

7
269

THE TUNISIAN QUESTION BEFORE THE UNITED NATIONS

AND

THE QUESTION OF COMPETENCE

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T U N I S I A A T T H E U . N .

ABSTRACT

This study takes the debates held within the United Nations on "The Tunisian Question" as a point of departure for studying the forces involved in the question. The arguments for and against United Nations competence set the stage for the treatment given the question in study. The various sessions during which the question was debated and the major factors involved gives the outline for the discussion here undertaken.

The discussion is divided into four major chapters - the first being a general historical introduction. The latter three chapters cover the three times which the topic was discussed in the United Nations. Each of these latter chapters deals with what is considered to be the main issue under discussion.

Chapter I surveys the history of Tunisia briefly with special attention on the early 19th century prior to French occupation in 1881. The early years of the French occupation are sketched and the beginnings of the Tunisian nationalist movement is covered.

Chapter II covers the question before the Security Council in April 1952. It takes the relevant United Nations documents and examines the events immediately preceding the opening of the debate. It deals essentially with three points - 1) the accusation by the petitioning states that negotiations had broken down; 2) the further accusation that France was trying to use force on the Tunisians; and 3) that the United Nations should discuss the matter so as to alleviate the conditions.

Chapter III covers the General Assembly's seventh session of November 1952. It discusses the origins and the growth of the French colonists and Tunisian nationalism and

the conflict arising between the two. Again the United Nations' documents serve as the point of departure.

Chapter IV discusses the United Nations' eighth session in its handling of the "Tunisian Question" by reviewing the steps in the competence arguments in the previous two sessions and their effect on that session. The issue of French administrative policy is highlighted towards its end.

The conclusion drawn is that the United Nations debates led to a progressive revelation of the factors involved in the Tunisian Question and that although competence was never fully settled the issue was the focal point which drew unfavourable public opinion against France and ended the question in the United Nations, in a manner favourable to the Tunisians. The problem arising from Franco-Tunisian relations was, in its final form, essentially, the failure of France to formulate a colonial policy which would take into consideration the times, needs and desires of the Tunisian people. This was the thing which the United Nations' debates forced France to realize and the final results of which was the independence of Tunisia.

Table of Contents

	Pages
1. Chapter I General Historical Outline	1 - 21
2. Chapter II The Security Council and the Immediate Causes of the Question	22-64
3. Chapter III The United Nations' Seventh Session (The Presence Française and Tunisian Nationalism)	65-123
4. Chapter IV The United Nations' Eighth Session: Competence Reviewed	124-147
5. Conclusion	148
6. Bibliography	149

CHAPTER ONE

GENERAL HISTORICAL OUTLINE

Tunisia was at the beginning of the nineteenth century an autonomous State, bound only nominally to the Ottoman Empire. The Bey of Tunis was the undisputed sovereign of his internal affairs and exercised treaty-making powers with foreign nations as well. On the international scene, his investiture by the representative of the Sultan was necessary for the recognition of him as the proper ruler of the realm. In return for this official recognition the Bey was supposed to declare himself faithful to the suzerainty of the Sultan of the Ottoman Empire and to pay him an annual tribute. The latter practice was irregularly carried out, depending on the inclination of the Beylical Office, and the Sultan had no means of assuring its regular payment. The Sultanate merely put up with the whims of the particular ruling-Bey of the time in order to get, for the depleted Ottoman Treasury, whatever it could from this distant loosely-bound area.

The Regency of Tunis, along with its North African neighbors, had existed for three centuries on the lucrative

returns of piracy-- its main source of income. The European countries had been paying tribute to escape the great destruction wreaked upon maritime shipping by the pirate-ships, some of which based themselves in the ports of the Bey of Tunis. The eighteenth century had brought no change in this relationship, and found the newly established United States of America joining the others in buying protection from piracy in 1799. The weaker countries who could not afford to pay the exorbitant rates requested by the Bey were continually at the mercy of the pirates under his control. A lull in pirate activities was experienced from September 1, 1799 to February, 1802, when the Bey, following the invasion of Egypt by the French forces under Napoleon, declared war against France and dispatched a large part of his fleet to the Eastern Mediterranean in compliance with the request of his suzerain the Sultan of the Ottoman Empire.

The period 1800 to 1830 ushered in a new era for the age-old occupation of the so-called "Barbary States". The new century, influenced by the extreme demands of the previous one, opened with a more marked intention of the Powers of that day to avoid payment of tribute and to destroy the slave-trade which accompanied piracy. Although the first few years of this period were highly profitable for the Regency (which were also characterized by even more strenuous demands), the Beylical Office plagued by revolts and strife around the throne, soon became weakened to the

extent that the Powers saw fit to start the application of force in order to achieve their aims. Thus it was on April 16, 1816, Great Britain forced Mahmoud Bey to sign a treaty abolishing Christian slavery forever throughout his dominions and in October of the same year received a declaration from him to stay out of English waters. Two years later the Dutch ended their payment of yearly tribute by sending their fleet to demand such treaty-terms.

"Three months afterwards Admirals Junieu and Freemantle communicated to Mahmoud Pasha the irrevocable decision of the Powers at Aix-la-Chapelle, 'to enforce the cessation of a system of piracy, which is not only contrary to the best interests of all the States, but is also fatal to the prosperity of those which practise it.' The Bey's answer was eminently conciliatory...."¹

Force having proved successful the powers continued to police Tunisian activities by periodic appearances of European fleets in his harbors at the slightest manifestations of undesirable activity. This action was at the same time being applied in other areas of the Barbary Coast. The French, having thus-far played a second-rate role in North Africa and desiring to regain the prestige lost by the failure of their Egyptian expedition, took advantage of a minor diplomatic incident to invade Algeria. Hussein, the Bey of

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Broadley, C. M., The Last Punic War, Vol. I, Blackwood and Sons; London, 1882; p. 89.

Tunis at this time, remained quiescent to the fate of his neighbor.

Hussein's attitude was dictated by two main considerations. In the first place the Deys of Algeria had long been rivals of the Beys of Tunisia and conflicts between the two were common occurrences. So he saw himself getting rid of an enemy. In the second place he had high hopes that the territory would be turned over to him and the French Consul-General hinted at the possibility of this being realized. So it was that the Bey signed a treaty with France on 8th August, 1830, following the Algerian occupation.² In this treaty the Bey recognized the special position of France in Algeria, in return for which the French recognized the territorial integrity of the Bey of Tunis. The French also gained some other concessions, one of which was a secret clause allowing the French to build a memorial to Louis IX on Tunisian soil. This memorial took the form of a fortified citadel and events surrounding and centering on it were to account for great moments of anxiety during the period 1830-80. These events, however, cannot be dealt with in this study.

The important thing about the whole period between the invasion of Algeria in 1830 and the similar expedition to Tunisia in 1881 is that French aggression towards Tunisia

²Ibid., pp. 91-92.

was steadily growing and that the French presence in Algeria was a constant threat to Tunisia.

"-The situation between 1830 and 1880 can be summed up in a few words. France had already begun to cast a longing eye on the Regency. The Beys of Tunis knew it, and in the recesses of their hearts hated France and Frenchmen accordingly. At the same time they dreaded complete absorption in the Ottoman Empire, but clung with childish affection to the quasi-independence of their vassalship. England, perfectly aware of the maritime and strategic importance of the country held the balance between the Porte and France, and time after time prevented by prompt diplomatic action the much-dreaded extinction of the Tunisian Regency".³

The British throughout this period served as the unofficial protector of the Beys of Tunis from both their overlords the Ottoman Empire and their neighbors by conquest, the French. On the one hand, the Ottoman Empire, after long centuries of over-estimating its own importance, awoke to the startling realization that it no longer was the master of the world and was actually in danger of losing its own territories to the European Powers. It sought to regain some of its lost glory and to re-establish itself as a Power. With this in mind it desired to exert a more direct influence in the province of Tunisia. The Bey of Tunis, on his side, did not care to relinquish any of his customary powers. Antagonism flared between the Bey and

³ Ibid., pp. 92-93.

the Sultan often during this period, but the British who occupied privileged positions in both capitals kept relations between them on friendly terms, fearing that a disturbance would lend France an opportunity to extend its North African possessions. On the other hand, the French were far from disinterested in Tunisian affairs and the Bey feared their intentions. The French attempted to create discord between the Bey and the Porte, hoping thereby to break the hold of Great Britain in Tunis. Unfortunately, for French ambitions, both the Bey and the Sultan feared and distrusted France to such an extent that they were willing to forget their differences, or at least, to allow Great Britain to mediate those differences.

The Beys of Tunis, caught in the middle of all this, found it expedient to ensure a continued atmosphere of friendship between Great Britain and Tunis. In an attempt to do this they initiated reforms at the suggestion of the British. The first of these foreign-inspired reforms was the abolishment of slavery in April 1842, by Ahmad Bey. His successor, Sidi Muhammad, promulgated, on 9 September 1857, "The Covenant of Security" (Arabic Ahd el Aman), at Anglo-French request. The Covenant which was a sort of decree "rights of man", covered the following points:

...1st, Perfect security of life and property; 2nd, Equality of taxation; 3rd, Equality of all classes and denominations below the law; 4th, Religious freedom; 5th, Limitation of the period

of military service; 6th, Admission of Israelite assessors in criminal cases; 7th, Abolition of immunities enjoyed exclusively by Moslems; 8th, Establishment of a mixed commercial court; 9th, Liberty of commerce and abolition of monopolies; 10th, Permission to foreigners to exercise all trades and professions and introduce foreign industries; 11th, Right of foreigners to hold and possess landed property. ⁴

Nor were these the last reforms to be undertaken at the insistence of the Western Powers. Following this fundamental act to protect the rights of individuals another important innovation was introduced in 1861. Muhammad Sadik Bey, the successor to Sidi Muhammad, promulgated a constitution in 1861. Under this constitution: the Bey is the sovereign head of the Government but should be responsible for his unconstitutional acts; he should be assisted by his appointed ministers; a council of sixty members, chosen by the Bey and his ministers exercises the legislative power and guards the articles of the Constitution; all laws must be approved by the Bey; ⁵ and, judicial power is independent and judges irremovable. Far-reaching social and cultural reforms were also introduced during this period and students were sent abroad to study in France and Italy.

All of these reforms were of no avail. The Bey was forced to suspend his Constitution in 1864, in order to deal more freely with the disorders and revolt which spread

⁴ Ibid., pp. 111-112.

⁵ Izzard, Georges, "Les abus institutionnels et la co-soverainete", in Maroc et Tunisie, La Nef, Mars 1953, pp. 153-154.

in that year. The revolt grew rapidly and there was sighting throughout the territory. At this turn of events the British and French fleets appeared off the coast of Tunisia. The fleets could not decide whether to go in jointly to put down the revolt or to stay out since neither desired the other to go in alone. At this point appeared the Italian flotilla on the scene, who promptly announced that it would put down the revolt and solve the question of who would do so. At this point the French saw the Italian interest in the area and objected, so no one went in and the Bey solved it himself. The entrance of Italy into the matter, jolted France because although Britain opposed its taking over of Tunisia it did not have any designs on it herself, Italy on the other hand, was interested in acquiring the territory also. There were already many Italians in Tunisia and following this revealing action on the part of Italy the fight for concessions and trading agreements, etc. between France and Italy were no end of trouble for the Bey of Tunis. This competition for Tunisia lasted until 1878 and the Congress of Berlin.

During the Congress it was definitely settled as to who had first claim to Tunisia. In order to compensate France for its acquiring of the Island of Cyprus the British acquiesced in the general agreement reached by the other Powers that France should have Tunisia. Italy had lost but it had been hinted that Tripoli could be hers.

The Berlin Congress signalled the end of Tunisian independence. It shows undeniably that a new trend in British foreign policy had been inaugurated. The age-old protectors of the Ottoman Empire began to show signs of tiring from carrying its heavy and ever-growing more difficult burden. All of the other European Powers were casting covetous eyes on portions of the decrepit entity, first dubbed "The Sickman of Europe" at this self-same Congress. The British realized that they could not hold out much longer, and the change that had been lurking beneath the surfaces for some years now exhibited itself and Great Britain began to dismember its own protege. Tunisia, in spite of its many attempts to keep the protecting hand of Britain near, was doomed.

Attacks across the borders between Algeria and Tunisia by tribes of both countries were regular occurrences and not at all uncommon. In 1881, however, France took an incursion such as this as a reason for sending an expedition to Tunisia in order to punish the Tunisian tribes making the violation. This expedition did not stop its march after engaging the tribes but continued on until it reached Bardo where the Bey was residing. The commanding general, General Breart, then produced a draft-treaty, previously prepared in France, naming him as the representative of the French Republic and demanded the Bey's acceptance of its text. The Bey was given less than a day to accept the treaty and after conferring with his advisors he decided to sign the treaty.

"The treaty was signed on the 12 of May 1881. It occurred between two governments who said they wished to preserve their ancient relations of friendship and of good-neighbourliness. The Bey consented to allow the French military authorities to occupy the points that they judged necessary for the re-establishment of order and security of the frontiers and the coast. This occupation would cease when the French and Tunisian military authorities will have recognized by a common accord that the local administration is in a state of guaranteeing the maintenance of order. The French government will be represented besides the Bey by a Resident General who will look after the execution of the treaty and will be the intermediary between the French Government and the Tunisian authorities for all the common affairs of the two countries. France will protect the foreign interests of the Tunisians, and the Bey would not conclude any international agreement without first having obtained the consent of the French government. Finally, the two governments fixed by a common agreement the basis of a financial organization".⁶

The Tunisians took up arms against the French forces in the months that followed the establishment of the treaty, but the superior arms and military strategy of the French soon stemmed the tide of revolt. The country, having been pacified and French public opinion having been calmed by 1883, the French sought to define in a more basic way the relationship between France and Tunisia. The Treaty of 1881, called the Casr-Said or Bardo Treaty, had stipulated the conclusion of a further agreement between the two parties on the amount of taxes to be levied on the rebel tribes for

⁶ Ibid., p. 154-155. Free translation

a contribution to the expenses of the war. The French took advantage of this occasion to define the status of Tunisia as well. For the first time the term "Protectorat" appears, in the first article of the Convention of La Marsa of June 8, 1883. It was signed by the new Bey Ali (Muhammad Sadik having died the previous year) and the first Resident-General of Tunisia M. Paul Cambon. The purpose of the convention of La Marsa was to supplement the provisions of the Bardo Treaty in respect of administrative, judiciary and financial matters. The first article reads: "In order to assist the Government of France in its task of assuring the Protectorate, His Highness the Bey of Tunis undertakes to carry out all administrative, legal and financial reforms deemed useful by the said Government". Thus, the French were able to insert the term "Protectorate into their agreements and at the same time to extend their authority into the internal sphere by inducing the Bey to agree to undertake the reforms deemed necessary by them.

The next twenty years were characterized by a calm atmosphere among the native population of Tunisia and by the entrenchment of the French into the machinery of the country's management. French immigration was sparse and although there was extensive land acquisition, colonization was slow. After 1900, however, there was a sudden increase in colonization as part of government policy and this influx, as well as, the growing realization of the extent of French domination of Tunisian government led to a re-awakening of

Tunisians. In this new awakening the leadership was taken by young Tunisian intellectuals. There had been faint stirrings in the population as early as 1904 and the founding of a paper called "al-Hadira", by a group of university students under the editorship of 'Ali Abou Chaucha, signalled the beginnings of Tunisian nationalism. They aimed at uniting the Tunisian movements with those of Pan-Islamism. Among its most active members was Shaikh Bashir Safr, who was to be the founder of Tunisia's first political party.

With the rise of nationalism Tunisian life entered into a new phase characterized by Franco-Tunisian conflict. The period from 1900 to 1950 can best be summed up as follows:

"The organization of the national movements and parties was not accomplished without arousing the opposition of the French officials or their representatives. The conduct of the government had always been entrusted to them directly or indirectly. The development of the nationalist parties was spasmodic. Each decade witnessed a sudden growth of popular sentiment, then a violent clash with colonization policies. Finally, the legal dissolution of the movements or parties was completed until, once again, economic and social conditions caused a resurgence of popular resentment".⁷

The first of these movements was that of the Young Tunisians who, patterned somewhat on the line of the Young Turks, were for the most part French-educated young men. They had been exposed to Western democratic institutions

⁷ Laitman, Leon. Tunisia Today, New York, Citadel Press, 1955, p. 191.

and sought the application of the right to self-determination and equality of opportunity. The movement centered around Beshir Sfar and his paper "The Young Tunisian", from which the movement took its name.

"Under the leadership of Beshir Sfar, one of the pioneers of nationalism, and Ali Bach Hamba, an evolutionist party was organized in 1907 to defend native interests. The Young Tunisians were a very active part of this movement that was to come into conflict with the authorities in 1911 over an issue of a religious nature. At Djellaz, the French had attempted to register a cemetery, highly venerated by the Tunisians, under European laws. The Tunisian inhabitants met to protest this action and clashed with French colonial troops. This marked the first occasion since the original occupation of 1881 in which the country's armed forces came to blows with the Tunisian people. The result was a state of siege, subsequently proclaimed and remaining in force until 1921. The atmosphere was so tense that a small incident occurring in February of 1912 set off another explosive situation. It resulted in the exile of many nationalist leaders and the movement then went underground, operating clandestinely for the next six years".⁸

In this manner the first cycle, so illustrative of this period, closed. The whole process, which was to become so familiar in Franco-Tunisian relations had run its full course. There was the rise and growth of nationalist sentiment, the inevitable clash over some issue with the government, the suppression of the movement and, finally, the removal of its leaders. This process would continue in the

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Ibid., pp. 192-193.

future and become a common occurrence, but there was one thing involved in this rise and the fall of the Young Tunisians which lent a different color to it than those which were to follow, this was the disunity of the Tunisians themselves. The program of the Young Tunisians brought them into conflict with the conservative and strict elements of the population. Their appeal for reform in the religious institutions of Islam made their greatest source of opposition not the French but the religious traditionalists. The fact that the movement met its decline due to a religious incident, undoubtedly, had a great influence on changing the opinions of this other part of the population. A new respect was, perhaps, created by this action, but prior to this and it appeared, even after, the older group did not approve at all of their young nationalists. In this line it has been said:

"This program brought the young nationalists less into conflict with the French authorities than with a group of old religious traditionalists called the Old Turbans. The Old Turbans looked with disdain at the modernist tendencies of the Young Tunisians. Neither did they find much cause for objecting to French rule, since the Protectorate administration maintained and respected Muslim traditions and the position of the religious fraternities in the country. However, in 1919, when the French proposed to open parts of the habous land (land under the control of religious bodies) for colonization, the Old Turbans no longer found the French to be such staunch supporters of Muslim tradition. The end result was that they overlooked whatever objections they had to the Young Tunisians and joined with them in presenting a solid Tunisian front in protest

against the French action".⁹

It must be noted that this joint effort of the Young Tunisians and Old Turbans did not solve the issues between them but it did relegate those to a subordinate position and united them in an effort to defeat the common enemy. This event, more importantly, served to show both groups that they had a common foe whose purposes they could best serve by letting their differences keep them disunited. This alliance was to continue over into the next decade and was a part of the rebirth phase of the Franco-Tunisian cycle mentioned above. The growth of Tunisian nationalism continued under this added stimulus to activity and the appeal of the Fourteen Points of Woodrow Wilson. The era brought on by the exposition of these points which gave impetus to the growing nationalisms in non-self-governing areas all over the world was felt in Tunisia as well. The Tunisians feeling that possibly their appeals might not fall on deaf ears, since they had been quiescent during France's prosecution of the war, sent a delegation of Young Tunisians and Old Turbans to Paris to lay their case before the Paris Peace Conference. They were completely ignored. The dynamic force created by the unification of the two segments of the Tunisian population could not disappear from the scene

⁹ Rivlin, Benjamin, "The Tunisian Nationalist Movement"; Middle East Journal, Vol. 6, (Spring) 1952, p. 168.

due to a failure of being recognized. Recognition, then must be achieved and the nationalists organized themselves into the first Tunisian political party to gain such.

"After failing in these efforts, the nationalists in 1920 organized the first Tunisian political party. Sheikh Abd-el-Aziz Taalbi, ...It chose "Destour", meaning Constitution, as its name. In part, this name referred to the liberal Tunisian Constitution of 1859 which proclaimed the equality of all before law but which did not remain in force long. ... In part, the name referred to the current demands the nationalists were making for a new constitution. The Destour program ... demanded the emanipation of the Tunisian people from the bonds of slavery and set down the following 9-point program for its achievement: 1) creation of a deliberative assembly composed of Tunisian and French deputies possessing equal rights and elected by universal suffrage; 2) responsibility of the government to the assembly; 3) separation of legislative, judicial and executive powers; 4) official posts to capable Tunisians; 5) equal pay for Tunisian and French officials performing equal work; 6) elective municipal councils; 7) compulsory primary education; 8) participation of Tunisians in the acquisition of crown lands and of lands for colonization; 9) freedom of press and assembly". 10

The Destour Party was a well-organized one and it spread rapidly into the town and villages of Tunisia. As it gathered strength and became more voiciferous it won for itself a hearing among French authorities. In 1921, the French decided to attempt to meet the terms to a

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Ibid., p. 169.

limited extent of the Tunisian nationalists. A new Resident-General was sent to negotiate with the Tunisians, M. Lucien Saint. Upon his arrival he was met by a delegation of Tunisian nationalists who presented to him the nine-point program above-cited. He agreed on bringing about some changes, but it soon became obvious that these were even going to be scanty. Disagreement flared in 1922 and a very delicate situation was only avoided by the Bey's intervention. In 1923, however, Thaalbi found himself so oppressed by French administrative policy that he went into voluntary exile in Cairo. The French in spite of their promises to the Bey which brought on his intervention had proceeded to clamp down on nationalists activity; forbidding public meetings and suppressing the publication of nationalist press. With the exodus of its leader the Destour went into a period of decline. The cycle was thus completed.

This phase contributed a new form of organization and a sense of unity and appeal to the masses which the latter era had not generated. So it was that the movement only went underground following this suppression. Its action not being visible led to a strengthening of its ranks and a call for even more effective organization as well as appeals to the masses for support. This was to lead to a greater strength in the decade to follow. It is also noteworthy to mention the device of changing Resident-Generals to foreshadow a

change in French policy. This pattern prevails for the rest of the period now under consideration. Whether the policy is freedom or repression, from this point on each is initiated by a recall of the old Resident and the appointment of a new.

For the rest of the twenties there was no visible action from the Destour. The older leaders of the movement were not so inclined to pursue an active policy in the absence of their leaders. Youth, however, in its usual exuberance and dynamism was not to be daunted and a group of them led by Habib Bourguiba, a French-educated lawyer, began a new drive. Anxious for action they formed a policy committee and:

"formulated the aspirations of the Tunisian people in the following points:

- 1) There should be a Tunisian Parliament elected by the people.
- 2) A government responsible before Parliament.
- 3) Complete separation of the powers.
- 4) The granting of all public liberties without limitations or suppression.
- 5) Compulsory education for all.
- 6) Economic safeguards to permit the Tunisians opportunities for economic productivity which will help the country's progress.
- 7) The extension of the Tunisian code of Justice to all residents of Tunisia". 11

These aims were formulated by the followers of Bourguiba and his "Action Tunisienne", and although, in the

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Ziadeh, Nicola. Whither North Africa, Aligarh, 1957, p. 35.

reorganization of the Destour which took place in 1933 and adopted these resolutions, they were all unanimously elected to the Executive Committee of the party, they had not won over the traditionalists within the party.

"From its inception, the Destour Party was perhaps more a movement than a political party per se. It encompassed within it various shades of opinion - religious - traditionalist and Western modernists, extremists and moderates, aristocrats and middle class. It is not surprising, therefore, that differing viewpoints and rifts should result. By 1934, it proved impossible to contain all the factions within the single body. The differing evaluations of the experience of the Destour since its revival made by a young modern-minded intellectual element and the traditional aristocratic elements in the party's Executive Committee brought on a schism in the party's leadership. Although the Destour had succeeded in evoking mass anti-French manifestations, it had not embarked upon a program of political indoctrination of the masses. The young liberal element felt that the party's experience since its revival had proven the desirability and the necessity of broadening the base of the nationalist movement. It felt that the movement had to become a mass movement based on an awakened national consciousness directed into collective action toward political liberation and social emancipation. The older, more conservative element did not attribute the same importance to political indoctrination of the masses, and the result was the breakup of the Destour into the Old and New-Destour parties". 12

This breakup in the Destour party led to the establishment of the New-Destour party which was to become the second part of the nationalist equation, it being equated quite aptly

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Rivlin, op.cit., p. 171.

to the nativ-nalist movement. The Old Destour went into decline before the dynamism and mass-appeal of the Neo-Destour leaders and was not to be heard from again until 1951-52.

The history of Tunisian nationalism and much of Tunisian life becomes after this point the history of the Neo-Destour party and the personal life of Habib Bourguiba. The details of this we leave for later consideration. The Franco-Tunisian cycle, however, continues, as may be seen by the following summary of the rest of the period.

"Bourguiba had ideas of liberation and by virtue of his dynamic personality, attracted many political, economic and social leaders into his organization. Almost at the start, it was to come into conflict with the Resident General Peyrouton and another major crisis developed. The French official, this time, forced general public uneasiness over a particularly serious economic situation. Agricultural yields were at their lowest and large sectors of the population were threatened by famine. He thereupon tried to prevent disturbances from taking place by first suppressing newspapers and forbidding freedom of assembly, then by exiling the Neo-Destour Party's executive committee to the desert area of the south. As public protests against these actions multiplied, further repressive measures were taken against additionalist members. The situation was to last until 1936 when the Metropolitan national elections brought about a change in Resident General. Amnesty was granted and 'peace' reigned until 1938 when the same cycle of Franco-Nationalist difficulties was repeated, followed by widespread, major public disturbances, the suppression of press and public assembly and the arrest of Neo-Destour leaders. The same pattern appeared once again in slightly varying situations and brought about a crisis in 1943 and one of still greater proportions after 1950". 13

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Laitman, op.cit., pp. 193-194.

The events cited in this quotation are the things which we plan to pay considerable attention to in the further discussions to follow. These events and the forces which influenced them are connected and bind together the elements of the subject of this work. Where necessary other details must be given to more fully understand them, but essentially they are the keys to the "Tunisian Question" and the United Nations debates over its competence.

CHAPTER TWO

THE SECURITY COUNCIL

AND

THE IMMEDIATE CAUSES OF THE QUESTION

The Tunisian question was proposed as an item for the agenda of the Security Council in April, 1952. The adoption of this item, took the form of a heated debate, in the emergency session which had been called in order to examine the complaint submitted by eleven member-States of the United Nations.¹ The adoption of an item to the Agenda seldom became an object of debate, but the tenor of this particular case, led to a unique and heated discussion. Out of this discussion came a review of the situation leading to the inscription of the item in the Provisional Agenda of the Security Council.

The discussion oriented itself in this manner due largely to the communications of the eleven member-States drawing the attention of the Council to the situation.

¹ Indonesia, Egypt, Iraq, Pakistan, Saudia-Arabia, Afghanistan, India, Burma, Iran, the Philipines, and Yemen. (S/2574--S/2584 inclusive).

These States availing themselves of Article 35 paragraph 1 of the United Nations Charter, submitted by identical letters dated 2 April 1952, a memorandum bringing "...urgently to the attention of the Security Council... the present grave situation in Tunisia..... (and requesting)... the Council to call an immediate meeting to consider the matter, with a view to taking the necessary measures provided by the Charter to put an end to the present situation".² There was also a request by all but two delegations (Pakistan and Burma) that they be allowed under rule 37 of the Security Council to participate in the discussion of the question. With this communication was attached an Explanatory Note.

The part of the Article upon which they based their appeal reads: "Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly". They based their decision to do this by citing the competence of the Council to deal with the matter as set down in Article 34 of the Charter: "The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of

² U.N. Doc. S.C., off Rec., 7th year Supp. for April, May and June, 1952; text p. 9 S/2574.

the dispute or situation is likely to endanger the maintenance of international peace and security". The question of U.N. competence, however, was only to be a very minor part of the discussions which followed. The discussion ranged around other points, most of which came from the Explanatory Note attached to the letters and the text of the letter itself.

The Explanatory Note annexed to the letters briefly reviewed the history of Franco-Tunisian relations, observing the conditions of the French occupation of 1881, and taking note of the type of Treaty relations established. It then speaks of French usurpation of Tunisian sovereignty and the growth of a national movement. These points, however, were not to be points of major contention in this phase of the question. They only made way for the immediate questions of the situation as it presented itself to the States presenting the item for adoption on the agenda. In examining the note we find three major contentions put forth by the petitioning States: 1) that the recent negotiations failed to resolve the tensions produced by the French administration; 2) that force was being applied to resolve the issue to French advantage; and, 3) that discussion within the Security Council and possible action by that body would speed a solution to the problem. These points along with the application under Article 35 as a situation which is likely to endanger the maintenance of international peace and security, which

raises the question of whether this type of situation existed or not, formed the issues around which the debate was centered in the Security Council. We shall deal with the points in the order of their enumeration.

The first issue that we must deal with is that of the failure of negotiations. Under Article 35 of the Charter of the U.N., which is also the first article of the Chapter (6) dealing with the "Pacific Settlement of Disputes", there is the stipulation that the parties to a dispute: "1. ... shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. 2. The Security Council shall, when it deems necessary, call upon the parties to settle their disputes by such means".

Taking the text and the annexed note together we shall examine the above-mentioned points in that order. The note covers essentially the same points as the text but in more precise terms generally. Our first point, however, is not exemplary of this.

The breakdown of negotiations is mentioned thusly in the note: "Negotiations between the French Government and the representatives of the Tunisian people have failed to resolve this tension in a peaceful manner".³ In this case

³ S/2574 - S/2584 Explanatory Note, (Supp.) p. 9.

the text does more justice to presenting the argument since it cites evidence to back this point. The text states: "It will be recalled that the President of the Council of Ministers of Tunisia addressed a letter regarding the matter to the President of the Security Council on 12 January 1952 (S/2531)".⁴ Indeed the letter of the Prime Minister Muhammad Chenik had been presented to the Security Council and was finally published along with other correspondences on the matter as document S/2571. In that letter Muhammad Chenik reviewed the Franco-Tunisian relations and wrote extensively on the breakup of the negotiations. His account began with an allusion to the history of the protectorate and declared that French "direct administration" had created "constant unrest and an ever deepening crisis in Franco-Tunisian relations". The Prime Minister then reviews the chain of events that lead to his directing the letter to the President of the Security Council. This review may be summarized in six major points: (1) the recognition of the need for better relations; (2), the formation of a Tunisian Ministry of negotiation and its early achievements; (3), the call for greater internal autonomy; (4), the decline of negotiations; (5), the close of negotiations and its aftermath; and, (6), the reasons for and grounds of the appeal

⁴ S/2574 - S/2584. Text of Letter, (Supp.) pp.9-10.

to the United Nations.

The recognition of the need for better relations is put in this manner by Chenik:

"The remedy this state of affairs and to bring about normal relations between the two countries, the French Government has solemnly undertaken to abandon direct administration in Tunisia and to permit the development of Tunisian political institutions to the point of achieving internal autonomy". 5

The deterioration in Franco-Tunisian relations had reached a peak in the year 1950. The legacy of the Second World War which had bestowed so many good benefits and ushered in an epoch of "good feeling" on the international scene had brought frustration instead to the people of Tunisia. The granting of independence to eastern Arab States, the founding of the Arab League, the establishment of the United Nations and its lofty principles of "self-determination" and freedom, all of which served to aggravate the situation that the Tunisians found themselves in under French administration. Under United Nations auspices Libya, Tunisia's immediate eastern neighbour and far less advanced than Tunisia, was moving towards its independence. 6

⁵ S/2571, Chenik to President of Security Council, 12 January 1952, (Supp.) p. 3.

⁶ Rivlin, Benjamin, ("The Tunisian Nationalist Movement", Middle East Journal; Vol. 6, Spring, 1952, p. 178). opcit., p. 178.

The effect of this as well as the increasingly more vocalness of the former dependent nations (especially the Arab League) combined along with the other forces to heighten the tension that prevailed. In recognition of these circumstances the Bey :

".... decided to intervene personally. Accordingly, he dispatched a letter on April 11 to French President Vincent Auriol in which he stressed the gravity of the political situation and the fear that 'the manifestations of the fatigue and impatience of our people would degenerate into a despair capable of provoking what we desire to avoid'". 7

In quiet conciliatory terms the Bey asked for the extension of internal reforms which would help to alleviate the tension in the country. The Bey, however, did not define what these reforms might be, nor what he felt were the primary objects of conflict. These were defined a few days later by the leader of the Neo-Destour party Doctor Habib Bourguiba on 14 April, 1950. He urged the adoption of a seven-point programme for Tunisia as a means of assuring better relations between France and Tunisia. He enumerated the needs and abuses as follows:

"1. Revival of the Tunisian Executive, trustee of Tunisian sovereignty. At the present time such sovereignty is non-existent, the Prime Minister of

7

Hohn, Lorna H., "Tunisia: A Challenge to American Foreign Policy", Middle Eastern Affairs; Vol. 5, 1954, pp. 161-162.

a Tunisian Cabinet being no other than the representative of France (i.e., the Resident General).

2. Setting up of a Tunisian Government responsible for law and order, headed by a Tunisian Minister appointed by the Bey, who in his quality as Chief of State, presides over the Cabinet.

3. Discontinuance of the Secretariat-General, which controls all the administration, and holds, in practice, all the power.

4. Suppression of Civil controllers, who practice direct administration, which is incompatible with Tunisian sovereignty.

5. Suppression of the French constabulary (gendarmerie) which, being answerable to the French Ministry of National Defence, stands out as a symbol of the military occupation of the country.

6. Institution of elected municipal councils, allowing for the representation of French interests wherever there are French minorities.

7. On the legislative level, creation of a National Assembly elected by universal suffrage, whose task shall be the preparation of a democratic Constitution, and the re-adjustment of the relationship between France and Tunisia on a new basis of mutual respect for the legitimate interests of France and for the sovereignty of Tunisia". 8

Following this statement of the desired reforms by Bourguiba, the Bey in a speech during the same month approved of this as being the proper statement of what was needed. This statement as well as his earlier letter to the President of the French Republic brought to the forefront a new alliance

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R.I.I.A., Documents of International Affairs, 1952; Oxford, London, 1952, pp. 353-354.

between Tunisian Nationalism and the Beylical Office. There had been one previous time, during the Second World War years, when such was the case but its duration was short and it ended with the deposition of the Bey in 1943.* The Bey at this time had been named to replace him, and it was thought until this eventful month that he was merely a tool of the French. But now there emerged a new cooperation between the legal sovereign and the nationalist, and the argument was dead which ignored the voices of the Neo-Destour leaders as illegal and at any rate not having beylical approval. The combined efforts of the Bey and the Neo-Destour had to be heeded.

The French indeed knew that something had to be done to alleviate the existing situation. Many were for adoption of some of Bourguiba's proposals. The Bidault Government recognized the seriousness of the situation and desired to take the necessary steps to put the matter on the way to a solution. The Cabinet was, however, divided on the issue with the extreme right-wing strongly against granting further freedom to the native Tunisians, in response to the appeal of the French colons in Tunisia. The extreme left, on the other hand, took their usual attitude of approving the independence movements in the overseas territories.

*See Chapter III for a discussion of this.

In spite of opposition the Cabinet finally agreed to make changes. The reasonableness of Bourguiba's demands and the unsettled conditions of the country gave them to believe that at least they should try to meet some of the demands put forth by Bourguiba. It is at this point that the French made the statement of purpose attributed to it by Mr. Chenik.

"The announcement of France's decision came in an address by Foreign Minister Robert Schuman on June 11, 1950, in which he revealed that France was sending a new Resident-Minister in the person of M. (Louis) Perillier, who was to be entrusted with the 'task of trying to understand Tunisia, and to lead her to the full development of her resources, and to the independence which is the final objective of all territories of the French Union'. Schuman added that the objective could 'only be reached by stages'. Bourguiba immediately welcomed the change of attitude, saying 'if France is willing, of her own accord, to lead Tunisia to independence, she will have won our hearts in a way that will serve her purpose more effectively than the possession of our territory'. However, he stipulated that a timetable must be set for each of the various stages that Tunisia must go through". 9

Thus it was that the French Government announced its intention to go forward with reforms in spite of strong opposition. M. Perillier arrived in Tunisia on June 13, 1950 and said in a broadcast speech on that same day that his government proposed "to introduce by agreement with the

Bey, reforms in the administration which have been rendered necessary by the country's economic and social development, in order to build up a body of leaders with the necessary experience for the running of a Modern State".¹⁰ Needless to say, these were bold words and promises which could not easily escape opposition. On the same day even, M. Schuman was asked to explain the Government proposals for reform in Tunisia to the Foreign Affairs Committee of the National Assembly. He stated the reforms which they proposed to offer the Bey as follows:

"... that the Council of Ministers should consist of nine Tunisians and three Frenchmen instead of six of each; that the Secretary-General should no longer preside over the Council of Ministers, which would have a Tunisian Chairman; that Tunisian Ministers should no longer have French advisors attached to their departments; that the civil service should be opened to Tunisians; and that steps should be taken to bring Tunisians into local government".¹¹

The immediate results of this statement of policy in Tunisia was that the French community launched scathing criticism on the Government plans.¹² The majority of the French section of the 'Grand Conseil' (the Tunisian advisory Council)

10 Keessing's Contemporary Archives, Vol. VIII, (1950-52) 11360 A, (March 24-31, 1951), p. 11360.

11 Ibid., p. 11360.

12 Ibid.,

protested to Perillier in an official statement on July 7, 1950. They objected to not having been consulted on the proposed reforms and demanded that : 1) the equality between the two communities be maintained; 2) Civil Service exams should be standardized for all applicants; and, 3) there should be no negotiations with anyone who challenges French Sovereignty in Tunisia. The Tunisian sector of the Conseil countered their statement with one of their own on July 27, denouncing it as contrary to the "will of the nation" and demanding the formation of a purely Tunisian Cabinet, a deliberative instead of consultative Assembly, and Tunisian priority in open positions.¹³

The opposition to the Government programme in Tunisia was also reflected on the "home-front". Bidault's government was unable to muster a vote of confidence and fell and on 11 July 1950 a new government was formed under the leadership of M. Pleven.¹⁴ M. Perillier went to Paris for further instructions and returning to Tunisia on July 30, 1950. It seems that he was given a "freer hand", and the stage was set for the second move towards Tunisian "internal autonomy".

At this point Mr. Chenik's second statement of his

13

Ibid.

14

See R.I.I.A., Survey ... 1952, op.cit., p. 273.

review must be cited. "On the basis of these undertakings, His Highness the Bey entrusted me in August 1950 with the task of forming 'a ministry for negotiations to lead Tunisia to internal autonomy'¹⁵".

It was just this wording that was used in a joint communique issued on the occasion of the appointment of the cabinet by the Resident-General and the Tunisian government. Most notable was the presence of a member of the Neo-Destour party on the Cabinet, Mr. Salih ibn Yūsuf (its Secretary), who was appointed as Minister of Justice. Muhammad Chenik was appointed Prime Minister and:

".... defined his Government's task on August 17 as 'to lead the country towards an ever-increasing measure of autonomy in response to the unanimous aspirations of the Tunisian nation, and towards the restoration of our sovereignty', adding that this task would be achieved by stages 'through a fruitful co-operation between the representatives of France and the Government'. Mr. Bourquiba, defending the Neo-Destour's decision to enter the Government against criticism in the nationalist press, stated on August 21 that the party had agreed to M. Salah Ben Youssef taking office because the Tunisian people's claims had won the sympathy of a large section of French opinion, and in these new circumstances, 'it would be criminal not to accept the hand of France in order to attain our aim of internal autonomy by stages'¹⁶.

¹⁵ S/2571, (Supp.) p. 3.

¹⁶ Keesing's, Op.cit., 11360A, p. 11360.

Negotiations soon got under way and on September 8, 1950 it was announced that the system of French advisors to Tunisian Ministries was abolished. This was a first step in removing the "direct administration" so strongly opposed by the Tunisians. Negotiations continued between the "government of negotiation" and the French authorities and on 11 December 1950 the French proposed another series of reforms to the Bey. These new reforms were not what the Tunisians had desired but they were too extensive for the colonists. The French Secretary-General whose power was to be curtailed, immediately resigned and the French section of the Grand Conseil sent a delegation to Paris to present their case. The Cabinet and the Bey were both hesitant about accepting the reforms but finally the Bey on 8 February 1951 formally approved and issued six decrees giving effect to the reforms proposed.

"The new decrees contained the following provisions: (1) The Prime Minister, instead of the Resident-General, would preside over the Council of Ministers, which would consist of seven Tunisians (the Prime Minister and the Ministers of Justice, Social Affairs, Commerce, Industry, Agriculture and Public Health) and seven Frenchmen (the Secretary-General, the Assistant Secretary, the Commissioner for Reconstruction, and the directors of Finance, Public Works, Education, and Posts and Telegraphs). (2) In circumstances endangering the administration of the Regency, the Resident-General was empowered to summon and preside over a 'High Committee' whose decisions would have the force of decrees. (3) The Secretary-General's signature would no longer be necessary for decrees of the Council of Ministers, (4) Differences between

Ministers and the Director of Finance would be submitted to the Prime-Minister and Secretary General, to the Council of Ministers, or finally to the Resident-General. Budgetary questions would be considered by a Higher Budgetary Committee, presided over by the Resident-General and including the Prime Minister and representatives of the French and Tunisian sections of the Grand Conseil, (5) French and Tunisian candidates for the Civil Service would undergo the same examinations; half of the higher posts, two-thirds of the intermediate, and three-quarters of the lower would be reserved for Tunisians, and French candidates for the intermediate and lower grades would be required to pass an examination in Arabic." 17 *

These reforms had widespread repercussions throughout Tunisia. The spring of 1951 was fret with conflict between the various elements of the population. The Old-Destour party came to a renewed activity after many years of stagnation in opposition to the Neo-Destour's acceptance of such meagre terms. The Neo-Dastour sought to defend its attitude before its constituents, saying that this was not all to be desired but that it was a step in the right direction. The French colons in Tunisia attacked the French Government policy as being too lenient and leading toward abandonment. The Colon's lobby was stimulated to greater activity in Paris and they asked for the recall of the reforming Resident General and a maintenance of the "status quo". They

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Keesings... Op.cit., 11360A, p. 11360.

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The sixth decree not mentioned here set up the Bey's personal cabinet. See Middle East Journal; Vol. 5 Summer 1951, pp. 334-59; Also R.I.I.A. Documents, 1952, Op.cit., p. 354.

objected strenuously to any further reforms, while the Nationalists on their side pressed steadily for more of them. In this line Chenik called for the 'initiation of further reforms¹⁸ and was soon backed up in his request by the Bey. This brings us to the third point in Chenik's letter.

"On 13 May 1951, His Highness the Bey solemnly proclaimed his purpose 'to endow his people with representative, democratic assemblies' and expressly instructed his Ministers 'to prepare the tests relating thereto'.

Difficulties due to the non-fulfillment of the undertakings given having prevented the Tunisian Ministry from carrying out the task assigned to it, the latter proceeded to Paris for conversations with the French Government regarding the necessity for the fulfillment of its undertakings".¹⁹

The Bey did address himself in the terms cited by Chenik in his "Speech from the Throne" delivered on May 15th.²⁰ The Resident-General, Perillier was angered by this speech having been made without his prior consent, and so the following day arrived with a military escort to request an explanation from the Bey.²¹ There followed an exchange between the Bey and the Resident-General which resulted in

¹⁸ See Rivlin, Op.cit., pp. 185-187, for a discussion of this period.

¹⁹ S/2571, Op.cit., (Supp.), p. 3.

²⁰ See Keesing's... Op.cit., 11969A; Also R.I.I.A. Survey... 1952, p. 275.

²¹ See Rivlin, B., Op.cit., p. 186.

a protest from the Bey to the President of the French Republic regarding the attitude assumed by Perillier.²² The French President, Auriol, managed finally to resolve the differences between the two amicably by asking Perillier to be more diplomatic in his behaviour to the Bey and sending the Bey a personal letter of apology for the occurrence.²³ This intervention by Auriol saved the day as far as the relationships between the Bey and the Resident-General were concerned but it could not as simply solve the unrest and conflict which raged on between the Resident-General and the other parts of Tunisian society.

The Resident-General, had indeed, found himself in an extremely precarious position when it came to the implementation of the previous reforms of February 8, 1951 and the conflict over new reforms. He was indeed 'caught in the middle'.

"A political crisis had arisen during the same month (May, 1951) when the Tunisian members of the Government had refused to take part in the Budget session of the Tunisian Grand Conseil, in protest against the opposition of the majority of its French members to further reforms. Differences had also arisen between the French Resident-General (M. Perillier) and the French Civil Service

²² Ibid., p. 186.

²³ Ibid., p. 186-87.

on the one hand, and Tunisian Ministers on the other, M. Chenik complaining to M. Perillier that the civil Service had failed to carry out loyally the reforms adopted in February 1951, and that the controls maintained by the Residency-General's officials over the Tunisian Government's measures were no less rigorous than those under the abolished "visa" system, while M. Perillier in turn complained to the Bey that negotiations on Constitutional progress were being rendered impossible by M. Chenik's un-co-operative attitude. One of the principle points of difference in this connexion was the Tunisian refusal to grant the French community any participation in local government, on which, however, the French authorities insisted as an essential part of the proposed municipal reforms". 24

The situation continued to deteriorate over the summer. The French Government on the one hand trying to placate the settlers and on the other attempting to keep the nationalists satisfied. The French recognized that the reforms of February were only a first step (for the sake of the Tunisians) while arguing that the next stages must not be rushed (for the colonists), and at any rate, such should not be the case when the implementation of the previous reforms had not been carried out. The Tunisians, on their side, argued that the failure to implement the previous reforms were no fault of their own but rather due to the un-co-operative attitude of the French in the Civil Service and the French members of the Tunisian Cabinet as well, and that the situation could

only be remedied by the establishment of a purely Tunisian Cabinet and a deliberative representative Assembly.²⁵

Under the burden of these claims and counter-claims the negotiations reached a dead lock which continued throughout the summer and fall, not being broken until October, 1951. After these several months of recriminations the two parties agreed on opening new talks on the next stage of reforms to be established. Prime Minister Chenik arrived in Paris on October 17 and was joined a few days later by two other Ministers Salah ibn Youssef and Muhammad Badra. The talks began between the Tunisian representatives and the French Foreign Minister Schuman. The talks (which the French described as conversations and the Tunisians as negotiations)²⁶ dragged on, and finally in exasperation and pricked to action by the demands of Trade unions and nationalists in Tunisia the Tunisian delegation, in a memorandum from the Bey, submitted on October 31 a note proposing:

"...(a) the creation of a purely Tunisian Government and a purely Tunisian Assembly elected by universal suffrage, and (b) the acceleration of the admission of Tunisians to the Civil Service, whilst guaranteeing that the interests of the French community in Tunisia would be respected, the memorandum proposed, however, the abolition of the political rights hitherto enjoyed by it".²⁷

²⁵ Rivlin, Op.cit., p. 186.

²⁶ R.I.I.A., Survey... 1952. Op.cit., p. 275.

²⁷ Keesings, Op.cit., 11360A, p. 11360.

The discussions had centered around "the place of the French settlers in Tunisian politics",²⁸ and the note, although admitting the important part played in the development of the country by the colons, rejected the contention that this gave them political rights in the internal affairs of the country.

The French Cabinet, always precariously balanced, found itself faced with the job of formulating a reply to the note presented by the Tunisians on October 31st, and found a great deal of difficulty in deciding on how to answer the memorandum. The answer was a long time in preparation and the absence of action which continued throughout November and the earlier part of December had great repercussions in Tunisia.

"The slow progress of the negotiations caused widespread disappointment amongst political and trade union organizations in Tunisia, whose leaders continued to demand internal autonomy for the country; ²⁹ for different reasons, the negotiations were also criticized by the French community in Tunisia as an alleged sign of weakness on the part of the French Government, the leaders of the French community sending a telegram to M. Plevin on November 19 demanding the termination of the discussions. The situation was further complicated by the expiry on December 9 of the mandate of the Grand Conseil, which the Tunisian Government proposed to replace by a representative Assembly. The French members of the Council, however, refused to recognize the

28

R.I.I.A., Survey...1952. p. 275.

29

They also carried out a successful one-day strike on November 31. See R.I.I.A. Survey ... 1952, p. 275.

termination of their mandates and adopted a resolution alleging that the French Government's failure to reach a decision had assisted in the 'triumph of the anti-French Neo-Destour', and that they considered themselves entitled to continue to represent the French community until elections were held for a new Grand Conseil. In reply to this step, the 'Action Committee for Constitutional Guarantees and Popular Representation', which had been formed on May 12, 1951, by the Neo-Destour, the Moslem Trade Union Federation (U.G.T.T.) and a number of professional and cultural organizations, passed a resolution accusing the French members of the Council of 'abusing their mandates' and of carrying on political activities 'against the sovereignty of the Tunisian State'. 30

Under these circumstances it is not surprising that pushed by the French colons on the one hand and Tunisian nationalist on the other that the French note which was finally delivered on December 15 to Chenik should be couched in such odd tones.

The French reply to the memorandum presented by Premier Chenik on October 31 was drafted by a Ministerial Committee of six including the Prime Minister (M. Pleven) and the Minister of Foreign Affairs (M. Schuman). The French note,³¹ first of all questioned the lack of comment, in the memorandum, on the accomplishments which France and the French in Tunisia had accomplished during the period

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Keesing's..., Op.cit., 11360A, p. 11360.

31
For text see, R.I.I.A., Documents... 1952.

of the Protectorate and went on to list these accomplishments. In reply to the Tunisian denial of the right of the French colons to participate in the political life of the country the note drew attention to the part which the French residents had played in the past and continued:

"The part which they play in the country's economic life, and the importance of their contribution to the budget of the Tunisian state, make it impossible to exclude them from participation in the country's political institutions. The French Government is firmly attached to this principle, which in its view is the only one capable of enduring the harmonious development of these institutions through a fruitful Franco-Tunisian partnership. These considerations must be kept in mind when examining the future relations between our two countries, which can be based only on recognition of the definitive character of the bond uniting them". 32

With regard to the request of the Bey for a reform of the legislature, the Note stated that the French Government was willing to study changes in the present institution "subject only to the preservation of the continued representation of both the French and Tunisian communities".³³ It asked, however, that the Mandate of the Grand Conseil be extended for a limited period in order that it might vote the Budget for 1952. The final point of the Note was an

³² Ibid., Translation in Keesing's Op.cit., 11969A, p. 11969.

³³ Ibid.

announcement that the Resident-General had been instructed to set up in January 1952, a mixed Franco-Tunisian commission for studying proposals of a representative legislative system to replace the Grand Conseil.³⁴

The French Note was welcomed by the French community in Tunisia but it received the opposite response among the Tunisian leaders. The Neo-Destour, the U.G.T.T., the Tunisian Farmer's Union and the Association of Tunisian Ex-Servicemen sent a note of protest to the French Government on December 17. The Neo-Destour, the Old Destour, the Tunisian Communist Party, two trade Union federations and the Farmers' and Trader's Union declared a three-day general strike in protest against the French reply from December 21-23. Both M. Schuman and M. Perillier attempted to deny that the French reply proposed co-sovereignty, but to no avail. Events continued to heighten the clash of interests, and the announcement was made that Perillier would be removed from his office at the end of the year. The Tunisian Ministers, meanwhile, returned to Tunisia.

The Tunisian reply to the French note was sent to the French Government on January 9, 1952.³⁵

34

Ibid.,

35

Mentioned in R.I.I.A., Survey ... 1952.,p. 277.

"The Note rejected the contention that French residents in Tunisia had the right to take part in the country's political institutions; declared that the work done by France during her 10 years' protectorate could 'not place a whole people under an interdict or mortgage its legitimate aspirations', recalled that the Tunisian Government had undertaken to guarantee French interests in Tunisia, but added that such interests, 'however respectable', could not be interpreted as conferring special political rights upon French residents; and said that the granting of such rights would imply that financial, technical, or cultural assistance given by one country to another conferred on the nationals of the first country the right to share in the government of the second. The Note insisted on an unequivocal replacement of 'co-sovereignty' by a clear affirmation of Tunisian sovereignty; quoted statements previously made by M. Schuman condemning direct French administration; and maintained that the French reply of December 15 constituted a rejection of the Tunisian memorandum of October 31, which had demanded in precise terms that all new reforms be based on the principle of complete Tunisian sovereignty. In conclusion, the Note declared that if complete Tunisian sovereignty were not expressly recognized by France, the Tunisian Government would have to take all steps it considered necessary". 36

In leaving Paris Chenik had stated that the talks had ended in a disagreement and Bourquiba who returned to Tunis on January 2, 1952 after almost a year's absence on a world tour stated that further negotiations were impossible after the French reply of December 15 and added on the 11 January that Tunisia would appeal to the United Nations. On the 13th of January Salah ibn Yusuf and Muhammad Badra left for Paris

where the United Nations was holding its sixth session carrying Chenik's appeal, which we have quoted as our guide to the examination of this section of our chapter on the breakdown of negotiations.

This brings us to the second major point in our discussion that of the French use of force and the corresponding further increase in conflict. The text of the communication of the eleven states referring to the Chenik appeal to the Security Council says: "Since then, the Prime Minister and other Ministers of the Tunisian Government have been arrested and the situation continues to deteriorate"³⁷. The Explanatory Memorandum is more explicit in its wording as to what they meant by this sentence in the text. The note puts it this way:

"Neither the people of Tunisia themselves nor world opinion can regard the forcible deposition of the popular Tunisian Government and the pressure exerted on H.H. the Bey of Tunisia as steps towards a solution of the Tunisian Question. For it is painfully obvious that the arrests of Tunisian Ministers, preceded as they were by the arrest of all the prominent Tunisian leaders,cannot create an atmosphere in which any lasting solution of the Tunisian problem can be arrived at. To expect the satisfaction of Tunisia's legitimate national aspirations from this naked show of force would be to indulge in an optimism for which there is no warrant".³⁸

³⁷ S/2574-84, Op.cit., (Supp.) p. 9.

³⁸ Ibid., p. 10.

The Tunisian appeal to the United Nations did not bring this matter before the international body, due mainly to technical reasons. On accepting the Note presented by the Tunisian representatives, the Assistant Secretary-General of the United Nations, Mr. Andrew Cordier, made the observation that according to the Treaty of Bardo it was questionable whether such an appeal could be made by the Tunisians. The Treaty had stipulated that Tunisian Foreign affairs should be handled by France, so it seemed to him that this appeal could only be made through France. Not only was this true but the appeal did not bear the signature of the Bey of Tunis who was the legally constituted sovereign of the country. For these reasons the documents pertaining to the appeal were not printed in the Official Records of the United Nation.

Meanwhile, events in Tunisia were occurring in rapid succession as a results of the appeal forwarded by the Chenik Government. The new French Resident-General M. de Haute clocque arrived on 12 January 1952 and went to present his credentials to the Bey for acceptance on January 15. It was reported that the Resident-General also asked at this time the recall of the two Ministers who had been sent to Paris to present the Tunisian case before the U. N. and the withdrawal of the Tunisian appeal. The Bey following this audience became suddenly too ill to see de Haute cloque for ten days, during which time he failed to comply with the above two requests and its seems, a third one - the

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dismissal of the Chenik Government. On January 17 M. Chenik presented a note to M. de Hautecloque in the name of the Bey reaffirming the oral statements of the 15th. This note was published along with the other communications from the Tunisian Government under document S/2571 at the request of the delegate from Pakistan on 29 March 1952 - it having been forwarded to the U.N. by the Ministers Badra and Ibn Yusuf. The note placed the blame on France for the failure of the negotiations, reaffirmed the Bey's confidence in his Government and his approval of their action in appealing to the United Nations, and defended its right to appeal to the U.N. saying that such an appeal was neither a "hostile" nor "unfriendly" act toward France.

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The arrest of Neo-Destour leaders on January 15 brought a new communication from the Tunisian Ministers in Paris to the Secretary-General, which drew attention to events in Tunisia in a telegram of that date:

"Delegation Tunisian Government instructed submit on behalf of that Government an application to the Security Council on the Franco-Tunisian dispute solemnly draws your attention to gravity situation in Tunisia following pressure by French authorities on Tunisian Sovereign to induce him disavow his Government's approach to Security Council. French authorities arbitrarily arresting Tunisian political leaders to stifle aspirations Tunisian people.

39 R.I.I.A. Survey...1952. Op.cit., p. 277.

40 S/2571, "Text of the Reply of the Tunisian Government...." Op.cit., (Supp.) p. 7.

Tunisia subjected to state of siege is at present scene of serious incidents marked by deaths and injuries. Such a reaction when Franco-Tunisian dispute is before Security Council follows propaganda calculated to misrepresent Tunisian Delegation's approach to United Nations and aims at isolation of sovereign and withdrawal of application according to method that has become classical. Tunisian delegation stresses urgency consideration of application and appeals to your conscience for all action in accordance with law and international morality". 41

Dr. Bourquiba and his associates had been arrested by de Hauteclocque on the 18th just prior to the opening of a Neo-Destour party congress. They were accused of inciting the population to riot and threatening the Bey. Following their arrest the incidents increased in their frequency and became more widespread. The situation was aggravated at this time by the fact that the French Government was undergoing another of its frequent crises under the Fourth Republic.

"While Dr. Bourquiba and his associates were being arrested, France was without a government. M. Pleven resigned on 7 January 1952. On 17 January M. Edgar Faure of the Radical Socialist Party was invested as his successor and the new government was approved on 22 January, after a debate in which Tunisia was the principal topic. M. Faure denounced the appeal to the United Nations as an error and invalid, and insisted that France would tolerate no interference from without. His policy was to restore order in Tunisia, to continue negotiations, and to advance as quickly as possible

⁴¹ S/2571, Ibid., p. 11.

towards Tunisian autonomy; he promised that France would neither abandon Tunisia nor abandon the policy of reform." 42

For a brief moment following this declaration of policy by the new French Premier it seemed as though there might be a cessation of the hostilities. Bourquiba had insisted, even though in prison, that he still preferred friendly negotiations just prior to this statement by Faure. A new flare-up in hostilities was, however, to remove this hope of peaceful settlement under the prevailing circumstances. The situation reached a new peak of armed conflict between natives and French soldiers and reinforcements were sent in from France and Algeria. Under these circumstances the Bey met again with the Resident-General and gave his approval to an appeal for calm.

The Bey's approval of the issuance of a plea for calm did not, however, end the antagonism between the Resident-General and him. This became obvious when on January 30th, the Bey granted an audience to de Hautecloque. M. de Hautecloque presented a note, approved by the French Cabinet on January 25, reportedly calling for the formation of a mixed Franco-Tunisian commission for the examination of a series of reforms that were under discussion. This new appeal for negotiations, however, carried conditions. These were

1) that the Appeal to the U.N. be withdrawn, 2) that the Ministers in Paris be recalled; and, 3) that the Tunisian Government took measures to restore public order.

"The Tunisian Government's reply, handed by the Bey to M. Hautecloque on February 5, declared that negotiations could not be resumed while the country remained under a state of siege, while Tunisian leaders were kept under house arrest, and while 'measures of intimidation and terror' were being used 'to force Tunisians to abandon their demands'. Moreover, the Note emphasized that the Tunisian Government's claims remained the same as those put forward in its memorandum of October 31, 1951...., and that any resumption of discussions must be preceded by guarantees that these demands would be satisfied". 43

Having been once again frustrated in his attempts to gain a dismissal of the appeal to the U.N. Security Council M. de Hautecloque left for Paris on February 6 where he was to remain until the 22nd. In the meantime, the battle raged on between the French view that no new negotiations must be entered into without the compliance to the preconditions cited above and the Tunisian view that its appeal to the U.N. did not interfere with Franco-Tunisian bipartisan discussions. The French did not care to have the matter discussed in the Security Council, while the Tunisians who had been meeting with some success in its efforts towards that body refused to give up its hopes in the international

body for a few promises from the French.

"Mr. ibn Yūsuf and Mr. Badra had been applying themselves with some success to the business of finding a sponsor and seven votes in the Security Council. Pakistan was a member of the Council, but being preoccupied with its own troubles over Kashmir, seemed at first somewhat reluctant.⁴⁴ On 24 January, however, representatives of thirteen states⁴⁵ called on the President of the Assembly, Dr. Padilla Nervo, and on 30 January the thirteen reinforced by Abyssinia and Liberia, wrote to Dr. Padilla and to Mr. A. Kyrou (who became chairman on that day of the Security Council), calling their attention to the serious consequences of a continuance of the existing state of affairs in Tunisia.⁴⁶ On 4 February the fifteen announced their decision to present a formal appeal to the Security Council. The Council was due to leave Paris for New York on 15 February, and in order to prevent Mr. ibn Yusuf and Mr. Badra from following it the French government cancelled their passports".⁴⁷

Here we may take note of the fact that already the international body was having an influence on Franco-Tunisian relations. We see that the French decide to pursue further

⁴⁴For Pakistan's hesitations see R.I.I.A., Survey 1952, Op.cit., footnote 4, p. 280.

⁴⁵Afghanistan, Burma, Egypt, India, Indonesia, Iraq, Lebanon, Pakistan, Persia, the Phillipines, Saudia Arabia, Syrian and the Yemen.

⁴⁶For text see S/2508, 1 February, 1952.

⁴⁷R.I.I.A. Survey...1952., Op.cit., pp. 280-81.

negotiations, if the Tunisian Government would withdraw its complaint, not prior to, but the day following the request of the thirteen States to Dr. Nervo. On the same day that the new French policy is officially given in Tunisia the interested states sent a letter to the President and the Chairman of the Security Council (this may be coincidental, but it must be remembered that the Bey refused an audience until this day and that it was known that the states would wait until a new chairman of the Security Council succeeded the French chairman for January). On the Tunisian side, we must note that the Tunisian reply was not forthcoming until after there was assurance by the fifteen States that they would file a formal appeal to the Council. Thus we see that both French and Tunisian policy was beginning to be formed to some extent by events within the United Nations. The cancellation of the passports was another indication of this trend and the Tunisians countered this by sending copies of their letters to the authorities regarding the matter to the United Nations (published under S/2571).

The French seeing themselves out maneuvered by the Chenik government and recognizing the growth of their supporters in the United Nations decided to take unprecedented steps to resolve the issue. It was decided that first of all, the Chenik Cabinet must be dismissed and secondly one must be instituted that would be willing to negotiate for new reforms.

It seems as though their reasoning was that if they could get rid of the Chenik Cabinet which refused to negotiate on their terms and install one which would, they could prevent the discussion of the matter within the Security Council. The rumour having spread, that the Bey was not a wholehearted ally of the Neo-Destour, M. de Hautecloque decided to press for the dismissal of Chenik's government, and he formally requested this on March 24, 1952. He said that he found it impossible to negotiate with a Cabinet which hadn't met since October and which had allowed public order to slip into chaos. The Bey, however, did not approve of the attitude of the Resident-General and sent a letter to President Auriol complaining of his behavior.⁴⁸ The following day Mr. Chenik and three other Cabinet Ministers were arrested and Bourquiba and his associates were shipped to the South. The two Ministers in Paris (ibn Yusuf and Badra) fled to Cairo fearing for their safety.

"The Bey again refused to receive M. de Hautecloque, and President Auriol's reply to the Bey's letter was sent by aircraft with special envoys, who accompanied the Resident-General to the Bey's palace on 28 March. President Auriol condemned the approach to the United Nations as an act of defiance and, drawing the Bey's attention to the blood which had been flowing and to his duties, asked him to issue an appeal for calm and to form a government of union and appeasement. The Bey agreed to issue such an appeal and, after delays highly agreeable to the imprisoned nationalists, appointed as Prime Minister, Mr. Salah ud-Din Baccouche, a personal friend, who

had held the office from 1943 to 1947, and he at last fulfilled his obligation under the Bardo Treaty to appoint M. de Hautcloque as his Foreign Minister. The Bey also agreed to the establishment of the mixed commission, suggested by the French in January. Rumour reported that the alternative to this compliance was deposition". 49

The progress of the proceedings in the United Nations had been delayed by attempts to ensure the possession of seven affirmative votes, but it had become obvious that such votes would not be forthcoming. The Asian-African bloc, which had promised to present a formal request for discussion in the Security Council, had failed in its attempts to win over the all important vote of the United States which hinted that it would circumvent the issue by abstaining. Despite these set-backs and the knowledge that the issue would most probably not be adopted on the Agenda, the order was given to proceed with the filing of the formal appeal. The delegate from Pakistan started the proceedings by requesting the publication, on March 29, of the Tunisian communications forwarded to the Council. These documents were published as Document S/2571 and circulated on March 31. The formal application was made on April 2 (Documents S/2578-84) of which we have already referred to at the beginning of this chapter. It should be noted here that this step occurred only after the failure of the Chenik appeal to gain the attention

of the Council and followed the arrest and imprisonment of the Chenik Cabinet and a French support of the Resident's actions.

Having discussed the issues which led to the inscription on the provisional Agenda of the Security Council, we find that we have reached our third point to be discussed, namely, that discussion within the Security Council and possible action by it would speed a solution to the problem. We find again that the Text and Explanatory Note of the application of the thirteen States sets the atmosphere for our discussion.

The Text of the note puts it this way:

"In view of the urgent circumstances, I would request the Council to call an immediate meeting to consider the matter, with a view to taking the necessary measures provided by the Charter to put an end to the present situation".⁵⁰

The Explanatory Note goes further when it asserts that the petitioning State "... is convinced that an urgent discussion of the Tunisian situation and suitable action by the Security Council will help considerably to open the way to better understanding between the Tunisian and French peoples and the fulfillment of Tunisia's national aspirations, and thus strengthen the very foundations on which the United

⁵⁰ S/2574-84, Op.cit., (Supp.) p. 9.

Nations has been built".⁵¹

On this point we should like to note that there were three distinct opinions put forward by the Members of the Security Council. The first view was that of the French Government which was supported in whole or in part by the delegations from Great Britain, the United States, the Netherlands, Turkey and Greece. The French opinion was that a "situation" does not exist and that therefore there was no reason to discuss a non-existent problem. They further essayed that a discussion of the matter before the United Nations could not help the situation but rather would have a detrimental rather than constructive force on Franco-Tunisian relations. The French view was expressed in clear terms in the first meeting of the Emergency session on April 4 by M. Happenot, the French Representative to the Council. Happenot summed up his own argument in this way:

"To sum up, the French delegation does not propose that the Security Council should declare that the question of Franco-Tunisian relations is not within its competence, or that it should refuse to include the problem in its agenda; we have gone beyond these legal points today. What it asks is that the Council, confining itself to the facts, should note that the agreement reached between the French Government and the Bey, and solemnly proclaimed by the latter, has put the problem on the road to solution, has ended this question and removed anything which, even by the broadest interpretation that might be given the terms of the Charter, could be found to be a "situation" or a "dispute"; and that the Council need not therefore include in its agenda a question and a problem which no longer exists.

⁵¹Ibid., (Supp.) p. 10.

The only thing which could reopen the matter would be a decision by the Council implying that the question and the problem still exist and that, in spite of the agreement reached between the two parties, there is still a dispute between them likely to threaten international peace and security. Such a repudiation, not only of the facts but of the solemn declarations of the highest French and Tunisian authorities, might have serious consequences in Tunisia and neighbouring countries, and would so dangerously shake the prestige of the United Nations and the trust placed in its objectivity, that I refuse to contemplate the possibility that the Council would take the responsibility for it".⁵²

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The British delegate to the Security Council concurred in the French opinion. He took exception to the statements that negotiations had broken down and that discussion and possible action would speed a solution of the problem mentioned in the thirteen State's note. He stated that there could be no imposition of a solution by the Council which was suggested by the appeal for action. He went on to say: "Whatever may have been the view of the former government in Tunisia, that government is no longer in power and a new Prime Minister has been appointed by the Bey, who is prepared and, as I understand it, is indeed anxious, to negotiate with France."⁵³ He ended his intervention by saying that his delegation would not vote for the inclusion of the item on

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S/PV.574, Security Council, Plenary Sessions 7th yr. 574th meeting, April 4, 1952, (Supp.), p. 11.

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Sir Gladwyn Jebb.

53

S/PV.575, Gladwyn Jebb's Speech 575th meeting 10 April 1952, p. 4.

the Agenda because it felt that a discussion of the matter at a time when new negotiations were being undertaken would endanger them and further more that his country felt that the matter fell within the domestic jurisdiction of France which the Security Council was barred from intervening in by the Charter (Art. 2 par. 7).⁵⁴

The delegate from the Netherlands agreed in principle with the British view of the situation but decided not to vote against the inscription of the item abstaining instead. The United States, Greece and Turkey held essentially the same view on the issue. Their opinion was that the new French proposals for reforms was a basis for the continuance of negotiations and that therefore, the Security Council should give an unfettered opportunity for these negotiations to be undertaken. The American delegate, Mr. Gross, put it this way:

"It is the belief of my Government that at this moment it is more useful to concentrate on the problem of facilitating negotiations between the French and Tunisians than it is to engage in debate at this table. The over-riding objective of the Security Council must be to foster agreement through negotiations between the parties themselves. The French programme of reforms, in our view, appears to constitute a basis for the resumption of negotiations looking towards the establishment of home rule in Tunisia.

The Council will note that, in stressing the desirability of negotiation, I am not dealing with the question of the Council's competence to consider this matter. If this item is not included in our agenda at this time, the Council will nevertheless remain open

54
Ibid., pp. 3-5.

to any Member of the United Nations to bring the question to the Council's attention again. My Government will naturally re-assess the situation if that is done". 55

The second point of view was that of the thirteen petitioning States as expressed by the Pakistan delegate, Dr. Ahmad Bokhari, who was the only one of those States present on the Security Council at that time. Their overall view was that expressed in their letter of application and its annexed Explanatory Memorandum. They had felt that a "situation" did exist within the competence of the United Nations Security Council and that a discussion of the matter within that body would resolve the issue, strengthening the foundations of the U.N. in the process.

The statement of their views in their request and the subsequent attacks on that view, led to a defensive stand by the Pakistan member in the Security Council. Dr. Bokhari, who was also President of the Council of this session, was put to the task of defending the articles of appeal against the various objections raised primarily by the other members of the Council.

To the French avowal that no "situation" existed and a hint that perhaps the thirteen States had been a little hasty in their appeal, Dr. Bokhari, reviewed the steps taken

by the States submitting the appeal speaking of their patience and hesitations and their hopes in the new French Government of Mr. Faure. These hopes having been finally dashed by the arrest of the Chenik Cabinet, they had only then decided on definitely bringing the matter to the Council.⁵⁶ As to whether a "situation" still existed, Bokhari drew attention to the events preceeding the supposed agreement between the Bey and the French Resident-General saying that that agreement had not been freely entered upon but that the Bey had yielded under pressure and that the relevant decree did not bear the Bey's signature.⁵⁷ He indeed took up the challenge hurled by the French at the end of his summary,^{*} saying that the question still existed and that France could not deny its existence by speaking of its plans to negotiate with parties of its own choosing as a solution.

To the British observances on the phraseology of the note, Bokhari, stated that the Note had been worded purposely in that manner to allow the Security Council the fullest latitude in proposing whatever action it chose. As to the feelings expressed by both Great Britain and the Netherlands that a discussion at this time would inflame passions and cause a

⁵⁶S/PV.574, p. 18.

⁵⁷Ibid., p. 21.

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See above.

breakdown in the proposed negotiations, he questioned whose passions would be inflamed since the French possessed all the instruments of force in Tunisia and if they were sincere in their proposals they would not be alarmed by such a debate.⁵⁸ He also expressed his regret at the position of the United States, since in this case an abstention was equivalent to a vote against the item and that he hoped it was sincere in its statement of a re-examination of its position in the case of a future appeal.⁵⁹

The third point of view or opinion we wish to examine is that of the representatives who supported the inclusion of the item in the agenda as a necessary corollary to an out of respect for, the petitioning eleven states.

"The representatives of Chile, Brazil, China, and the Soviet Union maintained that the Security Council, in order to determine whether it had a case to consider or not, must discuss the question; and in order to discuss the question, the Security Council must first admit it to its agenda. That admission, in their view, did not raise the question of the competence of the Security Council. It simply meant a discussion which would enable the Council to form an opinion on the question".⁶⁰

This last opinion which was adopted by the remaining members of the Council represented a compromise between the two dominant opinions and was best expressed by the Chilean

⁵⁸ S/PV.575, Op.cit., pp. 18-20.

⁵⁹ Ibid., p. 23.

⁶⁰ Dib, G. Moussa, The Arab bloc in the United Nations, Djambatan Ltd. Amsterdam, 1956, pp. 54-55.

61
 delegate, who stated that precedent had established the order generally taken on the adoption of an item to the Agenda, and that such adoption neither implied competence nor made action necessary. It was for this reason that he proposed the following draft resolution:

"The Security Council

Decides to include in its agenda consideration of the communications submitted by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Pakistan, the Philippines, Saudia Arabia and Yemen with regard to the situation in Tunisia, on the understanding that such action does not imply any decision regarding the competence of the Council to consider the substance of the question.

Decides to postpone consideration of the communications referred to for the time being". 62

This was the only draft resolution pertaining to the admission of the item to the Agenda, since Pakistan seeing that the item was doomed to failure had only presented a resolution to allow the other appealing States to defend themselves before the Council against some remarks made by the French representative. (doc. S/2598).

The Security Council rejected the Chilean Draft Resolution on 14 April 1952 by a vote of 5 to 2 with 4 abstentions. The necessary 7 votes were not acquired and so the issue was not adopted. The voting according to States was 5 in favor, - Brazil, China, Chile, Pakistan and the Soviet Union, 2 against

61
 S/PV.576, U.N. Security Council 7th Session 576th meeting 14 April, 1952, pp. 8-9.

62
 S/2600 Chilean Draft Resolution.

- France and the United Kingdom, and 4 abstentions - Greece
Netherlands, Turkey and the United States.⁶³

⁶³ S/PV.576, p. 27.

CHAPTER THREE

THE UNITED NATIONS SEVENTH SESSION

(The Presence Francaise and Tunisian Nationalism)

Having failed to obtain the proper number of votes for the inclusion of the Tunisian Question of the Agenda of the Security Council in April, and influenced by the continuation of the conflict in Tunisia, the interested states decided to turn to the General Assembly of the United Nations. Thus, it was that the eleven States presenting the request to the Security Council, joined by Lebanon and Syria, addressed a letter on the 20 June 1952 to the Secretary-General of the U. N. requesting the summoning of a special session of the General Assembly for a discussion of the continuing grave situation in Tunisia.¹ The appeal, however, failed to obtain the required number of votes for the convening of a special session.²

Undaunted by the failure of its efforts the thirteen Afro-Asian States decided to submit the question for inclusion in the seventh regular annual session. Accordingly, they

¹U.N. Doc., A/2137, 20 June 1952, pp. 1-2.

²U.N. Doc., A/2143, 21 July 1952.

addressed a letter to the Secretary-General on 30 July 1952.³ The letter was accompanied by an Explanatory note citing the reasons why they felt that the question should be included within the Agenda.

The French Cabinet was faced with the none-too-easy task of deciding whether to adopt an attitude of indifference to the inscription of the item in the Agenda and argue "in competence" in the discussion of the question or to oppose all the way down the line. The French did not desire to aggravate the already strained relations with the United States on the one hand, but a silence on the issue at this point might be taken as a sign of weakness, and this could not be allowed. So the French Cabinet decided on opposition throughout, taking the risk of raising U.S. enmity against them for objecting to a matter of simple formality.⁴ Having taken its decision, however, the French carried it through, and so it was that:

"When the General Committee considered the request on 13 October, the representative of France said that his Government found the interference of the United Nations in matters which were exclusively within the national jurisdiction of France wholly unacceptable. Accordingly, he would not take part in any discussion or in any vote on the inclusion of the item. The General Committee recommended that the Tunisian question should be included in the agenda".⁵

³U.N. Doc., A/2152, 6 August, 1952.

⁴RIIA. Survey 1952, p. 287

⁵U.N. Doc., A/2404 Report of the Secretary General July 1952 - June 1953, p. 36.

Indeed the General Committee recommended the inclusion into the order of the day without even expressing it in a formal vote.⁶

As the time approached for the opening up of discussions on the items included on the agenda, the French Minister of Foreign Affairs, M. Schuman, took the opportunity to express the views of his Government on the Tunisian and Moroccan Questions, in the General debate which opens up the sessions of the U.N. and in which governments may express their views on world issues. He made his statement on 10 November 1952, in which he gave the only statement of the French view that would be presented; in the sessions which were to follow in the First Committee (Political Committee) France was not to attend. The decision of the French Government was that it could not participate in the debate since it considered the matter as falling within the domestic jurisdiction of the Republic of France and therefore possessing a character by which the United Nations, according to its Charter, was bound to non-interference. To support his contention he reviewed the nature of the Treaties between France and Tunisia (and Morocco) and reviewed the achievements of France in Tunisia (and Morocco) in speaking to statements made by the thirteen States in their Explanatory

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See Day, Georges, Les Affaires de La Tunisie et du Maroc., Pedone, Paris, 1953. pp. 31-32

Note. Thus we may say that: "France's positions rested on two main arguments: the first, legal; the second, political and social".⁷ These arguments were also the bases for the appeal of the 13 states. The French arguments were essentially presented to counter act those of the Explanatory Note submitted with the application for inclusion in to the agenda of the General Assembly's annual session (which the French had of course had time to review).

In spite of this, however, the French argument as it pertains to the political and social aspects is noticeably weak when studied comparatively with that of the thirteen states' note in the light of historical data. The legal argument on the other hand is a different thing and in its presentation the French regain the brilliance of their earlier debate in the Security Council even though on slightly different grounds.

The debate which covered a total of 10 sessions in the First Committee actually boils down to the two arguments stated above at their opposite poles and the efforts of the disinterested parties to find a compromise position recommendable as a solution. With this in mind we should like to examine first of all the political and social arguments put

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Dib, G. Moussa, The Arab Bloc in the United Nations,
Op.cit., p. 56.

forth in the light of our findings. The issues revolve around two basic factors in the Tunisian population the French settlers or colons and the Tunisian nationalists. It will be remembered that one of the primary issues coming out of the earlier debate was that of the position of the colons vis-a-vis the Tunisian Nationalists and the accusation that they were largely responsible for the disorders. The French had not answered to this accusation and so the issue continues. The French in order to establish the advantages gained by its administration of the country and to demonstrate that it has not undermined Tunisian sovereignty attempted to prove that the colons had not been the only benefactors. The Thirteen States, arguing the case for the Tunisians, on the other had, attempted to show that it is the opposite and present in opposition to the French "vested interests" government the Tunisian Nationalist movement which is an outgrowth of that mismanagement.

In speaking of the general relationship between France and the two North African States, M. Schuman said: "Essentially, there is an exchange of reciprocal rights and duties between the signatory States. In return for the special powers conferred by the treaties on France as possessing sovereignty over Tunisia and Morocco, these two territories receive various kinds of advantages".⁸ He then proceeds to discuss these

⁸ U.N. Doc., A/PV.392, p. 194.

advantages under four headings those having to do with:

1) dealings with other States; 2) security; 3) national economy; and, 4) social progress. But before we go in to examine these points we must turn our attention to the 13 states' argument as to **this** general relationship established.

In contrast to the French claim of interest in preserving the state and granting it the benefits of "various kinds of advantages", the 13 states' note saw the French invasion as a means of establishing its domination. The cited as **proof** of this:

"... By virtue of the Treaty of Bardo, which the Bey was forced to sign in 1881, France assumed responsibility to act for Tunisia in its external relations; the principle of Tunisian sovereignty, however, remained intact, and its separate statehood was explicitly recognized in the Treaty. The La Marsa Convention of 1883 - again signed by the Bey under duress - for the first time mentioned the term "protectorate", without, however, calling into question the statehood of Tunisia. Thereafter, French control was extended, unilaterally, by the Presidential Decree of 1 November 1884, and the announcement of 23 June 1885, which, in effect, invested the Resident-General... with all the powers of a head of government". 9

It is indeed in the evolution of the Treaties mentioned by M. Schuman that the claim against France of direct administration is confirmed. He does not mention the two

⁹
U.N. Doc., A/2152.

Presidential Decrees above or the others that placed much of Tunisian affairs in the hands of Frenchmen. The terms of the La Marsa Convention which charged the Bey with proceeding to the administrative, judicial and financial reforms that the French Government judged useful opened the way for these unilateral acts.

"In virtue of the Presidential Decree of 10 November 1884*, the Resident-General has the power of approving, in the name of France, the promulgation and the putting into execution of all the Beylical decrees.

In the terms of the Presidential Decree of 23 June 1885, the Resident-General is trustee of the powers of the Republic in the Regency. He has under his orders the command of the land and sea forces, as well as all the police and security forces over the whole of the territory. He alone has the right to correspond with the French Government, exception made for affairs of purely technical character and of interior order which can be transacted with the competent French Ministers by the different services instituted in Tunisia". 10

It should also be noted here that that were two other Presidential Decrees; one of the 22 April 1882 which created the office of the Resident General; and, another of 4 October 1884 which instituted a body of Civil Controllers who were then designated to help the Resident-General carry out his

*It seems as though the wrong date for this decree was given in the Explanatory Note.

functions in internal administration and were directly responsible to him. The latter part of the above quotation refers to this group.

As to M. Schuman's first two advantages, those, which dealt with Tunisian foreign relations and national security the Explanatory Note was silent. M. Schuman had put these two in this manner.

"In the first place, in dealings with other States, They are represented by France, and their citizens when abroad, are protected in the same way and to the same extent as French citizens.

As to security, Tunisia and Morocco are included in France's national defence perimeter and plans. This is an economic advantage to the two territories and relieves them of the crushing burden that states must bear in these times". 11

The first of these points could not be opposed since it was within the scope and content of the Treaty of Bardo and since the Bey of Tunis had always consented to this relationship. The second point, it had been argued by the Nationalists was not so easily dismissed, since the treaties provided for the departure of French troops when the Tunisian and French authorities agreed that a Tunisian force could maintain the necessary order and the French had failed to allow such a force to develop. In the debate the Soviet Union

¹¹
U.N. Doc. A/PV.392, p. 194.

drew attention to the fact that some of French reluctance to withdraw from Tunisia was due to its strategic importance as a base for the NATO Pact nations.

When attention shifts to the economic and social fields, however, there is a wide discrepancy between the two views of the French in Tunisia. The Explanatory Note of the thirteen powers gives the view that the French Protectorate had been used as a means of enriching French colonists, while M. Schuman pointed to achievements in the stabilization of the economy and claimed no advantages for the French in Tunisia.

The thirteen States' note after mentioning the treaties and unilateral decrees of the President of the French President goes on to sketch the history of the protectorate, the highlights of which are:

"Henceforth, France contrived to assure, to herself and her nationals, domination in every field of Tunisian life. A policy of peopling the country with French settlers was adopted....

This policy was translated into legislation. Under it, all the best land in Tunisia passed into the hands of French colonists.....

As regards public finance, it is only necessary to glance through the budgets for the last twenty years to see how state expenditure has continuously grown to maintain the army of officials required to uphold French administration of Tunisia....

The financial and economic policy carried out by the French in the country has channelled the wealth of Tunisia into the hands of the French settlers... .. they have drained and are draining the greater part of the country's wealth into the coffers of metropolitan big business, thus converting Tunisia into a vast commercial enterprise". 12

To these allegations the French representative spoke in rather general terms. Speaking in terms of the overall view, M. Schuman said:

"As to the national economy, the economic systems of those countries were originally quite rudimentary, but through the efforts of France have now become prosperous, complex and stable. They are now developing with the aid of France, and find markets and economic assistance within the more extensive economic system of our country, which equips them, balances their budget, and stabilizes their balance of trade and of payments...." 13

Notice that the establishment of a "stable", "complex" and "prosperous" economic system does not imply in any manner what causes this improvement, nor who benefits by it. The second statement is just as unclear as the first, since all it does is note the fact that the Tunisian economy has become firmly attached to that of France and it does not necessarily mean that France could not reap a benefit from such support.

On the more practical side, M. Schuman spoke of the inadequacies of the agricultural system before the Protectorate in an attempt to show how the French administration had bettered these conditions and to refute the accusation that the colonists had been the sole benefactors.

"Although Tunisia and Morocco were then exclusively agricultural countries, their production was very low. Various reasons accounted for this - the defects in the land-tenure system, the nomadic habits

of a large part of the population, the fact that form implements had not been improved for centuries, and the absence of any kind of economic system, especially of credit facilities, so that usury was rampant. The re-organized land-tenure system, which over much of the territories has become one of the most modern in the world has given Tunisian and Moroccan peasants a firm title to their holdings and thereby firmly established their rights and met their financial needs. At the same time the government services began to modernize agriculture, chiefly by establishing model plantations, the most famous of which is at Sfax in Tunisia... 80 percent of which is owned by Tunisians..." 14

Here it must be pointed out that, in pointing with pride to these achievements, M. Schuman, was engaging, in a very brilliant way, in speaking half-truths. The other half was what the thirteen States had spoken of and perhaps the more important of the two in this case. For the truth is that although there was a reorganization of the land-tenure system which was good in itself, the benefits from this reorganization were not reaped by the Tunisian peasants but the colonists.

It is necessary at this point to deal with the process of colonization in order to see how M. Schuman's statements are only half-truths.

On the whole, it may be said that French colonization in Tunisia covered three successive phases, each phase reflecting French administrative policy. The first phase was from

14
U. N. Doc. A/PV.392, p. 194.

1881 to 1900 and followed the pattern set by the French Government of the creation of an administrative framework and the granting of rights to private enterprise to own property and land the French who settled during this period possessed sufficient capital for the exploitation of their domains, and they concurred in the opinion of the Administration that French prestige was not dependent on a farming class.¹⁵

Ownership of land in Tunisia prior to the French administration had been patterned along the lines of the Ottoman Empire. Under this system the Tunisian State recognized, in broad terms, three types of properly-ownership. These were: 1) Public or State Domains; 2) Collective ownership; and, 3) the institution of Habous lands. The public or State Domains consisted of those lands which were held by the state having been ceded by or expropriated from tribal leaders or individuals. These included forests, dead lands' (lands which were not cultivated) and the properties which the State rented to the peasants or tribesmen for nominal fees. The second category consisted of lands cultivated over a long period of time by a family, tribe or community in which they shared the use of the land collectively

¹⁵ Pellegrin, op.cit., p. 81.

and long-standing agreement recognized their ownership of the properties. Individual ownership was unknown and the State recognized their collective ownership. The third category, habous lands, was composed of those lands which were endowed with a religious significance, inalienable and unseizable. These lands were administered under Muslim law which allowed a person to will his lands to a religious institution for administration, the profits realized from which were to go either to the State or to his descendants. Such land became inviolable as pledged partly to the support of religious institutions. These lands were divided into two parts according to who received the profits; they were Public habous lands if these revenues were pledged to the State and Private habous land if they were pledged to individuals or families.

The French administration viewed these various categories of land-ownership as a waste of good land on the one hand and on the other hand sought to get a comprehensive idea of the extent of land-ownership in order that French colonists might acquire lands. State lands were not fully demarcated and the rental rates brought very little revenue. The collective lands were not demarcated in definite lines and the habous lands covered many of the best lands in the country. Much of all these categories were not being fully utilized; the general policy of "plot rotation" was prevalent,

in which the area was divided into three parts each part cultivated once in every three years. According to French administration values all of these means of land-ownership were wasteful and claims were unsettled; therefore they set about to systematically rid themselves of this system, implanting wherever possible, French settlers on the lands not strictly delimited or registered by the Tunisians.

During this first period the foundations were laid for the ultimate acquisition of large parts of all this land by French administrative policy. In order to gain access to these lands it became necessary for the French administration to pass the proper legislation making this possible. For this reason a whole series of laws were passed during this period, the first of which was the Land Registration Law of 1885.

"The obstacles that threatened to impede the acquisition of land by the Europeans was first overcome by the Registration Law of 1885. Full details as to the exact location and size of properties were to be recorded and verified in the field. The European legal processes were put into effect and it was hoped that they would eventually replace the out moded traditional Moslem laws. A special tribunal (Tribunal Mixte) was created to render the ultimate decision of the nature of the claims presented.

"The law of 1885 was considered an important landmark in the colonization of the country because it was primarily responsible for the eventual redistribution of the lands in favor of the French. The feeling of utter helplessness on the part of the illiterate local population, in face of Western laws transplanted to

their country, eventually turned to futility. The Tunisians, if they followed through on individual requests for consideration of their claims, discovered in many cases that the tribunal was balanced in favor of the newcomers".¹⁶

This law was to be important to the future life of Tunisia, also, in that credit facilities, whether private or public were open only to those whose properties were registered and these for the most part were the Europeans. Thus it is that this early law established the dominance of the European population in agricultural affairs while at the same time placing many Tunisians who had previously worked lands in to the category of the land-less.

This law was followed by others which progressively encroached upon all the categories of land. This first law dealt with private registration and therefore left the settlement of the state, collective and habous lands to be dealt with later. The first step towards the acquisition of habous lands was taken on May 23, 1888 which allowed the supposedly inalienable habous lands to be rented (called the enzel method). In 1891 the systematic definition of the State Domain lands was begun and their transfer to private individuals was assured by a decree of February 8,

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Laitman, op.cit. pp. 47-48.

1892 at a rate of 10 francs per hectare. In 1898 administrators of the habous lands were requested to turn them over to the Direction of Agriculture to facilitate their disposal, and allowing the exchange of these lands for kind or money on short or long terms.

Thus one observes in the first phase (1881-1900) of French colonization the enactment of numerous laws for the redistribution of land in Tunisia. We must now turn our attention to the practical side of this policy for the results of this undertaking. Two major periods may be distinguished within this phase; one, from 1881-90 in which speculation was rampant and a second, from 1891-1901, when an attempt was made to curb somewhat this speculation and to encourage development of the land resources.

"From 1881 to 1890, a total of fifty individuals and companies managed to buy 11 million acres of land. Only 16 of them owned as much as 93 percent of this land purchased from the moneyless Tunisian aristocracy. The impoverished state of the country ... made the inhabitants the prey of the new arrivals. The Europeans took full advantage of the opportunity to speculate on the sake of property, selling it at highly inflated prices to the peasants who had previously "rented" it from the Bey's favorites, ministers and notables". 17

It must be noted in this connection that the peasants were allowed to live and work on the land much of which was

grants from State Domain in return for paying taxes to the officials of the area when asked to do so. They were not, however, tenants, legally, but although the taxes were high, they at least were recognized as having the right to work the land. This sale of these lands to the Europeans displaced large numbers of these peasants who could not afford to pay their rates of sale and many were forced to seek a new means of livelihood. This displacement of society was truest in the North where these early lands were acquired. It must also be noted that many of these land-speculators merely held the land, waiting for prices to rise, and most important of all it did not provide any considerable increase in land usage or development of the country's resources.

To remedy this situation the French administration embarked upon an ambitious program of study involving historical crops grown and soil analysis. To implement their results of this study they instituted legislation (1891-1892) requiring the purchasers of such lands to engage in the culture of the products best suited for the land acquired. Most of this land was appropriated from previous Beylical Administrations turned into Public Domain and sold to private interests.

This first exchange, however, found most of that property in the hands of the officials of the French administration and created a slight scandal in French official

circles. The enmity aroused by this distribution is partly responsible for the change in policy which was reflected in the second phase of colonization.

The second phase of colonization, 1900 to 1914, was characterized by a call for more and more administrative recruitment of subordinate officials and the institution of official agricultural colonization.¹⁸ This phase, although endowed with a growing sense of the need for peopling the Protectorate, was still not too demanding on the acquirers of these properties. For this reason, although large tracts of land were exchanged there was still little settlement on the land. During this period more legislation, supplementing that of the former phase made it possible for more land to be acquired. A decree of 1901 declared all "collective lands to be part of State Domain and its disposal was placed in its hand. On January 22, 1905 a decree was issued declaring that the enzel (rent) on habous lands was redeemable in twenty annuities. More of the State Domains were brought over for sale by virtue of a decree of April, 1905. Finally, on January 1, 1907 a Commission of Civil servants was set up to determine the extent and ownership of collective lands.

These decrees as well as the policy of employing French citizens in the growing administrative machinery was

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Pellegrin, op.cit., p. 81.

beginning to augment the French population in Tunisia. in 1880 there were only 708 Frenchmen in Tunisia, in 1891, 9,973 and in 1901, 24,201. By 1911, however, the number had almost doubled itself when it stood at 46,044.¹⁹ This latter figure when compared with that of Italy (88,002) caused a great deal of concern in France and a renewed effort was begun to increase the colonization of the country by Frenchmen. Meanwhile the First World War interrupted French plans for Tunisia.

This second period saw further losses by the Tunisians. The habous properties were being annually appropriated and sold as State Domain at the rate of 5,000 acres a year. In the central and southern regions of the country where the collective lands were prevalent the tribes found themselves being displaced from their ancestral lands due to inability to prove ownership.²⁰ The mass of displaced persons was growing rapidly and ways of finding a living were becoming scarce. It is not hard to see why it was that during this period a rise in native hostility began to again show itself. With their land being progressively taken away from them, their religious institutions being disrespected and French Civil Servants filling all the posts in

¹⁹ See Pellegrin, Ibid., for figures pp. 79-81.

²⁰ See Epton, Nina, Journey Under the Crescent Moon, pp. 163-64.

the country, it was only natural that there should be the discontent which we noted in our first chapter.

Prior to World War I the dominance of the Italian population had been noticed and with some excitement, but there had been no urgency in that recognition. Following the World War, however, the rise of the Fascist regime and its obvious ideas of expansion made the French Government realize that something must be done about the numerical dominance of the Italians. They decided on a programme of vigorous and systematic "peoplement" of the country with French colonists. This was the policy of the third phase of colonization which began after World War I and continued until after World War II.

This final phase in French colonization policy was directed towards increasing French domination over other Europeans numerically. Unlike the previous two phases the interest was not directed towards French ascendancy in economic and administrative spheres only. The new drive was to settle Frenchmen of the land as custodians of the privileges which France had already gained and to avert the Italian claim to rights in Tunisia due to their numerical supremacy.

The policy adopted was similar to that pursued earlier in Algeria, in which the administration, public services and concessionaires were urged to recruit a more

or less numerous French personnel keeping in mind the inclusion of some Tunisian elements. Agricultural colonization was increased and on new lines, lots being granted only to those desiring to live on the land with particular preference being given to the fathers of large families. To these new settlers there was accorded large facilities of payment and credit in order that they might install themselves and reclaim the land. To all of this must be added the encouragement of cooperative societies, which through state loans and help were able to build whole settlements with all the necessary comforts and public works installed prior to the arrival of the colomists. Numerous government officials, railwaymen, artisans and workers were encouraged to settle in Tunisia.²¹ Great public works were instituted to provide facilities of transport, education, health and sanitation.

To all of this must be added the results of naturalization laws passed in the 1920's by the French and Tunisian Governments. In spite of the expected increase in the French population in Tunisia the French Government could not depend on this increase to guarantee French numerical supremacy. The presence of the large Italian community still exercised the minds of the French and it felt that means be undertaken

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See Pellegrin, Op.cit., pp. 81-82.

to check the increase in their number as well as that of the Maltese. The continuance of the existence of another foreign community could not be countenanced, since it would always be a source of anxiety and a challenge to French administration.

"In order to remedy this situation two decrees were promulgated on 8 November 1921. The first emanated from the Bey, declared Tunisian all individuals born on Tunisian territory of parents of which one of them was born there himself, with the exception of the citizens and dependents of the protecting power. The second decree, emanated from the President of the French Republic, declared French all individuals born in the Regency of Tunis of parents of which one is justifiable, to the title of foreigner, by the French Tribunals of the Protectorate, was himself born in the Regency". 22

The legislation sought to ensure that there would not be a continuance of another large foreign community in Tunisia but met with difficulty with the United Kingdom over the status of the Maltese over whom they held authority. The International Court of Justice of the Hague, however, (to whom the resulting case was carried) ruled that the French Law was not operative under international law. The French therefore had to circumvent this ruling which declared invalid the right of France to make obligatory on second generation foreigners living in Tunisia French citizenship. To do this the French Parliament by a law of 20 December 1923 changed the wording of its first law.

²²

Ibid., p. 49. (Free Translation).

"In the terms of the law of 20 December 1923, foreigners, in the first generation born in Tunisia conserve their nationality; they become French in the second generation but can, at the legal age, decline their quality as Frenchmen; they are obligatorily Frenchmen in the third generation born on the soil of the Regency".²³

Through these laws the French were able to augment their population considerably. The Maltese population has been almost completely absorbed into the French community while the Italian citizens have declined appreciatively in proportion due to these laws and some immigration during and after World War II. The following figures show the augmentation of the French population during this period, at the expense of Maltese and Italian populations:

	1911	1921	1936	1946
French	46,044	54,477	108,068	143,977
Italian	88,082	84,819	94,289	83,935
Maltese	11,300	13,504	7,279	6,459

The figures, although important are not the main things to be considered. It is rather the social, economic and political ramifications of these figures that are important, for these are the factors that made this growth possible. Behind

the population statistics lie the dominance of the European population of Tunisia in every aspect of that country's life. For it is only because of this control that there is a European community present in Tunisia and it is largely due to their domination of Tunisian internal affairs that a nationalist movement developed.

The cooperation between the various parts of the European population and the privileges granted to them by the Administration had fastened every activity to them. Those things not possessed or administered by the French were in the hands of other Europeans. A glance at the structure of European society will give an indication of this cooperation and its importance as well as its power.

One is able to distinguish four major groupings in the European sector of Tunisian society. Between these four groups are shared all the power that may be exercised in a sovereign State. The first group is that of the great capitalists, the industrialists and financiers. The second group is the landed aristocracy, possessors of great lands and influence. The third group is the middle class group of professional men. The fourth, the ordinary salaried workers.

As to the first group:

"In the conduct of the country's financial and economic affairs, power is concentrated into the hands of a very small group of Europeans. Some are considered as 'absentee' participants because their direction is exercised from Paris. They are French industrialists and financiers who have

extended their operations to Tunisia just as they have done to many other parts of the world. There have been established in different parts of the kingdom subsidiaries of the four principal groups of North African holding companies. The Bank of the Parisian Union, the Rothschilds, the North African Omnium and the Bank of Paris and Netherlands, through their interlocking directorates, control transport, mining, agricultural and banking enterprises. It is mainly through their bank holdings that it is possible for them, in cooperation with the governments involved, to exercise their influence in Tunisia". 24

This group, it must be noted here, is not primarily or only interested in Tunisia but see it in connection with the other States of North Africa and as it fits into the general pattern. Nevertheless, they control all of the credit facilities and industrial undertakings. Nothing can be accomplished without their support and backing. The Government's economic affairs are tied to much of their capital and their influence in government circles is naturally codeterminus with this fact. They generally only backed European endeavours.

The second group, or landed aristocracy, is composed of the Frenchmen (for the most part) owning large tracts of land and who are wealthy in their own right. They invest in many other things besides agriculture, and many serve as agents for the financial houses. They are highly influential

in both the financial and government circles. They are a minute part of the population amounting to about 3,000 persons who nevertheless control the best lands in the country and produce over 56% of the agricultural products.

On this second group it has been said;

"By 1937, a total of 1,812,000 acres were in the hands of European settlers of which 95 percent were owned by the French. The concentration of property is evidenced by the fact that four companies owned 364,520 acres, or 23 percent of the French total. The lands are undoubtedly the best, since of the French-owned 678,700 acres of cultivated soil, over 85 percent are in the north, the best rain region. Of the 518,120 acres of land to be planted, over 90 percent are owned by the French in the region of Sfax and South, where the best olive culture lands exist". 25

The third group is that of the middle class, composed of 35,000 to 40,000 persons of all nationalities, it is spread out into agricultural, industrial, and commercial enterprises. They are smaller capitalists than the previous two groups but still find credit facilities easily enough in comparison with Tunisians. Whatever their nationality or their capital they are united in their opposition to the local Tunisian interests, and they have an innate distrust of the Tunisians.

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Ziadeh, Op.cit., p. 43.

26
Laitman, Op.cit., p. 55.

A very important part of this third group is the French civil service employees. A part of the drive for mass-settlement of Tunisia following the First World War, they were attracted by promises of high salaries and rapid promotions. In order to induce them to remain their privileges were increased over the years; being given preference in appointments to the higher paid jobs and a 33 1/3 percent addition to their salaries, among many other privileges. Having acquired there positions and enjoying their privileges immensely they did not care to lose them. "Vested interests" made them violently opposed to Tunisian Nationalism which was the main threat to their privileged rights.²⁷

"The final European grouping is that of salaried workers in private industry and government departments, numbering about 13,000 French, 20,000 Italians, and others. They are usually in a skilled, specialized category, preferring to open their own shops rather than work in large enterprises. The French are concentrated in certain sectors such as railroads, and the arsenal at Ferryville. The Italians and other Europeans are to be found in all branches of the economy and whereas Tunisians once held practically none of the skilled and supervising jobs, there is now a tendency to raise the level of their jobs".²⁸

As we have reviewed the colonization movement, we have noticed from time to time a reference to the colons as in opposition to the Tunisians. The unfairness of the privileges enjoyed by them over the natives has been noted, and

27

Ibid., pp. 55-56.

28

Ibid.

the increase in their privileges in the last period of colonization could not help but call out opposition. The rapid increase in French population along with the political, economic and social advantages granted to them made Tunisians more cognizant of their own position. Not only was this true, but also this period saw the rise of a Tunisian intellectual class which called for an institution of the rights of the people in accordance with Wilson's Fourteen points. Most important of all was the fact that the earlier part of this intensified colonization scheme was seen as a threat to all the elements of the Tunisian population and led to the uniting of them into a solid front. Organization had been weak at first but it slowly strengthened and the cleavage of the Old and New Destour simply made way for the ascendancy of a truly organized movement which could seek the loyalty of all the people. By the thirties there had definitely developed a consciousness, on the part of all the population, of the Presence Francaise. Ten years of the mass settlement policies had affected almost every man, woman, and child in the land. People had learned to live without the things taken during earlier periods, but this new period threatened even their pitiable plight of that day. Under these conditions the Neo-Destour Party led the Nationalist movement in Tunisia.

The 13 states' Explanatory Note take this movement as clear indication of French mismanagement and a healthy growth which should replace the French administration in

Tunisia. After speaking of the French usurpation of Tunisian sovereignty and exploitation for the benefit of the Europeans at the expense of the Tunisians, the note goes on to say:

"National awakening came early in the 20th century. Although the Tunisian people are well known for their mild temperament and genial ways, French colonial policies gradually aroused them to organized national struggle. This struggle was suspended during World War I and the succeeding years until 1921, for the Tunisians hoped that their wholehearted support of the Allied cause would bring them the reward of independence. But the French did not change their policy. The national movement assumed there upon a more definite shape under the leadership of the Destour Party, which was founded in 1920. After a period of intermittent agitation, the Neo-Destour Party came into being in 1934 and began an organized, country-wide campaign to bring home to the people the fact of their political dependence. Bourquiba was deported by the French authorities in 1936, but was released a year later under the orders of the Popular Front Government then in power in France, only to be rearrested in 1939. A state of siege was imposed on the country in 1938". 29

We have already referred to the earlier nationalist movements in our General Survey in Chapter I. The thing we should like to examine here is the second phase of this activity which assumed much greater proportions. This new party which was to become so intimately tied up with Tunisian Nationalism. The new party was founded on much broader foundations than the old party, and its leadership was much more dynamic. The greatest of these new leaders was a young lawyer Habib Bourquiba.

Habib Bourguiba was born in Monastir 3 July 1903. He was the youngest of seven children two girls and five boys. His mother having died while he was very young he was sent to Tunis where he stayed with his brother Muhammad. Bourguiba was sent to the Children's Annex of the Sadiki College where he made his primary studies. In 1913, he obtained his certificate and entered Sadiki College as a scholarship-student. In 1919, however, his studies were interrupted by an attack of pulmonary tuberculosis. Regaining his health, he returned to school in 1921 enrolling at the Lycee Curnot in the second secondary. He was a good student and in spite of disciplinary measures having been taken against him for his political activities as a youth of 19, graduated with the mention of "Good" on his record in 1924. He had become determined to continue his studies, and set, having acquired a subsidy of 1,800 francs from the Sadiki College made his way to Paris where he enrolled in the Faculty of Law and in the School of Political Science. While attending Law School, however, he engaged in the study of many other studies, psychology, psycho-pathology and literature among them. Here he met his wife, a Frenchwoman, and also a young doctor some years his senior Dr. Materi, who was to be his comrade-at-arms throughout the struggle for Tunisian independence. In 1927 Bourguiba completed his studies and returned to Tunis where he enrolled in the Bar and practiced law for

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three years.

Bourguiba was shocked by the changes in his country and the conditions in which his people found themselves. He noted the many improvements in Tunisia's economic status, but as well sadly noticed that these changes were not benefiting the Tunisians but rather the colonists. He soon became convinced that a revolution must be born in Tunisia, that the people must be made to realize their condition and urged to alleviate it.

"In order to make a revolution, it is necessary to arouse some revolutionaries, that is to say to create in the spirit and heart of men, the need of the revolution. Among the bourgeoisie, this need can be a revenge for having to take a diminished condition, the desire of occupying some jobs in which they have been unjustly frustrated; among students, an ideological aspiration; among workers, who have nothing to lose, the wish for a better world. The creation of the nation ought to become a national affaire, in which the entire people ought to participate. Bourguiba ... was the first in the history of the national movement to have the sentiment of the people." 31

Having realized the importance of the opinion of the people he set out to find a means of communication with them. This resulted in the founding of the French-language paper La Voix du Tunisien whose first number appeared on

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See Garas, Felix, Bourguiba et La Naissance d'une Nation, Chapter IV, pp. 58-62. (Biography).

31

Ibid., p. 67.

October 1, 1930. \ The organ was established by an editorial Commission which was comprised of Habib Bourguiba, his brother Muhammad, Dr. Materi and some members of the executive commission of the Destour Party such as Tahar Sfar and Salah Ferhat. \ Bourguiba and his colleagues had joined in the Destour Party in an effort to concert their action with that body, although having to sacrifice some of their own principles to do so. The combined group had managed to induce Chedly Khair-Allah, the owner of a small weekly publication, to allow them to take over his press for the publication of a nationalist journal. ³²

The Committee defined its aims in its first number in the following points:

"Fight against the regime of decrees, suppression of the privileges of the Europeans, education for all, access of Tunisians to all administrative postes, action against the excess of the colonisation of the land, condemnation of the khamessat, defense of the freedom of the press and of the freedom of association. These were the traditional demands of the Destour; Bourguiba had not been able to obtain from his associates the definition of a more constructive politic. It was neither a question of independence, nor of Parliament, nor of elected government. They were still in empiricism, but the essential thing for Bourguiba and his friends was having a journal in which they could express themselves." ³³

32

See Ibid., for discussion, pp. 67-71.

33

Ibid., p. 68.

X The Committee sought to stir up the conscious of the people in terms of social and economic questions as well as political. The journal lasted for 2 years and articles calling the Tunisian people to exert themselves and speaking of the origins of the Tunisian nation within the French Protectorate.³⁴ Many of its articles were written by Bourguiba and its circulation was widespread. Mr. Khair Allah, the proprietor, however, became associated with the Residency and lost favour in the public eye, thus destroying the efficacy of the journal being published by the editorial Committee. Mr. Khair Allah, having refused to turn over the direction of the journal to the Committee it withdrew from him and established its own organ, L'Action Tunissienne. (November 1932). The new journal was edited by a Committee composed of Habib Bourguiba, Muhammad Bourguiba, Dr. Materi, Bahri Guiga and Aly Bou hageb. This new journal did not hamper itself with the chains of the previous one, but immediately went beyond the aims of that organ asking for the establishment of an internally independent Tunisia on the lines of a modern State and without prejudice to people's rights and privileges based on religion, color or race. It called for the freedom of Tunisia and at the same time recognized that that freedom could only be realised by the people themselves.³⁵ It

³⁴Ibid., pp. 69-70.

³⁵Ibid., p. 71.

urged upon the Tunisian people that they must reform their
 own society.³⁶ While it protested against the economic
 policies which were squeezing out the Tunisian producers,³⁷
 and condemned the French administration for the many scan-
 dals which marred its record.³⁸

The issue that was to cause the greatest stir in
 Tunisian administration, however, was its stand on the ques-
 tion of naturalized French-Tunisians. Under the French law
 of 20th December 1923 (mentioned above) Tunisians were allow-
 ed to become French citizens. Few had availed themselves of
 this opportunity due to the fact that they did not care to
 lose their "personal statute" under Islamic law. Those who
 did acquire such citizenship were generally thought of as
 renegades from their religion. The Resident-General at this
 time, M. Manceron, was able to obtain a fatwa from the Tribu-
 nal of Chaara by virtue of which naturalised Tunisians re-
 tained their quality as Muslims. L'Action Tunisien embark-
 ed on a campaign against this decision and there to Nomad
 demonstrations in many areas of Tunisia.

"The Tunisian Muslim feeling over the question of
 naturalization was, however, neither diverted nor
 appeased - as was demonstrated by successive 'inci-
 dents'. Two 'incidents' of the kind arose over the
 simultaneous deaths, at Biserta on the 31st December,

³⁶ Ibid., pp. 71-72.

³⁷ Ibid., p. 72.

³⁸ Ibid., p. 74.

1932, of a naturalized French Muslim of Tunisian origin with a French wife, and of the son of another naturalized French Muslim of Tunisian origin. Both corpses were refused burial in the Muslim cemetery. ... There were similar incidents on the 15th April and the 1st May. This device for posthumously stigmatizing naturalized French Muslims of Tunisian origin as outcasts proved so effective that the French authorities were constrained to provide special cemeteries for this category of French citizens; but this was cold comfort for those unfortunates..." 39

This series of events did not escape official measures directed at putting an immediate end to the disturbances and following the event of the 15th April seventy arrests were made. Two days later a delegation of opponents to naturalization visited the Bey and made representations to him. On the 21st he issued a manifesto upholding the maintenance of the status quo on the matter. But this, unfortunately, failed to quiet the unrest and the trials of the rioters of the 15th caused serious incidents in Qayrawān on the 22nd. Following this the authorities began to take more repressive measures.

"... A Beylical decree of the 6th May, promulgated on the 12th, gave the French Resident-General special police powers; another of the 27th May, promulgated on the 31st, extended to Tunisian newspapers published in French the regulations to which the vernacular Press was already subject. The law was applied to three journals on the 31st May itself; and the Dustur was dissolved by decree on the same day. The Tunisian Nationalists retorted by a one-day protest strike on the 1st June and by a boycott of French goods, particularly the

wares of the Tobacco Regie".⁴⁰

Prior to its dissolution the Destour Party had experienced a brief rejuvenation when the L'Action Tunissienne group had called for a reorganization following a growth in misunderstanding between the two groups. Habib Bourguiba had attacked the Destour leaders for their inaction on this matter of naturalization and relations had become quite strained. To avoid splitting of the nationalist movement at this time they had called for the special session which was held on 12 May 1933, the anniversary of the Treaty of Bardo. The older members of the Destour were spurred on by their younger counterparts and responded favorably and a new Charter was issued reconstituting it as the "Constitutional Liberal Party of Tunisia"; renounced its policy of collaboration as having failed; noted the continuance of the colonial empires; and decried the existence of economic under-development fostered by the colonial system. It went on to define its aims in these terms:

"... The mission of the C.L.P. is to lead the Tunisian people towards their emancipation, proclaims that the aim of its political activity is to ensure the liberation of the Tunisian people and to give the country a stable statute in the form of a constitution which will safeguard the Tunisian nation and preserve its identity, through -

- (1) A Tunisian Parliament, elected by the people.
- (2) A Government responsible to the Parliament.
- (3) The separation of legislative, executive and judicial powers.
- (4) The extension of the Tunisian code of Justice to all residents of Tunisia.
- (5) The granting of public and civil liberties, without discrimination, to all Tunisians.
- (6) Compulsory education for all.
- (7) Economic safeguards and, in general, all measures necessary to the country to rise from its present material and moral morass and take its place among the civilized nations of the world." 41

At this conference also the entire group led by Bourguiba was elected unanimously to the Executive Commission of the party. The dissolution of the Party and its publication L'Action Tunissienne was said to have been on a faked charge of "collusion with the Fascist Italians".⁴²

The new Resident-General, M. Pegroution, engineered a dispute between the rather loosely bound members of the party, playing off the old members of the Destour Party against the "Tunisian Action" group which resulted finally in an open break between the two sections of the Party.⁴³

The differences having reached beyond the point of

⁴¹ Arab Office, The Tunisian Question, London, 1952, p. 8.

⁴² For details on this see Garas, Op.cit., pp. 76-77.

⁴³ See Ibid., pp. 77-78.

conciliation, the Tunisian action group took to the field to press for a settlement of the issue. Bourguiba and his comrades toured the country holding meetings with the various local groups of the party and organizing new ones. The zeal with which they attacked their work and the sincerity of their interest in the people made their tour highly successful. Backed by a large loyal group they decided to call for an extraordinary Congress to settle the dispute. The meeting was set for Ksar Hellal March 1, 1934.

The older Destouriens did not even come to the meeting. The Congress therefore decided to dissolve the Executive Commission of the party and elect a new Political Bureau. Dr. Materi became president and Habib Bourguiba was elected as Secretary-General. The vitality with which they pursued their program soon acquired for them their unquestionable superiority over the Old Destour. By means of mass education, the organization of youth groups, party demonstrations, and establishing a nation-wide party organization the Neo-Destour (as the New Party was beginning to be called) effectively screened out Old Destour competition but at the same time drew the attention of Peyrouton, the Resident-General to its activities.⁴⁴ Peyrouton, who had viewed the party at first with kindness, even allowing it

⁴⁴ See Rivlin, Op.cit., p. 173.

to publish a journal in Arabic Al Amal, did not view its gathering strength with impunity. He had welcomed the party in its early stages as the signs of a split in the nationalist ranks and even encouraged it, but he could not countenance an organization that was rapidly, becoming a much greater threat than any previous ones.

Thus it is that in the following manner the Neo-Destour leaders reach their first crisis:

"... On the 3rd September, 1934, the Resident-General published three repressive decrees, one dating from the 15th April and the others from the 1st September; and on the strength of the first of the three he arrested and interned eight of the Neo-Dusturian leaders. This stroke provoked a strong and widespread reaction. There were disturbances all over the country from the 3rd to the 9th September inclusive, the most serious being an outbreak at Mugin on the 5th. On the 3rd a joint deputation from the Dustur and the Neo-Dustur was received by the Bey, and the Resident-General received representatives of the Native Section of the Grand Conseil on the 3rd and the 6th; but a promise that five of the prisoners would be released on the 3rd October was revoked in consequence of the continuance of the disturbances. Eight more Nationalist leaders were arrested after the Bey had been importuned by demonstrators at Tunis on the 1st January, 1935, and a Dusturi leader was condemned to one year's imprisonment and five year's banishment on the 21st February. There was a Nationalist demonstration in Tunis on the 28th of March, but this passed off peacefully, and on the 2nd September, 1935, it was announced that eight of the prisoners were to be set at liberty". 45

45 R.I.I.A. Survey ... 1937, p. 532.

The Neo-Destour leaders had all been exported to the South at the beginning of this new policy. Bourguiba, Dr. Materi, Guiga and Salah ibn Yusuf being confined first, with Bourguiba's brother Muhammad and Tahar Sfar joining them soon afterwards. Without its leadership, however, the party did not founder and was a sign of the thoroughness with which it had been organized. The manifestations noted above are exemplary of the policy pursued by the party organization and demonstrates the support of the masses which had been the aim so rigorously prosecuted by the Neo-Destour leadership. These manifestations gave new hope to the political prisoners, who saw in them the makings of an unbreakable determination to continue the struggle and a source of un-failing support. They were now more assured of themselves and only awaited their chance to renew the battle. Their opportunity came in the Spring of 1936.

France was passing through a crisis-period while the manifestations were being suppressed in Tunisia and the activity of the French Left had become a cause of great alarm in French politics. The easing of the situation had brought on a re-examination of policy and with it the recall of M. Peyrouton who was replaced by M. Guillon who differed greatly from the previous Resident-General. The change in Resident-Generals occurred on the 21 March 1936. Mr. Guillon immediately changed the atmosphere:

"... (The) new Resident-General had announced certain prospective acts of clemency - including the release of eight of the political prisoners - on the 22nd April, and this amnesty was confirmed on the 23rd May. ... The wave of strikes reached Tunisia from France on the 17th July and did not begin to subside until half-way through August. This labour unrest chiefly affected the Frankish element in the population, and it therefore did not deter the Government from publishing on the 9th August a number of conciliatory Beylical decrees of which the Muslim community were the principal beneficiaries. One decree of that date relaxed the existing restrictions on the freedom of the Press; two others respectively restored in large measure the liberty of public meeting and that of private association; another repealed the decree of the 15th April, 1934, and a supplementary decree of the first July, 1935. The decree of the 6th May, 1933 was left in force. This lightening of governmental pressure was followed by a peaceable revival of Tunisian Muslim Nationalist political activity. On the 28th August the Dustur held an open-air meeting in Tunis, and on the 1st October its leaders were given an audience by the Bey at Marsa". 46

Bourguiba was released on April 25, 1936 from his imprisonment, some others having been freed at earlier dates, he rejoined them and began at once a renewed campaign of party organization. He went out into the villages and spoke to the fellahin (farmers), to the tents of the Bedouin chiefs, to the labour union organizations, the students, the professional men and the bourgeoisie. He covered every element of the population drawing the support of each group, for every group was suffering under the hardship of the French administration. The bourgeoisie had lost its privileged position

economically and commercially to the incoming settlers, their children could no longer find employment to suit their training, mass-produced articles were flooding the markets with low-priced goods which their products could not compete with. The tribes had been deprived of large tracts of land which had been pasture-land for their flocks for centuries. Students could not look forward to gainful employment since all higher positions in the Government were reserved to Europeans and private business was being forced out of existence due to a credit-system unfavorable to the natives. The working-class was being frustrated by wage-discrimination and lack of opportunity for advancement beyond a hand-to-mouth existence.⁴⁷ All of these various groups of Tunisian society had reasons to desire a different order and to hope for a better day. And, this was exactly what the Neo-Destour rallied them to unite their efforts to achieve. It asked them to forget class-consciousness and to think in terms of the nation, a nation freed from the bonds which oppressed each and every class and person under them.

α The advent of the Popular Front (1936) ushered in a new era of Franco-Tunisian relations. The popular Front government was enjoying a popularity, seldom known in French politics and some of its supporters were

⁴⁷ See Garas, Op.cit., Chapter VI, pp. 91-102.

known to favour the emancipation of the colonial states. Some, such as M. Bergery and professor Charles Andre Julien (charged with the coordination of Muslim affairs by the President of the Council), were personal friends of Bourguiba. The members of the Neo-Destour Political Bureau did not hesitate to take advantage of this opportunity.

"The Neo-Destour party, realizing the importance of an active campaign in France itself, underlying upon the liberal ideas expressed by the French Popular Front and notably by M. Leon Blum, the Socialist leader, soon discovered that however liberal the new French Government might be, there were limits to what it could allow. It therefore adopted itself to the circumstances and agreed on a policy of determent - independence still remaining its ultimate objective, but to be obtained by a gradual process. For the first time in history, the Destour presented its programme in an acceptable form. Its immediate demands were submitted to the Popular Front government as soon as its leaders returned from exile and included such items as putting an end to official colonization in Tunisia, complete reorganization of the fiscal system, compulsory education for all, the eligibility of Tunisians to all administrative posts including positions of authority, adequate relief for the sick and aged, and a campaign against usury. The party also insisted that the Great Council should be replaced by a Tunisian Parliament with responsible Ministers". 48

Bourguiba, himself went to France to have discussions with M. Vienot, who was entrusted with Tunisian and Moroccan affairs. The talks took place in a very friendly atmosphere and M. Vienot agreed on many points with Bourguiba and none

of the Neo-Destour demands compromised seriously the aims and objectives of the Popular Front. After two such conferences Bourguiba presented the Tunisian demands in writing to Vienot and suggested that he visit the country to see for himself the need for these reforms. M. Vienot traveled to Tunisia and investigated the affair and on his return concurred in Bourguiba's opinion.

"The French Under-Secretary of State outlined French policy towards Tunisia in a speech in which he ascribed the cause of the Tunisian troubles to inter alia, 'the indecision and irresponsibility in governmental and administrative affairs - a tendency on the part of certain French nationals to confuse their personal interests with the greater interests of France, the discrepancy between the budgetary resources and the number of civil servants, the excessive privileges granted to certain beneficiaries and above all the extreme poverty of the fellah'". 49

M. Vienot also cited the need for a complete reorganization of the country in every sphere and that such reorganization must allow the Tunisians effective participation in public affairs.⁵⁰ The implications of these remarks raised great hope among the Tunisian nationalists but created the opposite response among the French settlers in Tunisia. These French citizens organized themselves in local unions focused around the "French Chamber of Agriculture" were able to exert a considerable influence on many parliamentarians, mainly of the right

49 Ibid., p. 11.

50 Ibid.

but including some leftists. A telegram was sent to Leon Blum asking him to give the position of his Government and envoys frequented Paris to assert their ⁵¹opposition.

Under the steady pressure exerted by the colonists lobby parliament, M. Vienot, decided to quiet the fears of the settlers, who were becoming more violent in their denunciation of the Government.

"In a declaration in the Colonial Press (November, 1936), he gave to the colons the definiteness that they demanded. They were not in fact those that they expected. ... nor those that the nationalists expected. One phrase summarises the contents of this declaration: 'The installation of France in the Protectorate country has a definitive character and not any Frenchman, as long as he continues in the idea of making methods of collaboration, can envisage the end of a direct participation by France in the government of this country'. 52

∩ This declaration by Vienot inferred co-sovereignty in Tunisia. The Tunisians at this point, however, having decided on a policy of collaboration by which independence might be gained by stages did not argue the point of the character of the Protectorate but left the matter in beyance hoping that his statement on collaboration would achieve the ends in due time. The French colons, on the other hand, rejoiced at the proclamation of the character of the Protectorate and the part of Frenchmen in it, while

⁵¹See Garas, Op.cit., p. 105.

⁵²Ibid., pp. 105-106.

ignoring his pledge to collaboration. They both sought to
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 bring Vienot over to their side.

Under these circumstances it is not unusual that negotiations between the Blum Government and the Tunisian nationalists went on a decline and that conditions became a little unsettled in the country. To this also must be added the return of Sheikh Tha'alibi (the founder of the Destour Party) to Tunisia and a reactivation of that Party which disapproved of the action of the Neo-Destour in collaborating with the French. Tha'alibi had been allowed to return to Tunisia under the same decrees that had freed Bourguiba and his colleagues from their prisons. He had received a hero's welcome in Tunisia from both parties and it had been hoped that a re-union of the feuding factions of the nationalist movement could be arranged under his leadership. Unfortunately, Tha'alibi was too much of a traditionalist to agree with the ideas of the Neo-Destour leaders and sought to continue and propagate the Old Destour on its old terms and sought to link it with the Pan-Arab and Pan-Islamic concepts prevailing in the eastern Arab lands in which he had spent his exile.
 54 He began active political activity counter to the Neo-Destour and brought himself in

53 Ibid., pp. 106-107.

54 See R.I.I.A. Survey ... 1937, p. 539; also Garas, Op.cit., pp. 111-114.

conflict with its leaders. To meet the challenge Bouguiba's group started counter-propaganda and violence flared between the two. Ultimately Tha'alibi was hopelessly defeated but the conflict had done its damage.

The Neo-Destour, its position compromised by accusations of not upholding the interests of the people by its policy of collaboration had to answer these accusations by reaffirming its interest was still the independence of the country. It gave as grounds for its earlier decision, the good-will shown by the Blum Government and its hopes therefore to gain through successive steps the independence desired. [With the fall of the Blum Government, (21 June 1937) therefore, and indications by the new one that it did not share the former's conciliatory opinion, the Neo-Destour leaders denounced its policy of collaboration (October-November 1937). A policy of 'mass resistance' was initiated by Bourguiba over the objections of some of his colleagues.⁵⁵ The people were urged to refuse to obey Administrative laws and this resulted in the arrest of some Neo-Destour leaders on 5 April 1938. The usual pattern of arrests and protest demonstrations that had become familiar by then.

"At Bizerta on the 6th January, 1938, there was a clash between the police and a crowd of demonstrators involving six fatal casualties. On the 7th April following the arrest of eleven Neo-Dusturian

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Garas, Ibid., pp. 116-117; also Rivlin, Op.cit., p. 173.

leaders, there were demonstrations at the Beylical Palace of Hammānlif and on the island of Jarbah; and on the 9th there was a serious outbreak at Tunis. Thereupon martial law was proclaimed throughout Tunisia, and an arrete dissolving the Neo-Dustur was published on the 15th. There were fifty-one more arrests on the 19th April, and between the 16th and the 21st sentences... were passed on seventy persons"⁵⁶

Thus we see the end of the Franco-Tunisian cycle which we have drawn attention to in our previous chapter. At this point, also, it must be noted that the Franco-Tunisian relations were interrupted and affected by the outbreak of the Second World War.

The Second World War years were, nevertheless, not uneventful years in Tunisia and their influence on postwar Tunisia was great. The thirteen State's Note remarks on this period that:

"The outbreak of the Second World War did not stop either the popular agitation or the military repression. This continued until the Vicky Government in 1942 permitted the landing of Axis troops on Tunisian territory. The Tunisian leaders were released by the Axis authorities. Acute pressure was being brought to bear upon them and upon the then ruler of Tunisia, Monsef Bey, to throw in their lot with the Axis Powers for a promise of independence after the war. Monsef Bey, however, decided to remain neutral and this was the more remarkable as at that time the Axis Powers were at the peak of their military successes. The later French regime, however, chose to ignore this loyalty. Action against the Neo-Destour Party was intensified; but this only strengthened the nationalist movement".⁵⁷

⁵⁶R.I.I.A. Survey ... 1937, p. 539.

⁵⁷U.N. Doc. A/2152.

That is the way in which the thirteen Afro-Asian States put the situation of nationalism in Tunisia during the Second World War. Our sources bear out these observations.

The early part of the War years were, it would seem, years of activity within Tunisia. In spite of the arrest of Bourguiba and most of the other Neo-Destour leaders. The Neo-Destour organization had by this time incorporated over 400 sections with better than 100,000 adherents and 5,000 party workers. It held within its organization a Youth movement and Unions as well as many associated groups (i.e. theatrical, literary and athletic). The Muslim scouts of Tunisia was also linked to the Neo-Destour, membership in it being open only to members of the Neo-Destour Youth Organization. And last, but not least, it possessed a Press which published two papers and numerous local and professional journals.⁵⁸ Such organization could not be easily destroyed and although Bourguiba was the recognized leader of the Neo-Destour his internment did not end party activity for his mantle of leadership was taken up by his good friend and associate Dr. Habib Thamer. A medical doctor by profession, Thamer had been active among the North African students in Paris being twice elected President of the Association des Eudiants Musulmans Nord Africains, and presided over the Paris

Destour section in 1936. He had returned to Tunisia in 1938 to practice medicine, but soon found himself actively engaged in political affairs instead. He reorganized the now illegal Neo-Destour Party's Political Bureau and initiated underground activity which continued until the Allied landings.⁵⁹ It should be noted that:

"This general agitation continued right through the war in spite of the state of siege and the threats of General Blanc, who was in charge of all Tunisian troops. The repeated acts of sabotage led the Government to take drastic measures: saboteurs were sentenced to death on the spot, the concentration camps were filled to overflowing with nationalists. The Franco-German armistice of 1940 gave the Destour Party the opportunity of claiming its independence from France, who was no longer in a position to fulfil its mission as a protecting power. A delegation of Neo-Destour members presented a petition to the Bey on July 20th, 1940, demanding the release of Bourguiba and his friends and denouncing the Protectorate treaty as obsolete. Similar petitions were presented to the Bey's representatives in all parts of the country. Resident-General Esteva answered by arresting all the members of the delegations, but thanks to the Bey's personal intervention their arrest only lasted a few weeks". 60

Dr. Thamer had been the leader of this delegation, and although escaping prolonged imprisonment at this time, was to be re-arrested in January, 1941 as he and Tuieb Slim (another leader of this period) were attempting to flee into Libya to escape arrest following a series of measures adopted to end the disorders created in Tunisia.

They were both accused of plotting against the security of the State and sentenced to twenty-years' forced labor. While in prison, however, he managed to get off news to other leaders to continue the organization.

It must be noted here as well that with the repression of the Neo-Destour the Old Destour again made a bid for the loyalty of the Tunisian people. The Old Destour had remained inactive following its defeat by Bourguiba in the late thirties but following his imprisonment and that of most of the other members of his party it sprang into action again. It became particularly active after the fall of the French Third Republic and many of its members were active Axis collaborators. They called for the support of the Germans and Italians in the War saying that it was the only means of achieving Tunisian independence. It was reported that Dr. Thamer and Taieb Slim were the persons who saved Tunisia from the hands of the Axis by their opposition to this view. Their publications, though not giving up the fight for independence, flatly condemned supporting the Axis forces over the Allies.⁶¹ This policy was supposedly a result of counseling from Habib Bourguiba who had been transferred to a prison in France just before the signing of the Franco-German Armistice.⁶²

⁶¹ Garas, Op.cit., pp. 133-134.

⁶² Ibid., p. 122.

Another element in the situation which may have helped to keep Tunisian nationalism from going over to the Germans was the dynamic leadership of Moncef Bey who ascended the throne on June 19, 1942. Moncef Bey was the first Bey to support nationalism and to take its tenets as his own. At this period when the nationalist movement was devoid of practically all of its leadership the Bey virtually became its leader and its symbol. This occurrence of unity between the nationalists and the Beylical Office was highly unusual and represented, for the first time, official recognition of the movement. This had never been done before:

"The fact was that until the accession of al-Munsif (Moncef) on 19 June 1942 at the age of sixty-one the law of succession, whereby (as in the Ottoman Empire since 1617) the throne passed to the eldest living male member of the royal family and not to the eldest son of the late sovereign, had provided a succession of elderly, complacent, nominal rulers who had done little to disturb French Residents-General who exercised all real power. Al-Munsif, on the other hand, had long been associated with the Destour party in its demand for the restoration of effective sovereignty to a Tunisian constitutional government; and on 2 August 1942, he had handed to Esteva, for forwarding to Marshal Pékain, a request for the revision of the terms of the Protectorate which invoked the Atlantic Charter and Britain's promises of full independence for India after the war". 63

Esteva reportedly rejected the proposals outright and refused to convey them to Petain, suggesting that the Bey might be happier if he abdicated. 64 A few weeks later

63 R.I.I.A. Survey ... 1939-46, pp. 414-415.

64 Ibid., p. 415.

Esteva in a congratulatory speech at a Muslim festival (12 October) was so undiplomatic as to allude to France's rights as protecting power in Tunisia in strong terms. The results of this was that Moncef Bey responded by making a public demand for immediate self-government.⁶⁵ The Bey appealed to the Vicky Government in France following this exchange and the situation was alleviated by some promises from Marshal Petain (which, however, were never adopted).⁶⁶

The landing of Axis troops on the 12th November 1942 lessened the authority of the Resident-General and Moncef Bey took advantage of the situation to ask for the freedom of the political leaders and to establish in January 1943 a Tunisian National Bloc Government composed of both Destour parties and representatives of Tunisian big business and the "grande bourgeoisie".⁶⁷ The entire nationalist movement supported him as can be seen from the above and he was in constant contact with Bourguiba through Dr. Materi and others during this difficult period. The Bey next sought the release of Bourguiba and other Tunisian leaders who were being held in France. The leaders were released but Bourguiba did not return to Tunisia until April, 1943, being detained first in France and then in Rome while attempts were made to win him over to the Axis cause.⁶⁸

⁶⁵ Garas, Op.cit., p. 136.

⁶⁶ Ibid., pp. 136-137.

⁶⁷ R.I.I.A., Survey ... 1939-46, p. 415.

⁶⁸ Arab Office, Op.cit., pp. 11-12.

In Tunisia, itself, the Axis landing was followed by a granting of privileges hitherto unknown and nationalist activity was allowed to operate openly - all restrictions having been removed. The nationalists were allowed to revive their press, to hold open meetings and to even broadcast on the Tunisian radio.⁶⁹ Under these circumstances there was some collaboration with the Germans but for the most part the nationalists maintained a neutral position on the war as proposed by the Bey. In spite of pressure to join the Axis camp the Bey had announced his neutrality and when asked by President Rousevelt in a telegram of 7 November 1942 for free passage for his troops through Tunisia he refused citing his neutrality as a basis for his refusal.⁷⁰

The refusal to grant this permission to the Allied forces was cited as one of the prime sources of an accusation against the Bey of collaboration with the Axis forces after the liberation of 7 May 1943. On the 13th of May, General Juin asked Moncef Bey to abdicate and when he refused he was deposed by a military ordinance of General Giraud. The Bey was arrested and transported to Laghouat in the Algerian desert on May 14th. He was later sent into exile to Pau⁷¹ (October, 1945).

Following the deposition of Moncef Bey steps were taken to remove all collaborationist elements from the public

⁶⁹See Rivlin, Op.cit., p. 174.

⁷⁰Details in Epton, Op.cit., p. 150; also in R.I.I.A., Survey ... 1939-46, p. 414.

⁷¹Full discussion in Garas, Op.cit., pp. 143-145.

scene and many arrests were made. The Neo-Destour Party suffered a great deal under this clean-up many of them being arrested as collaborators, many being falsely accused. French control over Tunisian affairs was affirmed by the institution of direct administration under the leadership of the military Resident-General, General Mast, and the office of Secretary-General was divested of its Tunisian character and became directly linked to the French central authority.⁷²

The security measures taken by the military authorities were rather severe and caused an increase in bad feelings between the French and the Tunisians. In order to alleviate some of this bad feeling General Mast, the Resident-General, pledged himself to increasing Tunisian participation in Governmental affairs and to prove his good faith:

... This statement was followed by the introduction of measures destined to give immediate practical application to a decree passed in June 1937 giving access to public posts on equal terms to Tunisians and Frenchmen; by the institution of a new Tunisian Ministry of Social Affairs with a Tunisian at its head; by a decree re-establishing the pre-war organization of Tunisia, with its elected regional councils which had been abolished after the Tunisian campaign in favor of more absolute and centralized control; by a reform of the Grand Council, to consist hence forth of two equal French and Tunisian sections of 53 members each with increased consultative powers, not confined as before to financial and economic matters only; by a certain relaxation of the censorship regime; and by the institution of an elected municipal council for Tunis, destined to be a model for others in the Regency, composed half of French and half of Tunisian members.⁷³

72

R.I.I.A., Survey ... 1939-46, p. 416.

73

S.E.C., "Tunisia: A Convalescent Protectorate", World Today, Vol. 1948, p. 265.

To give substance to these reforms a policy of more effective land utilization was also attempted. The new policy aimed at the betterment of the conditions of the fellahin and its technical name was Paysannat. It sought to increase productivity in land and soil through a concentration of both government and private initiative. A "Council of Paysannat" was created in February 1944 and it drew up the plans for a five-year plan. The French had high hopes in this plan and expected it to alleviate much of the unrest among the farming-class who were suffering the double hardships of low-production on the one hand and lack of markets on the other. Their low-productivity was due partly to their lack of technical know-how and equipment and partly to their hand-holdings which were for the most part in the areas of sparse rain-fall, the European settlers being in possession of the areas of more abundant precipitation. Their markets were limited because they could not compete with the products of the European mechanized farms who not only could sell at cheaper prices but whose products were greatly superior in quality. The policy of Paysannat sought to undo the inequalities created by the earlier colonization plans. It sought to give the Tunisian fellahin the tools by which he might make a better living through a better utilization of that which he owned. The programme, however, was hampered first of all by the long draught which covered all of North Africa during this period; ⁷⁴ and secondly, by

the political situation of the country.

On the political side, the reforms proposed by General Mast did not meet the approval of the Tunisian nationalists old or Neo-Destour. The Old Destour in collaboration with the Communist Party published a Manifesto objecting to the deposition of the Bey. The Neo-Destour refused to join this concerted effort, but after strengthening its organization published a declaration on the 30 October 1944 proclaiming the necessity of giving internal autonomy to Tunisia. It also called for the formation of a strong National Bloc composed of the Neo-Destour, Old Destour, the Reformist Party and the various non-political organizations. On the 22 February 1945, the "Committee of Sixty" upheld this decision. ⁷⁵

Meanwhile, the end of the War had brought independence to the Eastern Arab States and on the 22nd of March 1945, the Arab League was founded. Bourguiba decided to travel to Cairo, the League's center, to enlist their support in the efforts to gain Tunisian independence. Due to the unrest in Tunisia he was under "house surveillance" and was forbidden to leave the city of Tunis, so he made his way in disguise out of Tunisia. Leaving Salah ibn Yūsuf behind as leader of the Party he hazardly journeyed to Egypt where he presented the Tunisian

75

Full account in Garas, Op.cit., pp. 150-155.

case to the leaders of the Arab League. From thence he made a tour of the Middle East and visited the U.S.A. at the end of 1946 returning to Cairo in 1947. He did not return to Tunisia until September, 1949.

Within Tunisia Salah ibn Yūsuf called a National Congress composed of all the various elements within the Tunisian society. This Congress drafted a resolution on August 23, 1946 which reviewed the complaints against French administration and demanded independence as the only way of atoning the past wrongs and assuring their future destiny. It also upheld their right to seek that independence in whatever manner they chose.⁷⁶ The immediate results of this was the arrest and imprisonment of all the delegates of the Congress. Protest demonstrations spread throughout Tunisia following the arrest of the leaders and a personal intervention by the Bey, Sidi Lamine, resulted in their release.

In an attempt to ussuage the feelings of the people, General Mast proposed a new set of reforms.⁷⁷ These proposed reforms, however, met with no enthusiastic response from the Tunisian nationalists, who had now definitely decided on accepting nothing less than independence. The recall of General Mast and the appointment of M. Mons brought fresh proposals which were again refused in the Summer of 1947.

76

Arab Office, Op.cit., pp. 12-14.

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S.E.C., World Today, Op.cit., p. 269.

The result was that M. Mons appointed a Ministry from more moderate elements of the population and initiated his own reforms.⁷⁸ The nationalist, however, still stuck to their original positions.

Nationalist activity now ignored French proposals and concentrated on the strengthening of its internal resources while at the same time searched for outside aid. The fight was now for complete independence and the movement sought to build up its own reserves as a preliminary to the ultimate battle and sought allies to support its position when the battle was engaged.

The political scene, accordingly, was quiet during the period 1948-50, unrest being found only in the economic and labour fields. Within this period, Moncef Bey died in exile and Sidi Lamine Bey as undisputed ruler began to show sympathy for the nationalist movement which culminated in his plea of April, 1950.

As for the social progress mentioned by Mr. Schuman, it can be seen from the foregoing that the social progress made in Tunisia was far from ideal and benefited not so much the Tunisians as the Europeans. As to the legal arguments cited by M. Schuman, we shall discuss them in the following chapter.

⁷⁸ Ibid., pp. 269-70.

CHAPTER FOUR

THE UNITED NATIONS' EIGHTH SESSION: COMPETENCE REVIEWED

The forces which made up the "Tunisian Question" having been reviewed in their Tunisian environment, leaves still to be discussed the elements which gave to it an international character. Although this problem was dealt with to a certain extent in the previous sessions of the U.N., the solidification of the issues involved did not come to the forefront until this meeting. The prior discussions were merely the prelude to this meeting, serving as laboratories for the separation of the residual factors.

The discussion in the Security Council, with its emphasis on the immediate causes of the dispute, resulted in an incomplete victory for the French. The debate in the United Nations' Seventh Session ended with similar victory for the Tunisian supporters. In both cases the decisions left much to be desired.

The French victory in the Security Council was not due to a decision that the international body had no competence in the matter, but rather to the re-newal of negotiations just prior to the opening of the debate. The

item failed (14 April 1952) to receive the required number of votes to be placed on the Agenda due to the indecision of several members of the Council as to whether or not a discussion should take place while new discussions were being undertaken. This indecision on the part of the delegations led to their abstention. In abstaining, they did not thereby render a decision on the competence of the Council to deal with the matter. Great Britain, which was the only other State besides France to vote against the inclusion of the item, although stating that it did not believe competence existed, did so by expressing that no matter what the legal aspect of the question was the negotiations then in process should not be compromised. In either case, the failure to deny completely the existence of competence left France open to attack in future sessions of the United Nations.

On the other hand, the failure to get the item included in the Agenda was in large part due to the failure to present the matter in a more precise way by the States asking for its inclusion. In the first place, the appeal was made to the Security Council as a situation which is likely to endanger international peace and security. The situation, itself, could not be judged as such. Its continuance might result in such a situation, but this was not the grounds of the appeal to the Council. Even the French delegate admitted that a grave situation had existed a few weeks before the opening of the session, which if viewed in a large sense might be considered an international situation.¹ However, this potentia-

1. S/PV. 574, p. 6.

lity was a debatable point and therefore not a sound basis of appeal. At any rate the negotiations initiated by the French ended the appeal on this basis, if only in legal terms.

In the second place, the thirteen States' note and the subsequent arguments in its favour left out the true cause of the question. The appeal and the arguments both left out reference to the fact that the Tunisian complaint was not primarily directed towards a removal of French authority but to a discontinuance of a policy which claimed rights for the French citizens in Tunisia in Tunisian political affairs. The Tunisians did, of, course, envision the ultimate independence of their country, but in this particular instance their complaint against France was on the grounds that the position adopted by France towards the colonists' participation in Tunisian political life was unfair and illegal. Mr. Chenik, the Prime Minister, in his letter to the President of the Security Council put their case well. In speaking of the French note of December 15, 1951, which ended the negotiations which had been going on between the two parties, he said:

In its reply, the French Government affirmed the necessity for 'the participation of the French citizens in Tunisia -- a foreign colony -- in the working of the political institutions of Tunisia.' This anti-legal position is in obvious contradiction with the provisions of the Treaty of 12 May 1881....

Moreover, by opposing the establishment of a specifically Tunisian political assembly, the French Government impairs the principle of the

unity of sovereignty in Tunisia.

Further, since the bond between France and Tunisia is regarded as 'definitive' by the French Government, the latter violates the provisions of the treaty of 12 May 1881, the provisional character of which is solemnly affirmed (article 2,2)².

Mr. Chenik stated that it was for these reasons that the Tunisian Government considered that a 'situation' existed between the two Governments and in which he asked the help of the Council in relieving. It would also seem that the purpose of the appeal was not to have the Council discuss the matter in an attempt to realize Tunisian independence, but to make the resumption of negotiations possible. This would seem to be true since his appeal was made under Article 35, paragraph 2, and since he stated his acceptance of the obligations deriving from its use. The article reads:

2. A State which is not a member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

The pacific settlement referred to in this Article includes all forms of settlement possible under international law and they enumerated in the Charter in Article 33, paragraph 1. Paragraph 2 of the same Article says that the Security Council may suggest that these methods be used in any dispute brought before it. From this it is possible to draw the

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U.N. Doc.,S/2571, (Supp.) p.

conclusion that Chenik and his Cabinet only desired to negotiate under better terms and conditions of more equality.^{3.}

The thirteen States' Note, however, ignored this emphasis, and the delegate from Pakistan, who carried the weight of the argument for them before the Council, failed to mention the point in the exchanges prior to voting. The Pakistan delegate only mentioned the part played by the colonists briefly in his last speech before the voting took place.^{4.} This statement was very short and came in the middle of his speech recognizing the defeat of the request, since the delegates had already stated how they would vote and it was obvious that the item would not receive the required number of votes. It therefore had no influence on the voting. Following the voting, the Pakistan delegate, taking advantage of the right to explain his vote, spoke at length on the general attributes of the question and especially on the colonists in Tunisia and their origins, influence and special privileges.^{5.} He thus finally dealt with the essence of the problem as the Chenik Government had defined them. The French delegate objected to this use of the right to explain the vote to introduce new information, but declared that time would not permit him to speak to the points raised.^{6.} This after-vote discussion foreshadowed the trend of the future exchange.

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See Keesing's, Op.Cit., 1196 A, p. 11970.

4.S/PV. 575, p. 25.

5.S/PV. 576, pp. 29-33.

6.Ibid., p. 34.

Before going on to the second phase of the question before the U.N., one more point must be made about the failure of the thirteen States' request. The fact that their notes did not deal with the basic problem at issue left them open to criticism and this criticism (coming mainly from France and Great Britain) served to lead the debate away from the real issues, and to entangle the supporter of the item in defensive talks. Once put on the defensive, the offensive was hard to gain, and especially since there was strong argumentation from the side of France denying the existence of a situation and pointing to the new discussions under way. It is the simple truth that the French held all of the cards and played them exceedingly well in this first phase of the question before the U.N.

The French had circumvented the question of competence, avowed quite reasonably that there was no situation to discuss, and kept the discussion on its own grounds, maneuvering the debate so as to take place around issues which were not embarrassing to her. But the victory was not complete, competence had not been dealt with and finally the embarrassing subjects had been brought out. If the French could be said to have had a policy for dealing with the appeal to the Security Council, that policy must have consisted of four major points: 1. removal of the Chenik Government and opening new talks with the newly installed one; 2. avoidance of a discussion of competence in the debate on the Agenda, for a mention of this topic would be sure to place the subject on the Agenda

for more detailed debate; 3. focusing of attention on the present situation created by the new proposals for reform in order to evade examination of the unfortunate past; 4. fostering of the opinion that discussion at this particular time would not help the situation, and might even compromise the talks being undertaken. If this were not a planned policy then obviously, the French delegate took well advantage of a situation that he did not know would exist.

Whether the French had a preconceived plan or not, the results were that the thirteen States' appeal failed to gain the required number of votes. Interestingly enough, it has been said that the formal application was delayed while the sponsors tried to determine whether it would receive the required number of votes or not,^{7.} and then that the decision was taken to file the request without having secured this guarantee. Possibly, the sponsoring States hoped for a French reaction which would swing the vote in their favor. If this was the plan then the Frenchⁿ tactics were even more victorious.

Whatever the various ideas and plans of the two sides were, there emerged from this debate three major considerations: 1. the Security Council with its stringent voting system could not be depended on to give the matter a full hearing; 2. the question of the French colons in Tunisia remained to be dealt with; and, 3. the question of competence had not

7. R.I.I.A., Survey...1952, p.281.

been solved.

The immediate results of these considerations was that the sponsoring States turned their attention to the General Assembly of the U.N. as the place to lodge its complaint. In accordance with this, the interested nations filed a request for an emergency session during the summer of 1952, and this having failed they lodged a new complaint for the inclusion of the item in the provisional Agenda of the regular session.^{8.}

When the General Assembly opened its Seventh Annual Session in November, 1952, the question was inscribed. The French position was that it would not participate in the discussion, since it did not consider the matter within the competence of the United Nations. Robert Schuman, French Minister of Foreign Affairs, presented the view of France in the General debate on the 10 November, covering essentially two points; one legal and the other political and social. The latter of these two has been discussed in the preceeding chapter. On the legal side: "...France argued that Tunisia fell within the national competence of France; and that had been the case since the Treaty of Bardo and the Convention of La Marsa came into force. Consequently, by virtue of Article 2 Paragraph 7 of the Charter the United Nations did not have the authority nor the competence to deal with the

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See above Chapter Three.

question of Tunisia, for that would constitute an intervention on the part of the World Organization in the domestic jurisdiction of France."⁹

Mr. Schuman in presenting this argument stated that the treaties between Tunisia and France had been concluded as between sovereign States and that they set up a special relationship in that France took charge of Tunisian foreign affairs and that Tunisia undertook to carry out reforms in exclusive cooperation with France and at French initiative. He continued by saying that the special relationship set up by these treaties could not be dealt with by the United Nations, since it had no competence in matters of treaty revision. He concluded his legal argument by saying that this special relationship created a situation in which Tunisia was essentially included in the domestic jurisdiction of France, and thereby a situation which the U.N. was bound to non-intervention under the stipulations of Article 2 Paragraph 7 of the Charter. He then proceeded to trace the origin and past interpretation of the Article in an effort to show the validity of his point.¹⁰

In opposition to these points, the States supporting the Tunisian point of view insisted that the treaties had not changed Tunisian sovereignty and that Tunisia was still a

⁹ Dib, Op. Cit., pp. 56-57.

¹⁰ A/PV.392, p. 194.

sovereign AState perfectly able to bring an appeal against France before the United Nations. As to charges of incompetence:

Competence was defended by Sir Muhammad Zafarullah Khan of Pakistan, who pointed out that the Treaty of Bardo of 1881 and the Convention of La Marsa of 1883, which established Franco-Tunisian relations, were broken when France interfered in those matters of government that had been left to the sovereignty of the Bey of Tunis. He maintained that it was perfectly logical for the United Nations to investigate the charge that France had deprived the Bey of his power and had substituted direct colonial control for the limited authority permitted by the treaties. Competence was also affirmed by Finn Moe of Norway and Nasrullah Entezam of Iran, both of whom maintained that the United Nations was responsible for seeing that colonial powers carried out their obligations.¹¹

The argument put forward by the supporters of the Tunisians may be summed up in the following terms: 1) Tunisian sovereignty was not given up under the treaties but only limited in certain fields; 2) in asking for the assurance of the participation of the French community in Tunisian political affairs, France had trespassed on the rights retained by the Bey of Tunis over his internal affairs; 3) under Article 73 (Chapter XI), Declaration Regarding Non-Self-Governing Territories, France undertook to promote the well-being of the inhabitants of Tunisia, to ensure their political, economic, social, and educational advancement, to develop self-government, and to "transmit regularly

¹¹ Atyeo, Henry, "Morocco, Tunisia and Algeria before the United Nations", Middle Eastern Affairs, Vol. VI, 1955, pp.234-235.

to the Secretary-General for information purposes...statistical and other information of a technical nature relating to economic, social, and educational conditions..."; and 4) France had not fulfilled these obligations under the U.N. Charter.

Argument on the last two points was heated, the supporters of the Tunisians arguing that the emphasis should be put on the last part of the Article and that the stipulation that such information be transmitted inferred that the U.N. had the right to examine that information and review the conditions prevailing in the country. The opposition argued that the transmission of the information, which France had done regularly, was for information purposes only and did not imply the right to review the information or to make suggestions on the administering of the country.

The debate having reached a deadlock over the question of competence, the Latin-American States put forward a draft resolution in the spirit of compromise. Their resolution was put forward in an attempt to ease the terms of the one submitted by the Arab-Afro-Asian states in the first meeting of the Political Committee.¹² Their draft resolution provided that the General Assembly should:

(1) express its confidence that, in pursuance of its proclaimed policies the Government of France would endeavour to further the effective development of the free institutions of the Tunisian people, in conformity with the principles and purposes of the Charter;

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U.N. Doc., A/C.1/736, 2 Dec. 1952.

(2) express the hope that the parties will continue negotiations on an urgent basis with a view to bringing about self-government for Tunisians in the light of relevant provisions of the Charter; and

(3) appeal to the parties concerned to conduct their relations and settle their disputes in accordance with the spirit of the Charter and refrain from any acts or measures likely to aggravate the present tension.^{13.}

At the 541st meeting of the First Committee the above draft resolution was adopted by a vote of 45 in favor, 3 against, and 10 abstentions.^{14.} The Arab-Afro-Asian draft resolution was defeated prior to its adoption by a vote of 24, 27 and 7. Four days later the General Assembly adopted the First Committee resolution by a vote of 44 to 3 with 8 abstentions.^{15.}

Thus it was that the U.N. General Assembly affirmed its competence to discuss and make suggestions on the question. It should be noted that the above resolution does not mention the fact that the Assembly found the question within its competence. To have done this would have been a complete denunciation of the French. The inference, however, was that the Assembly did have competence in the matter. Not only had it inferred that it had competence but it had also evaluated indirectly the policy and administration of the French in Tunisia. It still left the solution of the problem in French hands but threw its weight behind the Tunisians,

13. U.N. Doc., A/C.1/L.8, 8 Dec. 1952.

14. U.N. Doc., A/2312, pp.6-7, 15 Dec. 1952.

15. Off. Rec., G. A., 7th sess. 404th plen. meet., p. 382, 17 Dec. 1952.

if they would ask for further negotiations. The Resolution did not, as the Arab-Afro-Asian States desired, demand that France negotiate with the true representatives of the Tunisians.

Thus it was that the supporters of the Tunisians won a decisive victory when they took up a discussion of the real issues in the question. Their victory nevertheless was not complete, since they had failed to get a decision on who the French should negotiate with and the question of competence had not been completely settled.

The General Assembly's Eighth Session saw again the question presented. The events of the preceeding months before its opening having shown an increase rather than a decrease in the seriousness of the situation in Tunisia. A letter had been directed to the President of the Assembly on 16 March 1953, calling attention to the continuance of French repressive measures in Tunisia which they alleged was in contradiction to the spirit of the resolution adopted by the Assembly in its Seventh Session.^{16.} This letter was followed on the 9th of July by a request that the question be included in the provisional agenda of the Assembly's Eighth Session.^{17.} In an explanatory note attached to their request they claimed that the French had refused to negotiate with the Tunisians

16. Off. Rec., G.A., 8th Sess., A/2371

17. Off. Rec., G.A., A/2405.

and had insisted on imposing a set of reforms deemed undesirable by the Bey and his people on them. They stated that the Bey had finally acquiesced following a threat of deposition and signed the decrees which gave a disproportionate position to the French of Tunisia and established a system of co-sovereignty. 18.

The objective of this session was to get a recognition of the rightful leaders of the Tunisians and to attempt to get France to negotiate with them. This is revealed by the draft resolution submitted by the 13 Arab-Afro-Asian States on 22 October 1953 in the First Committee. The resolution proposed that the General Assembly should:

(1) recommend that all necessary steps should be taken to ensure the realization by the people of Tunisia of their right to full sovereignty and independence; and especially (2) recommend that the existing state of martial law and all other exceptional matters in operation in Tunisia should be terminated, that political prisoners should be released and that all civil liberties should be established; (3) recommend that negotiations should be undertaken without delay with representatives of a Tunisian Government established through free elections held on the basis of universal suffrage; and (4) request the Secretary-General to transmit the resolution, together with the record of the proceedings, to the French Government and to report to the General Assembly at its ninth session.¹⁹

This was the only resolution proposed during the meetings of the First Committee and the debate of the question ranged around the points of this proposal. The supporters of

18. Ibid., A/2405/ Add. 1.

19. Dib, Op. Cit., p. 60.

the resolution again reviewed the history of the question, but this time with more authority and attention to factual details which indicated a better preparation for the debate than in previous years. They drew even closer attention to the Tunisian nationalist movement and the opposition to it of the French Government and the French colons in Tunisia. Special emphasis was placed on the solidification of the movement under the leadership of the Neo-Destour Party especially following the Second World War, when it helped to organize national labor, agricultural and social organizations with distinctly Tunisian characters. (These organizations became staunch supporters of the Neo-Destour in turn.) They sought to demonstrate by this means the overwhelming support of all the Tunisians for the demands of the Neo-Destour. Realizing that after establishing the fact that the French had been attempting to foster the aims of the colonists in Tunisia as the real issue of the question, it was necessary to demonstrate where the real interests of the Tunisians lay, they attempted to do so. The French must not only stop supporting the colonists but must also satisfy the desires of the Tunisians if relations were to become stable. They stated that this could only be done by a relaxation of the repressive measures adopted and a freeing of the political prisoners to be followed by general elections which would prove the desires of the people of Tunisia and show who their leaders were. They argued this in support of their contention that France was refusing to deal with the true representatives

of the people.

On the question of competence the supporters of the resolution argued that no sovereign State could be considered within the domestic jurisdiction of another. Accordingly the French claim of incompetence under Article 2 paragraph 7 was not applicable. They further argued that the matter was not against the provisions of the treaties since it was not a matter of external relations but of internal administrative affairs unquestionably within the competence of Tunisia.^{20.}

Also:

In reply to an argument advanced by Robert Schuman in Paris that France's obligations in respect to Tunisia were regulated by Article 73 of the Charter, it was argued that Article 73b imposed upon France the obligation to develop self-government in Tunisia. That Article, read with Article 103, had precedence over any inconsistent obligation, and prevailed over any other obligation or right that might be established by any other treaty. Moreover, it was said, the Assembly was competent to discuss the question under Article 10 which enabled it to discuss any question within the scope of the Charter.^{21.}

To these arguments the States opposing the draft resolution simply reiterated their arguments of the previous session, basing their opposition on Article 7 paragraph 2. To the arguments against M. Schuman's position they said that if conflict arose then it was definitively proper to stay within the confines laid down by the Charter, emphasising the fact that the placing of Article 7 within the Charter was to make

20. See United Nations, Yearbook, 1953, U.N. publications, New York, p. 209.

21. Ibid., p. 216.

certain that such questions were not included.²².

The debate was continued in this manner until October 26 when the First Committee adopted paragraphs (1) and (4) of the draft resolution as submitted, rejecting paragraphs (2) and (3). The adopted paragraphs did little to change the resolution passed in December, 1952. The paragraphs aimed at assuring negotiations with Tunisian leaders were not adopted leaving only a recommendation to take further steps towards Tunisian sovereignty and independence and requesting the Secretary-General to report to the ninth session of the Assembly.²³ The General Assembly rejected the resolution by a vote of 18 against, 31 in favor, and 10 abstentions.²⁴.

Thus it was that the third session to which the question was presented ended in a deadlock for the two sides. The French had again refused to attend the meetings in which it was discussed and their arguments were again put forth by the traditionally colonialistic powers. The Tunisian point of view was again carried by the Arab-Afro-Asian bloc. Again there was no decision reached as to competence although the discussion of the matter implied its presence. It would seem that the failure to adopt the draft resolution was due in large part to the loss of the Latin American vote, 9 of which

22. Ibid., p. 211.

23. U.N. Doc., A/2530.

24. Off. Rec., G.A., 8th Sess. 475th plen. meet., p. 289.

opposed the item in the General Assembly, while 7 others abstained.²⁵ The loss of these alone made the adoption of the issue impossible. The prime motivation of most of the States not supporting the resolution was that the resolution was too strongly worded and implied rendering a judgement on French administration even in its modified form. Many States were not in favor of making such a value judgement.

Essentially, however, the point at issue was just what these States refused to deal with. The question in its final form demanded a value judgement, for after the passing of the resolution of the previous year which gave France the widest latitude the failure to solve the problem brings into question French administrative policy. From its inception the Tunisian Question before the United Nations was destined to arrive at this point. The whole question when divided into its constituent points inevitably led to this last and final issue. For the refusal of France to recognise the real issues at hand and to deal with them accordingly was the origin of the question.

It must be remembered that France had begun its North African empire by the acquisition of Algeria in 1830 and subsequently expanding into Tunisia and Morocco in 1881 and 1912 respectively. The French possessions in the Maghrib were in their origins the results, for the most part, of fait accomplis. Algeria was invaded against the wishes of

25. See Dib, Op. Cit., p. 61.

many politicians and the same thing was true of Tunisia and Morocco. Having acquired these lands, however, the French central Government in every case soon acquiesced in retaining them.^{26.} This acquiescence, however, was not allied with an understanding of the countries but was rather based on the reports of the ambitious founders of the Empire. From these empire-makers come the ideas of a French mission civilatrice and the concept of assimilation.

The French in the home-country were subjected to these two glorious ideas to such an extent that they believed them to be true and began to feel that France must not give up its civilisation mission and that the greatest desire of all people within the Empire was to be Frenchmen. Add to this the ensconcement of the French colons in all the far-reaches of the Empire and the growth of their "vested interests" and there is created the situation in which there can be no turning back. That the French Empire was uneconomical as far as the metropolitan country was concerned was hidden by the capitalists and colonialists who profited immensely from it.^{27.}

The development of these various vested interests groups as we have shown before was aided by government policy which fostered upon Tunisia and the other North African territories the existence and growth of a French community.

26. See Leuthy, Herbert, France Against Herself; Praeger, New York, 1955; pp.206-207.

27. Ibid., pp. 213-216.

This community was bolstered by its effective control of administrative machinery in these countries which at all times worked for the betterment of their own. The choice of a political policy counter to their desires could not be implemented.^{28.} In Tunisia this body of French citizens, artificially inflated by the naturalisation laws of 1922 and 1924 held on to their positions in the face of weak central government in France and sought not to retain their acquired positions for themselves, alone, but for the generations to follow them.

In France itself, the end of World War II saw the realization that colonialism was a thing of the past, but the defeat suffered during the War would not allow them to give up their hold on the last symbols of the greatness of France. To grant freedom to any of the territories was to invite the folding of the entire Empire. So it was that France created the French Union by which the various territories could unite with France, but which was refused by Tunisia (and Morocco). The category of "Associated States" proposed by the Union to solve the question of the Protectorates did not take into consideration the extent of nationalism. As a matter of fact, French administration had almost entirely refused to recognize that such a thing as nationalism existed. Anything that resembled such was repressed and French administrations refused to deal with their representatives. This was the case in Tunisia.

28. Ibid., pp. 278-281.

The failure of the French Government to deal with the nationalists represents, after the resolution adopted by the General Assembly in its 7th session, the epitome of its folly. The policy adopted was practically dictated by the colons of Tunisia who were feared for their lobby within Parliament. A policy unfavorable to them could mean the fall of the Government. France had not the power within herself to defeat the colonists and their supporters. A solution could not be found from within French political life, so outside pressure had to be brought to bear upon her. This was the object of the draft resolution submitted in the First Committee and the culmination of all the planning of Tunisian nationalism following World War II.

The Tunisian nationalists had recognized the inherent weakness in French politics which made impossible the formation of a comprehensive and desirable policy towards Tunisia. The Neo-Destour, realizing this weakness, had set out to remedy the situation. Their policy was to gain the support of the international community as sources of added strength for the attainment of their aims. To do this Habib Bouguiba first sought the support of the Arab League and then sought to win over the Asian and African States who had at one time or another been under colonial influence. To do this he traveled extensively between 1945 and 1949, participated in the founding of the Magrib office in ACairo and spoke to the American and

British authorities. He was successful in his appeal to the States of the Arab League, to the Asian States and the African States, he failed to gain support of the U.S.A. and Great Britain.

While Bourguiba sought outside aid his colleagues in Tunisia had sought to strengthen the ranks inside Tunisia by an aggrandizement of numerous organizations and associations which would support the drive for independence. Out of these efforts came the rise of the Union Generale de Travailles Tunisiennes (U.G.T.T.), the Union Generale d'Agriculture Tunisienne (U.G.A.T.) and the Feminist movement, and others. These were all strictly Tunisian organizations who gave their unrestrained support to the Neo-Destour and its programme.²⁹ With these backing it the Neo-Destour was the undeniable representative of all shades of Tunisian opinion and the true representatives of them.

It was with these tools in its hands that the Neo-Destour joined the discussions of 1950-51 which ended so unfortunately. The decline of these negotiations left only the appeal to the international community, which they had so carefully prepared an opening for. The failures of the initial attempts of its allies in the United Nations resulted in the triumph of 1952, but the victory was incomplete since pressure had not been applied to make France deal with the nationalist

29. See Rivlin, Op. Cit., for a discussion of these groups, p. 175; also Garas, Op. Cit., pp. 187-199.

leaders. The pressure was exerted in this 8th session and although the resolution failed France could no longer ignore the strength of the Neo-Destour and the essential conflict had been brought to the attention of the world and particularly French public opinion. The debate had served its purposes well.

The French Government was trapped, fighting broke out between Tunisians and French settlers with the French Army becoming involved. The British concluded a treaty with Egypt, withdrawing its forces from the Suez Canal Zone in the summer of 1954, and pressure was beginning to build up around France's position in Tunisia. The whole atmosphere was charged with potential disaster to France and French public opinion was growing against a regime which upheld the colons at the expense of French international prestige. At this opportune moment Pierre Mendes-France on July 31, 1954 flew to Tunisia and announced the granting of internal autonomy to the country.

The impact of the international community had brought a solution to the problem and with it the realization that the nationalists had to be dealt with.

The Tunisian Question appeared one more time before the United Nations, as a result of a letter filed before the Mendes-France announcement. The letter had been addressed two days before the granting of Tunisian internal autonomy.³⁰

30. Dib, Op. Cit., p. 61.

When the Question came before the First Committee the petitioning States submitted a resolution postponing consideration of the item.³¹ The Question never appeared again, for the negotiations then under-way between the French and the Tunisians ended in an agreement on Tunisian autonomy on June 3, 1955. This was followed in less than a year by a declaration of Tunisian independence on March 20, 1956.

31. Ibid.

CONCLUSION

In conclusion, the question should be answered as to what were the advantages accruing to Tunisia as a result of the "Tunisian Question" being debated in the United Nations.

First of all, the presentation of the dispute before the United Nations was the culmination of the planning of the Tunisian nationalists, who had sought such a presentation from the very beginnings of the Organization. Having been disappointed in their attempts to deal with the French Government in the decade prior to the Second World War, they had concluded that the French would not bow to internal pressure and therefore sought a means to apply external pressure. The creation of the United Nations pointed to it as the most likely source of such pressure, and with this in mind they had sought possible supporters for their cause from 1945 onwards. This campaign for supporters led to the original request to the Security Council and the subsequent prosecution of the case led to a strengthening of the sponsoring States as a core for the presentation of the Tunisian point of view.

In the second place, the mere presentation of the question before the United Nations gave the Tunisians the unique opportunity of presenting an argument for independence before the entire world. The struggle, highlighted in this manner, allowed it to gain the ear of the world at large and guaranteed the sympathy of formerly dependent nations. The resulting pressure of international opinion exerted on France and the embarrassment suffered by French prestige made it inevitable that France should change its policy.

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