria"; it did not prejudice the issue, even as its inclusion would not in any way prejudice the results of the discussion.

54. For all those reasons, he urged the Committee to recommend the inclusion of the item in the agenda.

55. Mr. LODGE (United States of America) noted that, while a vote on the inscription of an item was without prejudice to the ultimate question of the Assembly's competence, certain factors had to be taken into account in the particular case of Algeria. Algeria, which under French law was administratively an integral part of the French Republic, was different from Morocco and Tunisia, which were French Protectorates.

56. In the explanatory memorandum (A/2924) submitted by Members proposing the inclusion of the Algerian question in the agenda, the statement was made that "there is an imperative need for negotiations between the Government of France and the true representatives of the Algerian people" and that Assembly consideration would facilitate a solution by making the need for negotiation evident. Reference was also made in the memorandum to the right of the people of Algeria to independence, as well as to the concern of the international community about a prompt solution of the Algerian problem, a concern to which the French Government was claimed to have failed to respond. Thus it was clear that the sponsors sought Assembly sanction of a course of action intended to bring about fundamental changes in the composition of the French Republic. The considered conclusion of the United States was, therefore, that the proposed item, viewed in the context of the proposed action, fell within the provisions of Article 2, paragraph 7, of the Charter, and the United States would vote against its inclusion in the agenda.

57. Mr. CHAUVET (Haiti) considered that the United Nations had acted wisely in allowing France and Tunisia to negotiate outstanding differences without applying any pressure on the parties concerned as a satisfactory solution had been reached. The favourable news about French efforts to reach an agreement between Moroccan party chiefs also gave ground for hope that the Moroccan question would soon be settled.

58. The case of Algeria was, however, different. Juridically speaking, the Algerian people were French citizens, exercising full civil rights, and any attempt on their part to claim self-government would be tantamount to rebellion. It was not for the United Nations to embark on a discussion of the merits of

integration or independence; that would only serve to inflame passions. He was confident that France would do its utmost, in the spirit of the United Nations Charter, to reach a settlement in Algeria as it had already done in Tunisia.

59. Sir Leslie MUNRO (New Zealand) felt that the legal arguments in the case were quite compelling. Political unrest in Algeria, which was a part of the metropolitan territory of France, was essentially a matter of domestic jurisdiction, and under Article 2, paragraph 7, the General Assembly was legally precluded from intervening in the question.

60. There were, moreover, sound practical reasons why the General Assembly should not take up the item. Some of the appeals for United Nations intervention in the past had been accompanied by outbreaks of local terrorism which appeared to have been deliberately timed in order to influence world opinion. If the Assembly were to yield to such pressure, it would be placing a premium on violence and would become involved in a campaign designed to detach part of the territory of a sovereign State. In other words, a precedent would be established for any secessionist minority to bring its grievances before the United Nations. That had certainly not been the intention of the authors of the Charter or the signatory States.

61. The situation throughout North Africa was still very delicate. A settlement had been reached in Tunisia and negotiations in Morocco were proceeding. It would be regrettable if an inflammatory discussion of the Algerian question were to jeopardize the progress that had already been made.

62. For those reasons he would vote against the inclusion of the item in the agenda.

63. Mr. KUZNETSOV (Union of Soviet Socialist Republics) pointed out that the Algerian question had been discussed at the Bandung Conference and that the 29 participating States had appealed in vain to France to bring about a peaceful settlement of the issue without delay. Events in Algeria were causing concern to neighbouring countries and, as in the case of Morocco, the United Nations should examine the question and promote a peaceful settlement, taking into consideration the rights of the parties concerned.

64. His delegation would vote for the inclusion of the item in the agenda.

65. Mr. HEYWOT (Ethiopia) said that North African problems were being brought before the United Nations with increasing frequency. While the question of Algeria was similar to that of Tunisia and Morocco from the point of view of self-determination, he doubted whether it was the same from the standpoint of international law. It would be unfortunate if United Nations intervention in the matter were to jeopardize the progress already made in the negotiations on North African problems, thereby aggravating the situation.

66. He would therefore abstain in the vote on the inclusion of the item in the agenda but reserved the right of his delegation to modify its position in the light of future developments.

67. Mr. DE GUIRINGAUD (France) observed that some representatives had failed to follow Mr. Alphand's example in adhering to rule 40 of the rules of procedure. The fact that the French delegation had not answered their arguments on the substance of the

question should not be taken to imply a recognition of their validity.

68. The CHAIRMAN requested a vote on the question of including item 60 in the agenda.

*The Committee decided, by 8 votes to 5, with 2 abstentions, not to recommend the inclusion of item 60 in the agenda.*

69. Mr. JOUBLANC RIVAS (Mexico) said that he had voted for the inclusion of the item in the agenda only in order to express his delegation's opinion that any Member of the United Nations could bring any dispute to the attention of the Security Council or of the General Assembly. His vote had not referred to the substance of the question and was without prejudice to his Government's position in the matter should it be discussed by the United Nations at a future date.

*Mr. Menon (India), Mr. Al-Jamali (Iraq) and Mr. Brohi (Pakistan) withdrew.*

#### ITEMS 61 AND 68

70. The CHAIRMAN recalled that the Committee had already agreed (102nd meeting) to recommend that items 61 and 68 should be discussed as parts (a) and (b) of a single item.

#### ITEM 62

*The Committee decided to defer a decision on item 62 in accordance with the desire of the interested parties.*

#### ITEM 63

71. The CHAIRMAN observed that the Committee had already agreed (102nd meeting) to recommend that item 63 should be combined with item 18.

#### ITEM 64

*The Committee decided to recommend the inclusion in the agenda of item 64, noting the abstentions of the Polish and USSR representatives.*

#### ITEMS 65 TO 67

*The Committee decided to recommend the inclusion in the agenda of items 65 to 67.*

#### ALLOCATION OF ITEMS TO COMMITTEES

72. The SECRETARY-GENERAL, referring to the eighteenth item proposed for the agenda of the Fifth Committee (agenda item 54), recalled that at the ninth session the Fifth Committee, at its 457th meeting, had approved a proposal requesting the Secretary-General and the Advisory Committee to examine the question in the light of experience acquired since 1950 and to report to the General Assembly. The item had therefore been placed on the Fifth Committee's agenda. However he assumed that at an appropriate stage it would be referred to the Sixth Committee, which could advise on the legal aspects of the question and draft any necessary amendments to the regulations.

*The Committee decided, subject to the decisions it had taken on the agenda, to recommend the allocation of items to Committees as proposed in the memorandum by the Secretary-General (A/BUR/141).*

The meeting rose at 10:10 p.m.