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1957 concerning certain recommendations made by Governing Body of ILO. A/3742. Note by Secretary-General transmitting text of conclusions adopted by Governing Body of ILO on 1 November 1957.

CHAPTER VI

THE QUESTION OF ALGERIA

On 16 July 1957, Afghanistan, Ceylon, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, the Philippines, Saudi Arabia, Sudan, Syria, Tunisia and Yemen asked that the question of Algeria be put on the agenda of the General Assembly's twelfth session. On 23 July 1957, Burma requested that it be included in the list of sponsoring States.

In an explanatory memorandum, the sponsors recalled that, on 15 February 1957, the General Assembly had unanimously adopted a resolution (1012 (XI) ) by which it had expressed the hope that, in a spirit of cooperation, a peaceful, democratic and just solution to the Algerian question would be found, through appropriate means, in conformity with the principles of the Charter of the United Nations.

The memorandum noted that despite the reasonable expectation that steps would be taken in pursuance of the resolution, there had been no indication to the United Nations from its Member States that any progress had been made in the period which had elapsed. On the contrary, there had been numerous reports that the situation in Algeria was deteriorating, contrary to the hope expressed by the Assembly.

The explanatory memorandum also pointed out that the continuing deterioration of the situation had been brought to the attention of the Secretary-General, and through him to all Member States, in a letter dated 15 April 1957, which had been signed by representatives of the following 19 Member States: Afghanistan, Burma, Ceylon, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Jordan, Libya, Morocco, Nepal, Pakistan, Saudi Arabia, Sudan, Syria, Tunisia and Yemen. This letter had contained excerpts from expressions of "responsible opinion" in France itself about developments in Algeria. It had also emphasized that the systematic application of violence and mass repression by French authorities had made a solution of the question even more remote.

On 20 September 1957 the General Assembly decided to include the item in its agenda. The matter was considered by the First Committee at 14 meetings between 27 November and 6 December 1957.

The representative of France stated that the fact that France had not objected to placing the question of Algeria on the Assembly's agenda should not be interpreted to mean that it had changed its position about United Nations intervention in the matter. The French delegation was participating in the discussion in order to make known the efforts that were being made to bring about a peaceful settlement and to refute the calumnies directed against France.

The French representative pointed out that Algeria had become a part of France with the adoption of the French Constitution of 1848. France had joined the United Nations with its recognized frontiers, which included Algeria. Consequently, the problems arising in Algeria, however complex they might be, fell within the framework of French sovereignty. The Algerian revolt, he insisted, was a political campaign organized by a minority. It would have failed had it not been supported by certain States which provided arms, money, directives and even bases of operations. Moral and material support came from Egypt, the Arab League, Morocco and Tunisia. The countries furnishing assistance were violating the United Nations Charter, the provisions of the Assembly's "Essentials of Peace" resolution, and the principles of peaceful co-existence adopted at the Bandung Conference in 1954.

The good offices offer from Morocco and Tunisia, the French representative said, could not be accepted because the sovereignty of these two countries was being threatened by the
pressure of Algerian rebels, and they were not, therefore, sufficiently free to determine their own attitude regarding the rebels. Furthermore, the offer had stressed that the sovereignty of Algeria be recognized as a pre-condition. It also involved the claim that the National Liberation Front (F.L.N.) was the sole representative of the various segments of the Algerian population.

France's offers to negotiate, which were free of unacceptable pre-conditions, had consistently been rejected. France was still ready to negotiate a cease-fire with those who had taken up arms against it, and if the aim of the good offices offer had been only to obtain a cease-fire, France would have favoured Moroccan-Tunisian mediation.

The representative of France drew attention to antagonisms created by differences of race and language within Algeria and to the sharp division between the two major rebel groups, the Algerian National Movement (M.N.A.) and the National Liberation Front, which were waging both a propaganda and a military war against each other. He also referred to the role of Algerian Communism, whose terrorist organizations had merged with those of the National Liberation Front and had also infiltrated rebel bands. The terrorist groups in the cities had been successfully broken up, he said. The French Government had instructed its forces to refrain from reprisals and, he added, if occasionally these instructions had not been obeyed, the matter had been investigated and sanctions applied.

The representative of France, in addition, reviewed the social and political reforms, particularly communal reforms, which had been carried out by the French Administration.

The three pillars of French policy in Algeria, he noted, were: a cease-fire, elections and negotiations.

As to the holding of elections—under a single electoral college system—his Government would invite Governments of countries accustomed to democratic procedures to send observers. The enabling legislation (the loi cadre), which under the French system established principles but did not go into the details of implementation, was one of the instruments of French policy. The legislation was designed, first of all, to ensure absolute equality for citizens and communities through the institution of universal suffrage, under a single college, for elections to representative assemblies. A further aim, he said, was to ensure as great a measure of decentralization as possible by establishing legislative and executive organs in the various regions as well as for Algeria as a whole. The legislation provided for the development of Algerian institutions; the powers conferred on the various groups could be modified in the light of experience. The original text of the legislation had been amended without narrowing its scope to guarantee minority representation and make provision for community councils which were designed to eliminate all possibility of discriminatory practices. The legislation, including an electoral law, attested to the fact that France was determined to bring about conditions conducive to peace and stability and to set up the practical machinery required to attain the threefold aim of "cease-fire, elections, negotiations".

The French representative also stated that France desired more than ever to extend its co-operation with other countries, particularly with those of North Africa, for which a new economic era might dawn when the newly discovered wealth of the Sahara was developed.

To apply the principle of self-determination to Algeria in the existing circumstances, he continued, would result in splitting Algeria into two or more states. France believed that the principle should be applied only with due respect for individual freedom, the protection of minorities, the gradual preparation of an élite capable of making valid decisions, the exercise of true democracy and the maintenance of public order.

As the situation in Algeria had become much simpler with the military, psychological and political losses of the rebels, he added, any interference in the matter by the United Nations, besides being a violation of the Charter, would be likely only to delay the solution of the problem.

Several other representatives also argued that the United Nations was not competent to intervene in the question. It was pointed out inter alia, that Article 2(7) of the United Nations Charter (which precludes intervention in essentially domestic matters) applied to all United Nations organs and governed all Articles
of the Charter, regardless of whether or not they bore upon the principle of self-determination. Furthermore, the United Nations could not revise the constitutional structure of any Member State; therefore, it was necessary to make a rigorous distinction between the discussion of a problem and United Nations intervention in the sphere of national sovereignty.

Among those who argued that the United Nations had no right to intervene in the matter were the representatives of Argentina, Australia, Cuba, Israel, the Netherlands, Peru, Portugal, Spain and the United Kingdom.

Several other representatives, however, contended that the United Nations was competent to deal with the Algerian problem. They pointed out that the question of competence could not be decided by the unilateral declaration of a Member State. As French rule in Algeria had originally been installed by military intervention, its present character could be regarded only as a colonial occupation maintained without regard for the wishes of the Algerian people. Furthermore, as the struggle in Algeria had developed into a war and had endangered peace and security in the area, it was both the right and the duty of the United Nations to continue its quest for an equitable solution.

It was also pointed out that the Algerian question had been the subject of diplomatic negotiation between France and other Governments, that the Algerian situation had been of great international importance for a long time and that it had been discussed at many international conferences. It was anachronistic to assert that matters regarding Algeria fell solely within the national competence of France. Moreover, the Algerian crisis was also prejudicial to good relations between France, on the one hand, and Tunisia and Morocco, on the other. It was therefore legitimate to invoke Article 14 of the Charter under which the General Assembly might 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.

Further, Algeria had enjoyed full statehood as a national entity before the French occupation; the claim that Algeria was an integral part of France was not only erroneous but also contradicted by the history and development of French policy in Algeria.

Among those presenting such views were the representatives of Albania, the Byelorussian SSR, Ceylon, Egypt, Guatemala, Haiti, Indonesia, Jordan, Lebanon, Morocco, Nepal, Pakistan, Romania, Saudi Arabia, Sudan, Syria, Tunisia, the Ukrainian SSR, Uruguay, the USSR and Yemen.

Representatives of Arab States, in addition, rejected French charges of intervention, and said that the state of affairs in Algeria resulted directly from French policy in that country.

A number of representatives also maintained that the Algerian liberation movement was genuinely representative of the Algerian people as a whole, and that Algerian rebels were actually administering a large part of the country. The loi cadre could not lead to a solution of the Algerian problem because it was a unilateral French action. In fact, the measures contained in the new legislation constituted a retreat from proposals which the French delegation had put forward at the preceding Assembly session, and the situation in Algeria had deteriorated since the adoption of the previous Assembly resolution on the matter (1012(X)). A peaceful settlement could only be achieved under the auspices of the United Nations, and the Assembly should therefore call for negotiations in order to arrive at a solution.

Furthermore, the Assembly should recognize that the principle of self-determination applied to the Algerian people. Also, unconditional recognition of the independence of Algeria was essential as a basis for a settlement of the Algerian question; the presence of one million French settlers could not be used as an argument for denying freedom to the Algerians.

Some other representatives, however, held that the will of the Algerian populations must be made manifest in order that their national aspirations might be satisfied. They thought it only natural that the French Government should demand an end to violence as a prerequisite for any negotiations, and that elections should be held to determine who were to be the authorized representatives of the Algerian people. It was also pointed out that the role of the United Nations was necessarily limited
by legal considerations and by standards of prudence, and that the principle of self-determination could not be distorted in such a way as to ignore relevant historical, economic, political and social factors. In the view of these representatives, the General Assembly should avoid recommending steps which might prejudice prospects for a peaceful solution.

Several representatives welcomed the offer of good offices by the King of Morocco and the President of Tunisia and hoped that a peaceful solution would be found. Despite differences of opinion as to the way in which the parties concerned should proceed, they welcomed the recognition on all sides of the need to reach a solution in accordance with the principles of the United Nations Charter.

Two draft resolutions were submitted in the First Committee.

One was sponsored jointly by the following 17 powers: Afghanistan, Burma, Ceylon, Egypt, Ghana, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Syria, Tunisia and Yemen. Under the terms of this draft resolution, the General Assembly would regret that the hope for a solution, as expressed in its resolution 1012 (XI) of 15 February 1957, had not yet been realized. Recognizing that the principle of self-determination was applicable to the Algerian people and noting that the situation in Algeria continued to cause much suffering and loss of human life, the Assembly would call for negotiations in order to arrive at a solution in accordance with the principles and purposes of the United Nations Charter.

The second draft resolution was sponsored by Argentina, Brazil, Cuba, the Dominican Republic, Italy, Peru and Spain. Under its terms, the Assembly, bearing in mind the situation in Algeria which continued to cause much suffering and loss of human life, would: (1) take note of the attempts which had been reported to the Assembly to settle the problem both through the good offices of Heads of State and by French legislative measures; and (2) express the hope once again that, in a spirit of co-operation, a peaceful, democratic and just solution would be found, through appropriate means, in conformity with the principles of the Charter of the United Nations.

Two amendments to the 17-power draft resolution were submitted jointly by Canada, Ireland, and Norway.

By the first amendment, the Assembly would recognize that the Algerian people were entitled to work out their own future in a democratic way (rather than recognize that the principle of self-determination was applicable to the Algerian people).

By the second amendment, the Assembly, instead of calling for negotiations for a solution in accordance with the purposes and principles of the Charter, would propose effective discussions in order to resolve the troubled situation and in order to reach a solution in accordance with the purposes and principles of the Charter.

The sponsors of the 17-power draft resolution said that they were unable to accept these amendments.

The 17-power draft resolution and the amendments thereto were put to the vote in the First Committee on 6 December 1957, the representative of France declaring that he would not participate in the voting. The amendments were voted on first and were adopted as a whole by a roll-call vote of 37 to 36, with 7 abstentions. The draft resolution, as amended, was then put to a roll-call vote. It was not adopted, the vote being 37 for, 37 against, with 6 abstentions.

The representative of Argentina, on behalf of the sponsors of the seven-power draft resolution, stated that this draft resolution would not be pressed to a vote, but the sponsors reserved the right to introduce it at a plenary meeting of the Assembly.

The First Committee was therefore unable to recommend to the General Assembly the adoption of any draft resolution on the question of Algeria.

On 10 December 1957, following presentation of the report of the First Committee at a plenary meeting, a joint draft resolution was submitted by Argentina, Brazil, Canada, Cuba, the Dominican Republic, India, Iran, Ireland, Italy, Japan, Mexico, Norway, Peru, Spain and Thailand. The Assembly adopted it by 80 votes to 0, as resolution 1184 (XII). The Assembly thereby again expressed its concern over the situation in Algeria. It took note of the good offices offer made by the King of Morocco and
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the President of the Republic of Tunisia. And it expressed the wish that, in a spirit of effective co-operation, pourparlers would be entered into, and other appropriate means used, with a view to a solution, of the Algerian question, in conformity with the purposes and principles of the United Nations Charter.

DOCUMENTARY REFERENCES

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Plenary Meetings 682, 726.
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First Committee, meetings 913-926.

A/3617 and Add.l. Letter of 16 July 1957 from Permanent Representatives of Afghanistan, Ceylon, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Syria, Tunisia, and Yemen and letter of 23 July 1957 from Burma, requesting that question of Algeria be included in agenda of 12th Assembly session.

A/C.1/L.194. Afghanistan, Burma, Ceylon, Egypt, Ghana, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Syria, Tunisia, Yemen draft resolution as amended by Canada, Ireland, Norway, A/C.1/L.196, failed of adoption on 6 December 1957 on a roll-call vote of 37 to 37, with 6 abstentions, as follows:
In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Honduras, Iceland, Ireland, Israel, Italy, Laos, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, United Kingdom, United States, Uruguay, Venezuela.
Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian SSR, Ceylon, Czechoslovakia, Egypt, Ethiopia, Ghana, Greece, Haiti, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Federation of Malaya, Morocco, Nepal, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Syria, Thailand, Tunisia, Ukrainian SSR, USSR, Yemen, Yugoslavia.
Abstaining: Bolivia, Cambodia, Guatemala, Mexico, Philippines, Turkey.

A/C.1/L.195. Argentina, Brazil, Cuba, Dominican Republic, Italy, Peru, Spain draft resolution.


A/L.239. Argentina, Brazil, Canada, Cuba, Dominican Republic, India, Iran, Ireland, Italy, Japan, Mexico, Norway, Peru, Spain, Thailand draft resolution.

RESOLUTION 1184(XII), as recommended by 15 powers A/L.239, adopted by Assembly on 10 December 1957, meeting 726, by 80 votes to 0.

"The General Assembly,
"Having discussed the question of Algeria,
"Recalling its resolution 1012 (XI) of 15 February 1957,
"1. Expresses again its concern over the situation in Algeria;
"2. Takes note of the offer of good offices made by His Majesty the King of Morocco and His Excellency the President of the Republic of Tunisia;
"3. Expresses the wish that, in a spirit of effective co-operation, pourparlers will be entered into, and other appropriate means utilized, with a view to a solution, in conformity with the purposes and principles of the Charter of the United Nations."

CHAPTER VII

THE QUESTION OF CYPRUS

On 12 July 1957, Greece requested that the question of Cyprus be included in the agenda of the twelfth session of the General Assembly under the title "Cyprus: (a) Application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the island of Cyprus; (b) Violations of human rights and atrocities by the British Colonial Administration against the Cypriots".

A Greek explanatory memorandum of 13 September 1957 stated that no progress had been made since 26 February 1957—the date of the last Assembly resolution on the Cyprus question (1013 (XI))—towards a solution of the main problem.

On 20 September 1957, the General Assembly decided to place the Cyprus question on its agenda, referring it to its First Committee.

Greece submitted a draft resolution whereby the Assembly would express the desire that the people of Cyprus be given the opportunity to