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Chairman: Mr. Djalal ABDUH (Iran).

AGENDA ITEM 59

The question of Algeria (A/3617 and Add.1) (continued)

1. Mr. NAJIB-ULLAH (Afghanistan) said his delegation had no doubt that the Algerian movement was a spontaneous nationalist movement which sought to restore Algeria's independence after 127 years of foreign domination and was in keeping with the characteristics of the twentieth century.

2. His delegation was aware of the problems confronting France. It was not easy for a country to renounce its prerogatives and, in the case in point, it should be borne in mind that there were numerous French settlers in Algeria who had contributed to the country's material advancement and who enjoyed a privileged position. Those settlers exerted a formidable influence on France's policy. Although it recognized those difficulties, his delegation was not convinced that the Algerian people should be expected to forgo forever its right to liberty and equality. It was possible to find a fair compromise between the legitimate interests of the two parties. It was easy to conceive of the existence of a free and sovereign Algeria associated with France in a union or partnership such as that prevailing in the case of the former British possessions. The population which was of French or non-Moslem origin could have the same rights and duties as their Arab or Berber compatriots. They might even keep their French nationality and continue to live in Algeria as nationals of a friendly and associated State.

3. His delegation fully realized that Algeria could not attain independence overnight. It likewise realized that until calm was restored it would not be possible to hold elections on the basis of universal suffrage under international observation, for only in that way would the people be able to express its will. At the same time, if France did not recognize ultimate Algerian independence, those fighting for the country's freedom could not be expected to surrender. France was naturally entitled to insist that independence should not be granted until after negotiations between itself and the representatives of the Algerian people, including representatives of all the elements of the population. There were numerous recent precedents in the annals of the British Empire. Algeria, for instance, was far more homogeneous than Malaya and all that was needed was that the rights and legitimate interests of the non-Moslem population should be guaranteed on a footing of complete equality with the Moslem population.

4. He would not reiterate what had been said about the deplorable state of affairs in Algeria. His delegation was convinced, however, that if France recognized in principle the right of the Algerian people to self-determination and accepted the offer of good offices by the King of Morocco and the President of Tunisia it would be taking a great step towards the solution of the problem. Those were the only measures capable of leading to an armistice which would enable free elections to be held and later negotiations to be conducted for the purpose of determining the relationship of Algeria with France within the French Union. The existence of a free Algeria within the French Union would be a guarantee of peace and stability in the Mediterranean region and would be conducive to friendly relations between Western Europe and the Arab world. On the other hand, if the present tragic situation was allowed to continue, it would produce regrettable political and psychological repercussions on the whole Arab world, in addition to the human and economic disasters suffered by both sides.

5. He said that he had asked to speak, not as the representative of a Moslem State which had centuries-old bonds with the Arab countries nor as the spokesman of a people which had always fought to preserve its independence, but as the friend of a country which had been one of the first to defend human rights and the freedom of peoples. Afghanistan, like other countries of the East, owed much to French culture and civilization. It was linked to France by bonds of friendship and co-operation and it was grateful for the technical and cultural assistance it had received from France, which had played a preponderant role in its advancement. It was in that spirit and with full confidence in the generosity of the people which had always been the greatest champion of freedom that his delegation asserted the rights of Algeria.

6. Mr. OSMAN (Sudan) noted that the French Government, basing its case on the classical argument that Algeria was an integral part of metropolitan France and on Article 2, paragraph 7, of the Charter of the United Nations, refused to recognize the competence of the Organization to debate the Algerian question. It was by such reasoning that the colonial countries had maintained their prerogatives and had long succeeded in imparting to the peoples under their domination a sense of frustration and dependence which had hampered the liberation movements of the latter. But with the rise of nationalism in various parts of the world, and particularly in Africa, a new spirit had appeared and the peoples of the world were making a more conscious effort to discover their identity as members of the international community. It should be remembered that France and Algeria were separated by the Mediterranean and that the history, social and economic evolution, and the cares and aspirations of the French and Algerian peoples had nothing in common.

7. By mentioning those facts he was not, he said, attempting to widen the gap between the two peoples, but rather to show that the Algerian people were waging a struggle not so much against the French people but, like all colonial and semi-colonial peoples, to break out of the prison house of alien languages and cultures which Europe had imposed. Whether a liberation movement took a violent or non-violent turn depended upon the circumstances and on the attitude of the colonial Powers and world opinion.

8. France's occupation of Algeria had occurred in comparatively recent times and it was only as a result of the military occupation that the fiction of Algeria as part of France had taken shape. The Algerian people had never recognized the sovereignty of France over their country. Quoting from the preamble of the French Constitution he pointed out that its provisions were not entirely accurate when applied to Algeria. He did not question the noble sentiments by which the authors of the preamble had been guided. The French people had been the architects of many declarations which had an honoured place in modern society and were enshrined in the hearts of all. Nevertheless, the preamble constituted a unilateral declaration and the will of the peoples of the overseas territories had never been taken into account.

9. He did not wish to argue that men of different race, religion and even language could not live in one and the same society. There were many examples showing that such experiments had been very successful, but in the case of Algeria, one vital element was missing: the Algerian people's desire to enter into such an association with France. A comparison with the Statute of Westminster of 1931 was out of place, for the Statute regulated relations in a Commonwealth of Nations based on complete equality and it recognized the right of secession.

10. From the start, France had flouted the wishes of the Algerian people. Algerians had been dispossessed in favour of French settlers and the education provided for Algerians had been limited in every respect. It was true that, to meet the discontent voiced by the Algerian people, the French Government had attempted some reforms, encouraging self-government in certain areas and establishing an Algerian Assembly with powers to vote the budget and to adopt certain legislation. Seats had been allocated to some Algerians in both the National Assembly and in the Council of the Republic. It was only fair to mention that there were plans to increase Algerian participation in local government and to effect agricultural reforms.

11. He did not wish to assert that the French Government was not genuinely seeking a solution of the Algerian question. Like its predecessors, however, it was encountering all kinds of difficulties. In Algeria itself, the French settlers were voicing fears and apprehensions, which made a settlement more difficult. The tragedy was that such fears and apprehensions were the consequences of the policies carried out by French Governments in the past and no longer acceptable to the Algerians, who insisted that the French Government should recognize their right to independence.

12. In his delegation's opinion there was still time to solve the Algerian problem in accordance with the principles of equity and justice, with due regard for the legitimate interests of the parties concerned. The era of colonial ascendancy, however, was drawing to

an end, and the unnecessary suffering and hardship would not end until that fact was universally admitted. The twenty-nine States represented at the African-Asian Conference, held at Bandung in 1955, had affirmed the right of the Algerian people to self-determination and had appealed to France to settle the Algerian problem without delay. No one could deny that France had legitimate interests to protect, and there was no doubt that the two parties would benefit from a new association based on freedom, equality and mutual trust.

13. His delegation merely wished to be helpful in the search for a solution. So grave a situation could not be approached with an attitude of indifference or passivity. Once they had recovered their freedom, the Algerian people would work for the consolidation of peace in the region involved, at a time when all nations, large or small, should learn to live in peace with one another. It was to be hoped that the French Government, in a spirit of co-operation and accommodation, would make a supreme effort to put an end to the grave situation; in so doing it would promote a relaxation of international tension and strengthen the United Nations.

14. Mr. MAGHERU (Romania) said that unfortunately resolution 1012 (XI), by which the General Assembly had expressed the concern felt by all nations at the situation in Algeria, had not produced the expected results and that war, with its trail of misery, continued to rage in Algeria. It was therefore more than ever the duty of the United Nations to help to create conditions which would make it possible to solve the Algerian problem by peaceful means, in accordance with the Charter and with due regard for the Algerian people's right to self-determination and for the interests of France in Algeria.

15. The General Assembly should not forget that the Algerian war was not an isolated action carried out by some men with foreign support, on the contrary, it formed part of the vast movement of popular liberation. The struggle being waged by subject peoples to recover their independence was but the continuation of a process which had begun long before France had conquered Algeria. In the twentieth century the struggle for independence had not only assumed unprecedented dimensions, but had been successful in the case of many peoples. The Charter expressly proclaimed the right of peoples to self-determination, and it was the duty of the United Nations to protect that right. No force in the world could perpetuate the domination of one people by another when the subject people had developed a national consciousness.

16. The Algerian people's fight was a fight for the national liberation of a people which had long had its distinctive historical identity and which, despite 127 years of occupation, had never submitted to domination. It was hardly necessary to repeat that the Algerian population was separated from the population of European origin by differences which had certainly fostered the development of national consciousness and played a decisive role in the Algerian people's struggle. Even Mr. Max Lejeune, French Minister for the Sahara, had admitted that the fundamental causes of the rebellion were poverty and hardship. Not just a small number of rebels, but the entire Algerian people were concerned in the struggle for freedom, as was proved by the size of the French

forces engaged in Algeria and the growing number of casualties on both sides. It was therefore unrealistic to say that the Algerian war was instigated from abroad and to deny the Algerian people's right to self-determination.

17. There was another aspect of the situation to which his delegation wished to draw the Committee's attention: that the Algerian situation represented a threat to international peace and security. Algeria's natural wealth and geographical and strategic situation constituted an attraction for certain Powers which were trying to exploit the situation in order to obtain a predominant position in the territory. That fact was bound to be detrimental to the interests of both France and Algeria.

18. Since the eleventh session of the Assembly, events had justified his delegation's fears, in that plans for the satisfaction of certain economic and strategic interests quite foreign to the interests of France and Algeria had been prepared. It was common knowledge that foreign companies had invaded the Algerian economy with the object of working the petroleum and other resources of the Sahara. It was that wealth also which explained the plans for extending the European Common Market and creating a Eurafrikan common market. Such Eurafrikan economic activities would certainly be directed from outside the African continent. The Powers members of the North Atlantic Treaty Organization (NATO), too, were pursuing strategic interests in the region. Those facts were sufficient proof that the Algerian situation was dangerous, not only to the French and Algerian peoples, but to the peace of Europe and the world.

19. To deal with so complex a problem, France resorted to the loi-cadre (basic law), which actually linked Algeria even more closely to France from the legal point of view and divided the territory administratively and politically. In so doing, France was preparing for the partition of Algeria into several territories and so creating a fresh political, legal and administrative hindrance to a solution and fanning strife rather than ending it.

20. His delegation was convinced that France, whose liberal traditions were universally recognized and whose interests in Algeria no one denied, would find a just and peaceful solution in the spirit of General Assembly resolution 1012 (XI) and that it would put an end to the sufferings caused to both parties by the Algerian war. His delegation would support any action designed to promote such a solution.

21. Mr. DRAGO (Argentina) said that the question of Algeria, which was on the Assembly's agenda for the second time in less than nine months, was complex and difficult and should be considered objectively and dispassionately. The current debate had disclosed the confusion existing in the minds of some speakers. It was not for the First Committee to decide on the lawfulness or unlawfulness of a movement of emancipation, however potent. Independence was not something to be discussed in international assemblies; it was won on the battlefields or secured through negotiations with the State competent to recognize it.

22. No recommendation from the First Committee or the General Assembly could change the nature of what was basically an internal affair of a Member State and therefore outside the jurisdiction of the

United Nations, in accordance with Article 2, paragraph 7, of the Charter.

23. Those upholding the contrary view argued from the principle of the self-determination of peoples, which was set forth in a different context in Article 1, paragraph 2, of the Charter. By lifting that phrase out of its context, they had distorted its content and were possibly misleading people about its scope.

24. He said that the word "peoples" as used in Article 1, paragraph 2, of the Charter was synonymous, in that text, with "States" and referred to the Governments of established States. In support of his view, he quoted from the writings of Professor Hans Kelsen, the world-renowned jurist, who said that only States had equal rights according to general international law, and that, if the term "peoples" in the paragraph in question meant the same as the term "nations" in the preamble, the expression "self-determination of peoples" could only mean "sovereignty" of the States^{1/}.

25. Therefore the "self-determination of peoples" mentioned in Article 1, paragraph 2, of the Charter was the freedom of sovereign peoples to choose their own Government. There would be no sense in that provision of the Charter if it made the development of friendly relations between nations dependent on the right to self-determination, in the abstract, of communities or peoples which had not signed the Charter.

26. Proceeding, he quoted from the commentary of Goodrich and Hambro^{2/} on Article 1, paragraph 2. Those authors said that apparently the delegations gathered at San Francisco had not intended that the expression "the self-determination of peoples" should serve as an incitement to the populations of Non-Self-Governing Territories to demand their immediate independence nor to the members of a federal State to exercise their right of secession. That view, they continued, was borne out by the terms of Article 2, paragraph 7, and of Chapters XI, XII and XIII relating to Trust and Non-Self-Governing Territories.

27. Accordingly, so far as the competence of the Assembly was concerned, the discussion of the question of Algeria was based on a misunderstanding. Under Article 2, paragraph 7, of the Charter, France could have opposed the debate. In fact, however, it had twice within less than one year agreed to a debate and each time Mr. Pineau, the Minister for Foreign Affairs, and other representatives had explained the French position and analysed all aspects of the Algerian problem.

28. Since 15 February 1957, the date on which the General Assembly had adopted resolution 1012 (XI), the French Government had not been idle. It had submitted to the French Parliament a draft loi-cadre which had been discussed at length by both Houses of Parliament and recently adopted, after a long cabinet crisis brought on by the Algerian question. In the opinion of the group of Arab States, the principal flaw in that law was in its article 1, which declared Algeria an integral part of France. It could not have been

^{1/} Hans Kelsen, The Law of the United Nations (New York, Frederick A. Praeger, Inc., 1950), pp. 51-52.

^{2/} Leland M. Goodrich and Edvard Hambro, Charter of the United Nations: Commentary and Documents, 2nd ed., (Boston, World Peace Foundation, 1949).

otherwise, or the French Parliament would not have been competent to legislate on Algeria.

29. Furthermore, article 1 of the loi-cadre expressed the unanimous feeling of the French people with regard to Algeria. France undeniably had some right to consider its own creation as belonging to France; for Algeria was a French creation, born of the efforts of nearly 130 years. From a vast land virtually uninhabited in 1830, France had created a rich and prosperous agricultural nation, where more than a million Europeans were living side by side with the indigenous population. No one, not even those attacking France most violently, could deny or minimize its civilizing activity in North Africa.

30. It would be unjust to condemn the loi-cadre before it entered into force. If, as the Assembly had requested, a just solution of the Algerian imbroglio were to be achieved, the Assembly must begin by being just. It would not be just if, through impatience, it did not allow enough time for the maturing of rational solutions giving equal protection to the legitimate interests involved.

31. Believing that the First Committee and the General Assembly had every reason to reiterate their confidence in France, his delegation would vote for confirmation of resolution 1012 (XI) or for any similar text.

32. Mr. NINCIC (Yugoslavia) said that the three years of war in Algeria had clearly demonstrated the pointlessness of seeking to stem the tide of history or of trying to quell a nation's struggle for freedom by force of arms. That policy was not only contrary to the United Nations Charter but was also unrealistic and must inevitably lead to deadlock. By trying to solve the problem by force of arms, France was making it increasingly difficult to establish conditions in which a lasting solution could be found, quite apart from the harm done to its own prestige and the international repercussions to which the protraction of hostilities might give rise.

33. The only possible solution was negotiation with the representatives of the Algerian people on the basis of recognition of Algeria's national aspirations. It was hard to see how a cease-fire could be unconditional. Such a proviso would in fact subordinate the cease-fire to conditions unacceptable to one of the parties, and would affect the military and hence the political conditions of a settlement.

34. France was prepared to discuss a political solution to the conflict only with spokesman of the other side chosen as a result of elections. It was, however, not the first time that the leaders of a vast popular movement like that in Algeria, which had pinned down more than half a million French troops, had been empowered to speak on behalf of a population which had given those leaders its confidence by fighting under their leadership for the cause they upheld. It appeared that the French Government was alone in still doubting whether such representatives were valid spokesmen.

35. Negotiations should be based on recognition of the legitimate national aspirations of the Algerian people and their right to shape their own destiny. There was no reason why the people of Algeria should not be treated in the same way as the many other

nations that had achieved sovereignty since the end of the Second World War. The complexities of the problem did not provide an excuse for depriving the Algerian people of their fundamental rights. It should moreover be clear that the Algerian people could not be expected to lay down their arms before they had been offered adequate guarantees that their national aspirations would be met.

36. The political structure for which the loi-cadre provided was as anachronistic as all the policies that France had been pursuing with regard to Algeria. It was true that the legitimate interests of France should be recognized. That had never been denied. However, experience had shown that they would be most effectively safeguarded by a friendly settlement.

37. All those who were aware of the perils inherent in the Algerian situation should welcome the offer of good offices made by the King of Morocco and the President of Tunisia. It was to be hoped that France would reconsider the stand it had taken in the matter. The Yugoslav delegation expressed the hope that any proposal likely to hasten the solution of so grave a problem would be supported by a large majority.

38. Mr. GLEBKO (Byelorussian Soviet Socialist Republic) said that the world was passing through a historic epoch: that of the complete collapse of the colonial system. France was still trying to keep Algeria in the status of a colony. It considered Algeria to be an integral part of French territory and could thus take refuge behind Article 2, paragraph 7, of the Charter to deny the Assembly's competence to discuss the matter.

39. The French position in Algeria had been acquired by force. Since the earliest French expeditions into the territory, the Algerian people had never ceased to struggle for their independence. It could not be maintained that the Algerian war was a domestic affair, as that war had always been a struggle between two countries one of which had never accepted the transfer of its sovereignty to the other. The United Nations had not only the right but also the obligation to study the problem and to make recommendations, particularly in view of the fact that the situation threatened international security.

40. The misery and poverty of the Algerian people were well known. The means of production, the best lands, the mines, the banks, the transport systems and industrial undertakings were in the hands of the French. Before the French occupation, Algeria had had 2,000 primary, secondary and higher schools for a population of 2.2 million. Today, more than 1 million Moslem children did not attend school. Outside the large towns there was one doctor to every ten, twenty, thirty and even eighty thousand people. Such were the results of the colonial exploitation of the territory.

41. The Minister of Foreign Affairs of France had attempted to convince the Committee that the measures recently taken by his country represented real progress towards a solution of the problem. However, the loi-cadre was based on the erroneous idea that Algeria was an integral part of France. In addition, the French Government had drafted the loi-cadre without the participation of Algerian representatives. The supposed equality resulting from the establishment of a single electoral college was a pure fiction. In the Councils of the Communities, Europeans would

have the same number of seats as the indigenous inhabitants. The division of Algeria into semi-autonomous territories would be carried out in such a way that the European community would continue to enjoy all its present powers. The Councils of the Communities would have the right to prevent legislation enacted by the Territorial Assemblies from being carried into effect, thus exercising what was tantamount to the right of veto.

42. The loi-cadre was far from being an advance. Mr. Mendès-France, a former Prime Minister of France, had said that the 1947 Statute had given more scope for the political development of Algeria. The only aim of the loi-cadre was to deceive public opinion in Algeria and throughout the world, so that France could maintain its colonial domination. The Algerian patriots had rejected it.

43. France's attitude remained unchanged. It persisted in refusing independence and in imposing meagre reforms, still adhering to its threefold formula, which was unacceptable to the Algerian people. To give up the struggle without obtaining independence would amount to capitulation. The forthcoming elections would take place under pressure from the French authorities, while French troops would continue to occupy the country. Finally, what chance of success would the negotiations have if military operations had come to an end, if the political structure of the country had already been determined and if it had been decided in advance that Algeria would remain attached to France? There was no guarantee that the claims of the Algerian people would be met at a later stage.

44. In the meantime France was sending increasing numbers of occupation troops to Algeria, and the war was becoming progressively more serious. Only those who wished to continue to exploit the riches of Algeria or who intended to turn the country into a military base, as did the member countries of NATO, had an interest in maintaining France in Algeria by force. The French people, for its part, had nothing to gain.

45. The members of NATO were granting France economic, military and political aid in order to keep North Africa in their possession. The Algerian question was therefore international in character.

46. France should examine the constructive proposals submitted to it by the representatives of the Algerian people. A peaceful settlement of the question and the granting of independence to Algeria would serve the best interest not only of the Algerian but also of the French people.

47. Mr. MATSUDAIRA (Japan) said that the moderate tone adopted by the various speakers was particularly welcome, as in such troubled times any display of moderation proved courage. His Government's position had been set forth at the 680th plenary meeting by Mr. Fujiyama, the Japanese Minister of Foreign Affairs. Mr. Fujiyama had expressed Japan's deep sympathy with the hopes and aspirations of the peoples of Asia and Africa which were striving to become independent; he had also stressed the importance of the principle of self-determination and of respect for the aspirations of peoples. Mr. Fujiyama had said that specific formulas for settlement had to be studied in the light of historical background and local conditions for each people separately; he had added that peoples

in the process of attaining independence should desist from narrow-mindedness and arbitrary actions and work for their political, economic and social progress in a spirit of tolerance and trust.

48. With a question as complex as the Algerian question, precipitate actions might only provoke violence and leave a bitter aftermath. The solution of the problem required much prudence, tolerance and patience, as well as a sense of reality and proportion. It would be intolerable, however, to permit continued bloodshed. The end did not justify the means. Every possibility of putting an end to the sufferings of innocent Algerian citizens had to be explored. Consequently, the offer of the good offices of the King of Morocco and the President of Tunisia deserved consideration, if only because it might facilitate talks on a cease-fire.

49. The events that had taken place since the eleventh session were admittedly disappointing. Nevertheless, the loi-cadre had introduced a new element. The Japanese delegation did not feel entitled to discuss a domestic statute, especially when it was an organic law. He would, however, like to know how the rights of citizens—including those who had taken part in the fighting—would be guaranteed after the cessation of hostilities, how soon the elections would take place and how the representative of Algeria would be empowered to negotiate with France on the future status of their country, including the loi-cadre. The Japanese delegation hoped that the loi-cadre would be applied in a liberal spirit and that confidence in the future could be restored.

50. The General Assembly's duty was to agree on the text of a resolution. In trying to do so, it should never forget that, above the interests of the parties and above personal sympathies, there was the supreme interest of world peace based on public opinion and on the ideals and purposes of the United Nations Charter.

51. Mr. SASTROAMIDJOJO (Indonesia) said that the Committee was once again dealing with the problem of the freedom of a people struggling to establish the essential conditions for human dignity and democracy. Lives were being sacrificed in Algeria, not over the legal question of domestic jurisdiction of States or over the political fiction of Algeria's integration with France, but over the choice between freedom and slavery.

52. The assertion that colonialism was dead was refuted by the situation in Algeria and West Irian. Colonialism, although under an irrevocable sentence of extinction, was still alive; and there were still those—the colonial Powers and their supporters—who were trying to adduce legal arguments in order to delay the execution of that sentence. In the past, colonial struggles had been more or less isolated affairs which had not involved the international community. That was no longer true today. At least from the moral point of view, the Algerian question affected all the Members of the United Nations, for they had undertaken to uphold the principles and purposes of the Charter.

53. The Minister of Foreign Affairs of France had presented his Government's case (913th meeting) with eloquence and considerable legal skill. But dying colonialism could not, by its very nature, produce any new arguments to justify its existence and had to rely on old arguments in speaking to a changing world.

54. For instance, despite the General Assembly resolution 1012 (XI), the Committee had again heard the contention that the Assembly was not competent to deal with the Algerian question. The same argument, based on Article 2, paragraph 7, of the Charter, had already been advanced in connexion with Morocco and Tunisia.

55. The Indonesian delegation could not accept the contention that Algeria was an integral part of France because, apart from the unilateral character of that contention, its acceptance would open the way for every colonial Power to assert that its colonies had been integrated into the metropolitan State and then to proclaim that colonialism was dead.

56. As the representatives of Syria and Saudi Arabia had proved, Algeria had been a sovereign State until 1830. Despite the oppression which it had suffered since that date, the Algerian people had never lost its national characteristics and sentiments. Today, it was demanding the restoration of its freedom and of the rights of which it had been so unhappily deprived. Consequently, the problem before the General Assembly was thus not that of devising a special status for Algeria, but of deciding how that country's freedom should be restored by the peaceful means prescribed in the United Nations Charter.

57. After three years of fighting, the French army in Algeria, although incredibly large and assisted by the colonial administration and the French colons, had failed to break the will of the Algerian people. The French representative nevertheless still asserted that only a minority of Algerians was fighting for freedom in Algeria. That attitude was dangerous for the French Government itself, which was indulging in wishful thinking. Despite its inferiority in men and weapons and the dissension which might naturally arise within its ranks—since some discord was characteristic of every revolutionary movement—the Algerian national liberation movement, although without aircraft, naval forces, tanks or heavy weapons, could not be suppressed by a powerful modern army. The reason was that the Algerian people had one advantage over the French that made it invincible: the will to be free and to obtain recognition of its free national existence. Against that, no force could prevail.

58. The representative of Tunisia had described the war in Algeria as "absurd" (914th meeting); but it was also a tragedy destructive of human life, material goods and human relations. There was some consolation in the fact that a considerable part of the French people realized that French policy in Algeria was hopeless and morally indefensible. That was to be expected from a people which had forever enriched the world with the ideal of liberty, equality and fraternity. Unfortunately, the French Parliament, with its present composition, was unable to express the outlook of the French people. After having struggled desperately for several months, it could produce nothing better than a reform law which was so imbued with colonialism as to be totally unacceptable to the Algerian people. In fact, according to The New York Times of 30 November 1957, the majority vote on that law had only been obtained as a result of the large number of abstentions and absences, and the majority which had passed it constituted less than half the total membership of the National Assembly.

59. The reform measures which had been enacted

were designed to gloss over continued colonial rule in Algeria. Under the first measure, Algeria would be divided into six or seven autonomous regions, in which control over local affairs would be exercised jointly by the Algerian people and the French colonists, under the sovereignty of France. The maintenance of French sovereignty meant, of course, that the Algerian people would have no say on such decisive matters as foreign affairs, defence and finance. The second measure was a desperate attempt to re-establish voting equality between Algerians and Europeans in the election of regional legislative bodies. The French thus made it abundantly clear that up to the present they had not recognized the Algerians as equals, but had treated them as a colonized people. But in spite of their purported gesture, the French could not bring themselves to grant real equality to the Algerian people, since they contemplated a second chamber in which the 1.2 million Europeans would be granted the same representation as the 9 million Algerians; that chamber would have the power to suspend the application of legislation enacted by the regional bodies for a certain period of time. In fact, the majority was made subject to the will of the minority under the protection of French sovereignty. The aim was to ensure that the European minority continued to wield the vestiges of colonial power, which France was obviously determined to retain in Algeria. No wonder the representative of Tunisia had informed the Committee that those measures of reform could only further aggravate the situation in Algeria. They provided another example of the old French mistake of giving too little too late.

60. The Indonesian delegation had found it incredible that the representative of France should refer to the danger of indiscriminately invoking the right of peoples to self-determination. It would seem that in one case it was valid to apply the principle of self-determination in order to maintain the artificial fragmentation of a national entity, while in another case the application of that principle was being refused on the unfounded ground that it would result in the fragmentation of an existing national entity. Thus, according to the circumstances, a people was either too far advanced or not sufficiently advanced for the application of the right of self-determination. All such assertions were absurd. They were merely a cover for the determination of the colonial Powers to withhold freedom from dependent peoples. Freedom, however, could no longer be denied.

61. The Indonesian delegation urged the great French nation to join with the Algerian people in its inevitable march towards independence, which was, moreover, in the best interests of France. The war in Algeria was exhausting France and weakening its position as a leading Power in Europe and in the Atlantic community.

62. For all those reasons, the United Nations should support the commendable moves of the Governments of Morocco and Tunisia in offering their good offices. The General Assembly could recommend the procedure followed in the case of Indonesia. If negotiations took place, it was to be hoped that a new and peaceful relationship would be established between France and Algeria. The sooner those negotiations took place, the sooner a cease-fire could be arranged to put an end to the war in Algeria. But it should be clear to everyone that no genuine national movement would cease its struggle and sacrifices until it had achieved its aim of independence.

63. Mr. NAJAR (Israel) expressed his country's sincere and profound interest in peace and the consolidation of the Mediterranean world, as also in the well-being and prosperity and the satisfaction of the legitimate aspirations of all the peoples of that region, to which his country belonged. Israel fervently hoped that the sufferings and tribulations of Algeria would soon come to an end and that peace, democracy and justice might constitute the foundation of new-found harmony and tranquillity.

64. The Algerian problem came before the General Assembly at a particular political and international level which made it distinct from all other questions hitherto discussed by the Assembly. It lay within a territorial framework and a human setting over which there extended the exclusive sovereignty of the French State. For more than a century Algerian territory had been legally part of French territory. That territorial status had been internationally recognized throughout the years; it was an integral part of the law of the United Nations. Nevertheless, certain Powers were again asking the United Nations to take up a position in favour of the detachment of that territory, i.e., its secession. The Members of the Assembly were being asked to reduce the sphere of French sovereignty by outside action. The United Nations Charter—the only treaty under which the various delegations were gathered together—precluded the Assembly from moving towards any settlement of the Algerian problem that did not embody full respect for the French Constitution.

65. It was true that the evolution of the Assembly had gradually led its Members to give a broader interpretation to Article 2, paragraph 7, of the Charter, which the Israel delegation prided itself upon having advocated. Nevertheless a rigorous distinction was still required between the discussion of a problem by the United Nations and United Nations intervention within the sphere of national sovereignty. It was by drawing that distinction that the present debate had been made compatible with the provisions of the Charter. The French Government had had an opportunity to acquaint itself at first hand with the opinion of the most diverse nations, whether friendly or unfriendly. That, in the opinion of the Israel delegation, represented the extreme limit of the Assembly's powers.

66. Some speakers had contended that the fact that the territory of Algeria was legally part of French territory should be regarded as a mere juridical fiction. From a general point of view, the application of the term "juridical fiction" to the recognized constitutional structures of Member States would set a precedent within the United Nations which would be at once original and very serious. What would be left of the sovereign equality of Member States or of their territorial integrity—those two foundation-stones of the United Nations—if it were sufficient for a majority of Members of the Assembly to decide to contest or attack them post factum? To say that the bond between Algeria and France was a legal fiction was an extremist point of view which utterly ignored the most touching and human aspects of the Algerian problem. Century-old bonds; the establishment of hundreds of thousands of French families in Algeria, generation after generation, and of nearly 300,000 Moslem Algerians in France; the blood shed together on so many battlefields; the creation, thanks to unprecedented technical and financial efforts, of a great economic

structure in Algeria; a first-rate education and health programme: was all that a mere legal fiction?

67. The Algerian Moslems were themselves divided on the problem under discussion: in Algeria, as in France itself, thousands of Moslems had met their death at Moslem hands. As for the non-Moslems, it was obvious that articles in French newspapers and statements by prominent Frenchmen had supplied many speakers with the greater part of their arguments against the policy of the French Government. For instance, the criticisms of the loi-cadre which had been heard in the First Committee reproduced, almost verbatim, the views of the opposition in the French Parliament. The drama of the Algerian problem lay precisely in the fact that it was truly part of a complex whole affecting all classes of French society in the broadest sense of the term, without distinction as to origin or religion.

68. What the General Assembly could do was to express the heartfelt wish that concord might be restored in a peaceful, democratic and just manner. Diplomatic channels remained open to the States most directly concerned, whose action would, incidentally, be more effective if it were not attended by the publicity of United Nations debates. The United Nations could not, however, decide on any measure which would mean any sort of intervention in French affairs, for France would be entitled to invoke the Charter against any initiative of the kind.

69. Now, as at the eleventh session, the Israel delegation found it hard to understand the opposition in some quarters to the French offer of a cease-fire to be followed by elections and negotiations, an offer entirely within United Nations traditions. If that offer had been accepted at the time, the present situation would have been radically different and a peaceful, democratic and just solution of the Algerian problem might perhaps have been achieved already.

70. The French Minister of Foreign Affairs had renewed that offer in his address at the 913th meeting. Thus there was a fresh opportunity for peace and to reject it would be to incur a grave responsibility.

71. The French offer of a cease-fire had been answered by political and military action nourished by the hope—encouraged by various quarters—that France would be induced to renounce its sovereignty over Algeria of its own accord. That was not the meaning of resolution 1012 (XI). The political and military events in France and Algeria, however, had not borne out those calculations. The reverse had happened, as those who lived in Algeria knew and as the investiture address made by the French Prime Minister on 5 November 1957 had shown.

72. He went on to recall Mr. Pineau's statements regarding the nomination of legitimate representatives of the Algerian people by popular will and without constraint. Some speakers had regarded those words as a sort of violation of democratic traditions. But would it really be democratic for a majority of the General Assembly to take decisions on Algeria, rather than a majority in Algeria itself, with possibly different views? Would it be an advantage for the democratic future of Algeria if the legitimate representatives of the people of Algeria were appointed by a vote of the General Assembly instead of being chosen through free elections held in Algeria? Had it been

forgotten that the right of peoples to self-determination derived from the individualistic philosophies and democratic ideas which had had their inception in Europe and America starting in the eighteenth century? It was not possible to invoke that right and the principles of the French Revolution or those of the Charter and in the same breath to oppose the principle of democratic elections.

73. The elections called for by France would be based on a single electoral college. That was a step of immense sociological and historical significance, which deserved the attention and support of all those who attached due importance to the establishment of fraternal relations between Europeans and Africans, irrespective of race and religion.

74. The Israel delegation was only trying to restore a sense of proportion to the present debate. The Assembly's objective could not be to foster antagonism and rigidity where words of wisdom and commonsense might lead to the fulfilment of the Assembly's wish that peace and brotherhood should be restored to Algeria within a democratic framework. Impatient action by the Assembly would surely be more harmful than helpful to the interests which it wished to promote.

75. It was in that spirit that the Israel delegation would determine its attitude to any draft resolution that might be presented to the Committee.

76. Mr. ESIN (Turkey) said he had noted that there had been some progress since the eleventh session towards an ultimate settlement which might satisfy the national aspirations and rights of the Algerian people while safeguarding the legitimate interests of France. The fact, however, that there was still suffering and loss of life and that it had not yet been possible to initiate negotiations continued to cause concern in Turkey.

77. The Turkish people had close cultural, religious and social ties with the Arab people. On the other hand, the feelings of admiration and friendship which the Turkish people had for France were deep-rooted. Furthermore, Turkey and France were linked by an alliance for the defence of the same ideal of liberty.

78. A democratic, peaceful and just solution of the Algerian question would serve the interests of France as well as those of the Algerian people. The fact that certain positive efforts were being made for the creation of a more favourable atmosphere increased the hopes of the Turkish delegation.

79. The *loi-cadre* approved by the French Parliament opened the door to an evolutionary process of which the first phase was about to begin. The fact that the King of Morocco and the President of Tunisia had offered their good offices with a view to facilitating the opening of negotiations was in itself a good omen.

80. So far as the present debate was concerned, the Turkish delegation shared the hope of other delegations that the discussions would be constructive and would not add any new elements of intransigence and bitterness to the complications already existing in the Algerian question. The General Assembly could best accomplish its duty by encouraging the parties concerned to open negotiations on the basis of a mutual understanding of their respective rights and legitimate interests. It was in the light of those considerations

that the Turkish delegation would examine any draft resolutions on the Algerian question.

81. Mr. SIK (Hungary) said that the adoption of resolution 1012 (XI) had not been followed by any progress towards the recognition of the aspirations of the Algerian people to independence. The discussion at the current session had brought to light many facts proving conclusively that Algeria was not a part of France, but a subjugated nation which should be liberated.

82. The Charter, which proclaimed the principle of the equal rights of peoples and of their right to self-determination, had given the United Nations the responsibility for helping the colonial peoples to obtain freedom and independence with the least possible violence. The question of Algeria should be settled in the interest of the Algerian and French peoples in conformity with the rules of international law. The conservative forces of France could not turn back the clock of history; more than 1,300 million people in Asia and Africa had shaken off the colonial yoke during the past ten years. The colonialist slogans, such as the "spreading of civilization", and the "protection of the Native population", had been completely discredited, for in so far as their culture had not been suppressed entirely, the colonial peoples had remained backward in every field.

83. Hungarians had the greatest respect for French civilization, but what had colonization brought to the people of Algeria? The French had seized the land: out of an annual income of 190,000 million francs from wheat production, 10 million Algerians shared 85,000 million while the share of 200,000 European farmers amounted to 105,000 million. The wages paid to Algerians were extremely low. Family allowances were not being paid to agricultural workers, and in industry the allowances in question stood at a level of one-third of those paid in France. The medical services were very far from satisfactory and the life expectancy of almost half the Algerian population was less than five years.

84. French was the official language: the Algerians could not use their mother tongue in their dealings with the local administration. Between 80 and 90 per cent of the Arab population was illiterate, although in 1835 illiteracy had been no greater in Algeria than in France.

85. It was wrong to say that a real war was no longer going on in Algeria. If the rebellion was being carried on by a few terrorists or by a communist minority directed from abroad, France would not have been obliged to send more than a million young men to Algeria, as Mr. Gaillard himself had said on 5 November 1957. The burden which the war imposed on the French economy and the losses mourned by thousands of families were sufficient proof that the war was not in the interests of the French people.

86. In France, as in the rest of the world, opinion had been profoundly shocked by the repressive methods employed. He quoted from the magazine *Esprit* a description of the tortures employed by the French army and *gendarmérie*. The existence of those practices was confirmed by the testimony of many French writers, journalists and patriots. It had been all the more painful, therefore, to hear the French Minister of Foreign Affairs speak of the Algerian patriots in terms which recalled those used by the Germans about the members of the French resistance movement.

87. His delegation was in complete agreement with those delegations which considered that the people of Algeria should be able to decide its own future and recover its independence. It had listened with deep sympathy to the statements made by the representatives of peoples formerly subject to the colonial system, and particularly to that of the Tunisian representative (914th meeting), even though he had made an erroneous allusion to the events which had taken place in Hungary in 1956.

88. A solution of the Algerian problem could no longer be postponed. No half-measures such as the loi-cadre

could satisfy the desire of the Algerian people for independence. The French colonialists had been discredited. The Algerians no longer had faith in reforms which brought no radical changes.

89. The Hungarian delegation would support any proposal which would create the necessary conditions for negotiations between France and the leaders of the Algerian struggle for independence with a view to satisfying the wishes of the Algerian people and restoring peace in that part of the world.

The meeting rose at 5.55 p.m.