The United Nations and national independence: the Indonesian question: A peaceful settlement; the Algerian problem: A case study in evolution

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THE UNITED NATIONS AND NATIONAL INDEPENDENCE:

The Indonesian Question: A Peaceful Settlement
The Algerian Problem: A Case Study in Evolution

by

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# TABLES OF CONTENTS

<table>
<thead>
<tr>
<th>Acknowledgments</th>
<th>vi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>1</td>
</tr>
</tbody>
</table>

## PART ONE

The Indonesian Question: Peaceful Settlement

I. Background ........................................... 6
   A. The Development of Indonesian Independence ........... 7
   B. The Japanese Occupation ............................ 8
   C. The Proclamation of the Indonesian Republic ........... 9
   D. The Linggadjati Agreement and its Aftermath ........... 10

II. The United Nations Intervene .......................... 13
   A. The Security Council Resolution of 1 August 1947, and
      the Attitude of the Members of the Security Council
      Toward the question .................................. 13
   B. The Committee of Good Offices ......................... 21

III. The Renville Truce Agreement and its Aftermath ........... 25

IV. The Second Military Action .............................. 30

V. Independence ..................................... 36
   A. The Establishment of the United Nations Commission
      for Indonesia ........................................36
   B. The Round-Table Conference and its Results ........... 41
   C. The Role of the United Nations Commission for
      Indonesia ............................................ 41
      1. In the Political Field ............................. 41
      2. In the Military Field ............................. 44
a. The problem in the Political Committee 87
b. The problem in the General Assembly 91

4. The Problem in the Thirteenth Session 92
   a. In the Security Council 92
   b. In the General Assembly 94
      1) the problem in the Political Committee 95
      2) the General Assembly failed to adopt any
draft resolution 98

5. The Problem in the Fourteenth Session 99
   a. In the Political Committee 99
   b. In the General Assembly 101

IX. Conclusion 103
   A. What is the Significance of the Algerian Problem in
   International Relations? Was the Problem an
   International or Domestic issue 103
   B. What was the Role of the United Nations in its Attempt
   to Settle the Algerian Problem 105
      1. The Problem in the Security Council 105
      2. The Problem in the General Assembly 106
   C. What was the Action of the United Nations 107
   D. Why did the United Nations not take Stronger Action 108
   E. Why was not the Problem Settled During the Past Six
   Years 109
   F. What are the Possibilities for a Change 112

PART THREE

Conclusions 117
Appendix A 127
Appendix B .................................................. 134
Bibliography ................................................. 137
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The two major purposes of this paper are, to show the role which the United Nations has played in assisting Indonesia and Algeria to achieve their independence; and to draw from the United Nations' experience with the Indonesian and the Algerian questions conclusions which are pertinent to assessing the general role which the United Nations can play in helping to resolve international disputes stemming from colonial (or allegedly colonial) issues.

Indonesia was a colony of the Netherlands for three and a half centuries. As in many other areas in Asia and Africa, the nationalist movement grew gradually in Indonesia from early in the Twentieth Century. On 17 August 1945 (two days after the surrender of the Japanese to the Allied Powers) a group of nationalist leaders in Java declared Indonesian independence and proclaimed the Republic of Indonesia. Dr. Achmed Soekarno was named President of that Republic, and Dr. Mohammed Hatta was named the Vice-President. The Netherlands opposed the new Republic from its inception, using economic sanctions and military action making it necessary for the United Nations to intervene.

The United Nations dealt promptly with the Indonesian question when it was brought to it on 31 July 1947. It adopted a series of resolutions whenever it deemed it necessary to support the cessation of hostilities and to induce the disputants to reach an agreement by peaceful means. The United Nations also tendered its mediation through a Committee of
Good Offices which acted as its representative. This Committee greatly assisted the parties to come to a truce agreement called the Renville Agreement, in which the parties agreed to a cease fire, and upon political principles that formed a basis for further political discussing.

Shortly after the signing of the agreement, the relations between the Netherlands and the Indonesian Republic deteriorated rapidly and culminated in renewed fighting. The United Nations acted promptly to restore the peace. It converted the Committee of Good Offices into the United Nations Commission for Indonesia (UNCI) and gave it greater authority than its predecessor. The United Nations adopted several resolutions to ensure an effective cease-fire and the release of Indonesian political leaders (including the President and the Vice-President of the Republic) who were held by the Dutch. The United Nations Commission played an invaluable role in bringing the parties to a settlement agreed to at the Round-Table Conference, held at the Hague in December 1949. The sovereignty of the Netherlands over Indonesia was transferred in that same month to the United States of Indonesia.

Unlike Indonesia, which was a Dutch colony, Algeria is considered by France and many Western Powers (including the United States and Great Britain) as an integral part of France. The extensive European settlement in Algeria, and the political role of the French Army, further complicate the Algerian problem.

The Algerian uprising for independence, like the Indonesian revolution, was greatly inspired by the rising tide of nationalism in Asia and Africa. The uprising began on 1 November 1954, and still is
in progress. The French Government, until recently, has considered the uprising to be led by minority groups backed by communists and has refused to negotiate with the revolutionaries.

On 29 July 1955, before the tenth session of the General Assembly, fourteen Afro-Asian states expressed their concern over the revolution in Algeria and requested the Assembly to place the item on its agenda. The item was included on the agenda of each session of the General Assembly since then. During the five successive sessions in which the General Assembly considered the Algerian question, no resolution of real importance passed. The General Assembly adopted only two resolutions. In each it simply expressed its hope for a peaceful and democratic solution to the problem. Despite the efforts of the Afro-Asian and the Soviet blocs, the United Nations refused several times to recognize the right of the Algerians to self-determination or independence. It also refused to request the parties to cease hostilities and to resort to peaceful means in solving their dispute.

On 13 June 1956, thirteen states from Africa and Asia requested the Security Council to discuss the Algerian question. The Security Council refused to include the item on its agenda because the Algerian revolution was considered a matter exclusively within the domestic jurisdiction of France. Since then the question has not been placed on the agenda of the Security Council, except in an indirect way when the Security Council discussed Tunisian interference in the Algerian Question, as will be discussed in Chapter eight.

While the United Nations played an invaluable role in settling the Indonesian conflict, it has failed thus far to play a similar role in
its attempt to ameliorate the Algerian dispute. Why did the United Nations succeed in finding a settlement for the Indonesian question and not for the Algerian problem? What factors helped the United Nations to play a vital role in solving the Indonesian question? What factors hampered United Nations action on the Algerian problem? To what extent did domestic issues inside the Netherlands and France affect the United Nations' action? Where did the major powers stand in both cases, and what was the significance of their position? How was the World divided with regard to these two colonial issues? Finally, what conclusions derived from these two disputes have meaning for the future?
PART ONE

THE INDONESIAN QUESTION

A PEACEFUL SETTLEMENT
CHAPTER I
BACKGROUND

It is very hard to name a precise or even rough date for the beginning of the Indonesian nationalist movement. The movement became organized early in the second decade of the twentieth century, but many of its most important elements go back much further. One of the most important factors which delayed its appearance was lack of leadership. When the Indonesian Nationalists leaders did emerge they found ready support from the peasantry.¹

Actually, the Dutch themselves were responsible for producing, although unconsciously, the nationalist Indonesian elite. When the Dutch occupied the Indies about three and half centuries ago, the Pan Islamic movement presented a threat to their rule. Those who believed in Pan Islamism preached the doctrine of loyalty to the Ottoman Caliph as the head of the most powerful Moslem state and the authority most fitted to direct and co-ordinate the political forces of the Moslem peoples. The Dutch chose to fight this problem with Western education, in order to turn the Indonesian minds from Pan Islamism toward cultural association with the Dutch. But this weapon had a second edge, which started cutting the opposite way. Those who obtained western education became the most powerful source of opposition to Dutch rule.²

With the rise of nationalism the colonial power faced a serious

²Ibid., 44.
dilemma—whatever it did or it did not do, it was its own grave digger. The dilemma—whatever it did or it did not do, it was its own grave digger.\textsuperscript{3}

In the field of education, for example, the Dutch had enacted discriminatory measures against the Indonesians because there were not enough jobs for the educated people. These measures nurtured anti-Dutch sentiments. Those discriminated against and unable to receive an education turned to revolutionary nationalism. Those who had the opportunity to obtain an education learned more about democracy and freedom but jobs were very limited. So they, too, were unsatisfied with their position and turned to revolutionary nationalism.

A. The Development of Indonesian Independence

The development of Indonesian independence can be divided into three periods. The first period, in which the Islamic Association and the Budi Utomo were the strongest organizations, started in 1908 and ended around 1926. The main objectives of this movement were religious, cultural and educational in character. The movement did not present a common view toward nationalism. The second period covered the years from 1926 to 1934. During this period national political principles became stronger than the religious forces. The nationalists gathered their strength and began working mostly underground against the Dutch rule in Indonesia. Dr. Achmed Soekarno organized the Indonesian National Party. This party was disbanded when Dr. Soekarno was arrested by the Dutch in 1931.\textsuperscript{4}


The nationalist leaders of Indonesia used different policies during the third period which started in 1934. The nationalists decided that their policy during the second period was wrong and that they should co-operate with the Dutch, and get their independence through negotiations rather than by working underground against Netherland rule. They asked the Dutch for a ten year transition period, after which they would have a freely elected autonomous government within the Netherlands Empire. The Dutch did not agree and jailed the potential leaders. They distrusted the nationalist leaders and were afraid of a communist threat if incapable leaders took the rule in that area. The Dutch felt responsible for keeping peace and order in that area.

**B. The Japanese Occupation**

World War II brought Japanese invasion and occupation of Indonesia which lasted three and one-half years. The Japanese occupation, and the continuous refusal on the part of the Dutch to give hope for national independence, became important factors in uniting the Indonesian people. The Indonesian nationalists, in order to get their independence, divided their movement into two organizations. One was legal and co-operated with the Japanese administration, the other, linked to the first, worked underground against the Japanese occupation and the Dutch rule.6

The Japanese gave the Indonesians a political and economic power which they never enjoyed under Dutch rule. The Indonesians received arms, military training, nationalistic encouragement from the Japanese

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5 *Ibid.*, 381.

and were fed anti-western propaganda. Soetan Sjahrir, the Republican premier, stated that during the Japanese rule:

A new realization was born, in our people, a national feeling that was sharper than ever before. This feeling was also sharpened by the Japanese propaganda for Pan-Asianism. Later attempts by the Japanese to suppress the nationalistic movement were to no avail. During three and a half years of occupation the whole state organization which had been controlled by the Dutch, was handled by the Indonesians under the authority of Japanese. Our nation acquired greater confidence, and our national awareness grew towards the Japanese as well as towards other nations.

The end of the Japanese occupation left the Indonesians better prepared than ever before in military and administrative skills. The way was paved for revolution.

C. The Proclamation of the Indonesian Republic

On 17 August 1945, two days after the Japanese surrender, most of the nationalist leaders in Indonesia assembled at Batavia and declared Indonesian independence. It took the Allied troops about six weeks after the Japanese surrender to arrive at Java and Batavia. During this period the Republican Government claimed jurisdiction over most of Java, Madura, and Sumatra.

Most of the Allied troops sent to Indonesia were British and Indian. These troops, deployed by the Supreme Allied Commander for South East Asia, had two main tasks: to disarm all Japanese armed personnel and

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and take them into custody, and to rescue prisoners of war and internees. The Allied officials found it necessary to establish relations with the Indonesian leaders in order to achieve their task. They accorded de facto recognition to the Republic of Indonesia. The Allied officials recognized the de jure sovereignty of the Netherlands and helped the return of the Netherlands Indies Civil Administration.

There was no trouble when the Allied troops first landed in Java, but when the Dutch troops arrived many clashes took place between the Republic and the Dutch troops. The British troops interfered to restore order and became involved in the fights on a larger scale. On 7 September 1946, the British declared that their troops would be withdrawn the following 30 November. The world did not pay very much attention to what was happening in Indonesia, with the exception of the Ukrainian SSR and the Soviet Union who brought the question to the attention of the United Nations Security Council on 21 January 1946. By bringing the question to the Security Council the Soviet bloc might have wanted to shift attention from the Iranian dispute, to which the Soviet Union was a party. However, the Indonesian question was not included in the agenda of the Security Council because it was deemed a matter within the jurisdiction of the Netherlands and because it was not regarded as a threat to the international peace and security.

D. The Linggadjati Agreement and Its Aftermath

Many political and military disturbances broke out at the beginning of 1946 between the Republic and the Netherlands. The two parties

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realized that negotiations at that stage were very essential. The British Government offered its mediation to assist the parties to reach a peaceful settlement. The offer was welcomed by the two parties, and a long and complex series of negotiations took place. Out of these negotiations the Linggadjati Agreement was signed on 25 March 1947.\(^{11}\)

Four major points were provided in the Linggadjati Agreement: 1. The Netherlands Government should recognize the Republic Government as the de facto authority in Java and Sumatra. 2. Each should co-operate with the other in establishing the United States of Indonesia by January 1949. 3. The two parties should assist each other in the formation of a Netherlands-Indonesian Union, also by January 1949. 4. The Dutch troops should leave the de facto Republican areas as soon as possible.\(^{12}\)

After the signing of the Agreement, the situation in Indonesia continued to move from bad to worse. The Dutch maintained restrictions on trade with the Republic and disapproved of Republican attempts to establish diplomatic relations with Egypt, India, Iraq, and Lebanon. The Republic complained that the Dutch had established separate states of Borneo and East Indonesia in violation of the Linggadjati Agreement and were supporting a separatist movement in West Java.

Since the Agreement was phrased in broad and general terms, different interpretations were attached by each side to the original agreement. Mutual suspicions, distrust and misunderstanding made the implementation of the agreement impossible. The negotiations between

\(^{11}\)Emerson, Loc. cit., 64-67.

the parties formally ended the latter part of June, 1947. Each party accused the other of aggression and violation of the truce agreement. Finally, on 20 July 1947 the Dutch undertook what they called a "police action" against the Republic.
CHAPTER II
THE UNITED NATIONS INTERVENE

A. The Security Council Resolution of 1 August 1947 and the Attitude of the Members of the Security Council Toward the Question

Soon after the outbreak of the military operations in Indonesia, Australia, the United Kingdom, the United States and India tried to induce the parties to cease fighting and to solve their problems through peaceful means, but they did not succeed.

Two letters, dated 30 July 1947, brought the situation in Indonesia to the Security Council's attention. On the very next day the Security Council discussed and placed the question on its agenda. The first letter was from the Australian representative on the Security Council to the Secretary-General. It drew the attention of the Security Council to the hostilities which were in progress in Java and Sumatra between armed forces of the Republic of Indonesia and the Netherlands. These hostilities, the letter suggested, constituted a breach of peace under Article 39 of the United Nations' Charter. On the next day the Australian representative asked the Security Council to take quick action to restore international peace and security. He regarded the hostilities as warfare between two states and not, as the Netherlands...

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13 Article 39 of the Charter states that "the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken ... to maintain or restore international peace and security."
claimed, a police action.

Australia submitted a draft resolution to the Security Council in which she would have the Security Council propose the following:

The Security Council,
Having determined that such hostilities constitute a breach of peace under Article 39 of the Charter of the United Nations,
call upon the Governments of the Netherlands and of the Republic of the Indonesia, under Article 40 of the Charter of the United Nations, to comply with the following measures, such measures to be without prejudice to the rights, claims, or position of either party:
(a) To cease hostilities forthwith, and
(b) To settle their disputes by arbitration in accordance with Article XVII of the Linggardjati Agreement, signed at Batavia on 25 March 1947.¹⁵

The second letter was sent by the Government of India. The representative of India brought the Indonesian question to the Security Council under the first paragraph of Article 35 in Chapter VI of the Charter of the United Nations which provides that any member of the United Nations may bring any situation or any dispute which might lead to international friction to the attention of the Security Council or to the General Assembly. He declared that "fighting on a large scale is continuing in Indonesia ... [and] my Government's most immediate concern is to put an end to this warfare."¹⁶

In justifying her "police action," the Netherlands claimed that what the Indonesians called military action was backed by all the

¹⁵ Ibid 1626.
¹⁶ Ibid 1620.
political parties and the trade unions, except the communists, in the Netherlands. Furthermore, the representative continued, the action was taken with full understanding and approval of the other two States of the Republic of Indonesia, that is, Eastern Indonesia and Borneo. He added that the Linggadjati Agreement did not settle problems such as the release of hostages, and the blockading by Indonesian nationalists of territory held by the Dutch troops in Batavia, Semarang, and Soerabage. At the end of May 1947, the Dutch representative stated, there were 700 white hostages and 10,000 other hostages still being held by the Republic, and the food blockade of the areas held by the Dutch troops did not cease until police action was taken. 17

The Dutch representative characterized the Republican Army as irresponsible. The Japanese gave arms to the Republican Army shortly before the Japanese surrendered in order to create troubles after their defeat. The people who received the arms formed lawless armed bands which terrorized and coerced the inhabitants. The Dutch troops were forced to take what was "police action," not warfare. Resorting to arbitration, he believed, would have led to more delay, more suffering and to the strengthening of the position of the Republic. 18

Finally, the Dutch representative concluded, the Security Council was not competent to deal with the situation in Indonesia. He invoked

17 Ibid., 1640.
18 Ibid., 1640-1642.
Article two (7) of the Charter of the United Nations states, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter."\(^{19}\)

Dr. Soetan Sjahrir, the representative of the Republic, denied the Dutch claims and explained how the Dutch military attack of 20 July 1947 came about. Dr. Sjahrir denied that 700 hostages were being held by the Republic, and he added that there were no internees left within Republican territory.\(^{21}\)

Dr. Sjahrir stated that, although the Linggadjati Agreement was initialed by both parties on 15 November 1946, in March 1947 the Dutch Commission General returned from the Netherlands with the agreement unsigned and asked the Republic to agree to a unilateral Dutch interpretation of the agreement. The Republic refused to accept such an interpretation. Finally, after long negotiations and with the understanding that the Dutch interpretation was not to be binding on the Republic, the Linggadjati Agreement was signed on 25 March 1947.\(^{22}\)

\(^{(19)}\) Article two (7), of the Charter of the United Nations states, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter ..."

\(^{(20)}\) O.R.S.C., Second Year, 171st Meeting, (31 July 1947), 1647.


\(^{(22)}\) Ibid.
In the meantime, the Republican representative stated, the Dutch, by large scale military action, violated the status quo and blockaded all Indonesian ports. Despite this violation, the Republic, having the sincere belief that the Dutch aggression would be brought to an end, signed the agreement.\(^{23}\)

In May 1947, the representative of the Republic declared, a new crisis developed when the Dutch asked the Republic to accept a new proposal based on the Dutch interpretation of the Linggadjati Agreement. After the Netherlands refused to negotiate, the Republic invoked Article 17 of the Linggadjati Agreement, which provided for arbitration. But the Dutch disregarded the Republicans repeated requests for arbitration, the Republican representative added.\(^{24}\)

Although the Republic conceded to most of the Dutch demands, Dr. Sjahrir stated, the Netherlands was not satisfied and further demands were made on 19 July. The Republic was asked to withdraw its troops ten kilometers from their positions within twenty-four hours. When the Republic asked for another twenty-four hours to study the matter, the request was rejected as a large scale military attack began on the night of 20 July 1947.\(^{25}\)

Mr. Herschel V. Johnson, the representative of the United States, stated that the Council should take immediate action to stop the hostilities which might endanger international peace and security. Although the United States representative sympathized greatly with the

\(^{23}\) Ibid.  
\(^{24}\) Ibid.  
\(^{25}\) Ibid.
objectives of the Australian draft resolution, he offered an amendment to the named draft resolution to avoid legal questions. He believed that the invocation of Articles 39 and 40 of the Charter, to which the Australian resolution referred, "raises a very complex and serious question of law."\(^{26}\)

The United States amendment to the Australian draft resolution did not refer to any Article of the Charter of the United Nations, and did not judge the sovereignty of the Dutch over the Republic. The amendment read as follows:

\[\text{The Security Council,} \]
\[\text{Noting with concern the hostilities in progress between the armed} \]
\[\text{forces of the Netherlands and the Republic of Indonesia,} \]
\[\text{Calls upon the parties,} \]
\[\text{(a) To cease hostilities forthwith,} \]
\[\text{(b) To settle their disputes by arbitration or by other peaceful} \]
\[\text{means.} \]

The representative of the United States informed the Security Council that his Government offered its good offices to assist the parties to reach a peaceful and just agreement.\(^{28}\) The Soviet Union opposed this offer strongly because she considered it as "an effort to by-pass the United Nations."\(^{29}\) The Netherlands welcomed the offer unconditionally.

The Republic of Indonesia, although she accepted the offer

\(^{26}\)O.R.S.C., Second Year, 172nd Meeting, (1 August 1947), 1657.


\(^{28}\)O.R.S.C., Second Year, 172nd Meeting, (1 August 1947), 1653.

\(^{29}\)Collins, Loc. cit., 131.
gratefully at first, later qualified her position and explained her distrust of direct negotiation with the Netherlands. The representative of the Republic stated that the United States' offer of good offices could bear fruit only if it were a continuation of an action already taken by the Security Council. Finally, on 22 August, the United States' representative informed the Council that the Republic of Indonesia rejected her offer of good offices.

The Soviet Union regarded the Netherlands action in Indonesia as a breach of the peace. The representative of the Soviet Union asked the Security Council to take the necessary actions which would end the Dutch aggression and restore peace and security. He warned the Security Council against shifting its attention from the basic issue of the war, which was in progress, to its legal aspect. The Soviet representative attacked the position which was taken by the representative of the Netherlands. He insisted that Indonesia was an independent state, that the situation in Indonesia did threaten the international peace and security, and that the United Nations was competent to deal with such a question.

The representative of the Soviet Union concluded his speech by adding to the Australian resolution an amendment in which the Security Council would ask that the troops of both parties should be withdrawn.

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30 O.R.S.C., Second Year, 184th Meeting, (18 August 1947), 2009.
31 O.R.S.C., Second Year, 187th Meeting, (19 August 1947), 2075.
33 O.R.S.C., Second Year, 172nd Meeting, (1 August 1947), 1650-1. 2nd
34 Ibid., 1661-1664.
immediately to the positions they occupied before the military action began. This amendment did not receive the necessary votes for passage.\textsuperscript{35} The voting pattern was two in favor, Poland and the Soviet Union, and nine abstentions.

The representatives of France and Belgium questioned the competence of the Security Council to deal with the Indonesian question. The representative of the United Kingdom regarded the situation in Indonesia as a possible danger to international peace and tranquility. However, he did not consider the hostilities as a war between two sovereign states. He believed that Articles 34 and 35 of the Charter would be applicable to this situation rather than Article 39 of the Charter, because he viewed the situation, "not as a dispute between the Netherlands and the Indonesian Republic, but \textit{as} the fighting in progress \textit{which might} well create a situation leading to international friction."\textsuperscript{36} The British representative wanted the Security Council to take note of the offer of mediation of the United States and wait for future developments rather than follow the lines of the Australian proposal.\textsuperscript{37}

Acting promptly and efficiently, the Security Council adopted the Australian resolution as it was amended by the United States and Poland on the second day of its submission. The Polish amendment asked the parties to keep the Security Council informed about the development of

\textsuperscript{35} \textit{O.R.S.C.}, Second Year, 173rd Meeting, (1 August 1947), 1710.

\textsuperscript{36} \textit{O.R.S.C.}, Second Year, 172nd Meeting, (1 August 1941), 1656-1657.

\textsuperscript{37} \textit{Tuid.}

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the settlement. The resolution of 1 August 1947, passed only two days after the Security Council was informed about the situation in Indonesia, read as follows:

The Security Council,

Noting with concern the hostilities in progress between the armed forces of the Netherlands and the Republic of Indonesia,

Calls upon the parties,

(a) To cease hostilities forthwith, and

(b) To settle their dispute by arbitration or by other peaceful means and keep the Security Council informed about the progress of the settlement.

B. The Committee of Good Offices

Immediately after the adoption of the resolution, the President of the Security Council cabled it to the two parties concerned. Two days later the Netherlands Government accepted the resolution, though it persisted in the denial of the Council's jurisdiction in the matter, and instructed the Lieutenant Governor-General of the Netherlands Indies to enter into contact with the authorities of the Republic in order to arrive at the cessation on both sides of hostile action of any kind. On 6 August, the Indonesian Republic informed the Council that it had ordered all Republican armed forces to cease hostilities. The situation remained unstable even after the cease-fire order had been issued. Shortly after the acceptance of the resolution by the belligerents, several representatives in the Security Council, noted that the Dutch and the Indonesians maintained that the other had violated the resolution and started hostilities again. The Security Council's first problem at this stage was to ensure the effectiveness of


34R.S.C., Second Year, 174th Meeting, (4 August 1947), 1716-1717.
the resolution of 1 August 1947. The second problem was to assist the parties to reach lasting settlement.

On 25 August 1947 the Security Council, in a resolution proposed by the Polish representative and backed by all the members of the Security Council with the exception of the United Kingdom, reminded the parties of its resolution of 1 August 1947, and asked them "to adhere strictly to the recommendations of the Security Council of 1 August 1947." 40

Furthermore, the Security Council in a joint Chinese-Australian resolution asked the governments represented on the Security Council to have their career consular officers in Batavia report to the Security Council jointly on the manner in which the cease fire resolution was being observed. This Commission was to have no power except to report to the Council. The Security Council also adopted a resolution, which was proposed by the United States' representative, in which it expressed "its readiness, if the parties so request, to assist in the settlement through a Committee of the Council consisting of three members of the Council, each party selecting one, and the third to be designated by the two so selected." 41

On 4 September 1947, the Security Council was notified by the representative of the Netherlands that his Government chose Belgium to represent it on the Committee of Good Offices. On 18 September 1947, the Republic of Indonesia informed the Council that she had selected

41 See Appendix A, The Second Resolution,
Australia as her representative on that Committee. On the same day the United States was chosen by Belgium and Australia.

On 24 September 1947, the Consular Commission submitted an interim report to the Secretary General. According to that report, the cease-fire order was not fully effective. The two parties interpreted the cease-fire resolution differently: and it was impossible, the report added, to observe the cease-fire order completely if the situation continued in that manner. Moreover, the Committee of Good Offices faced greater difficulties in assisting the parties to solve political questions than it did in observing the cease-fire order. The Committee had to be very cautious in taking any step which might be considered by the Dutch as an interference in matters which lay within the Netherlands domestic jurisdiction.

It soon became clear to the Committee, when it arrived at Batavia on 27 October 1947, that the Netherlands and the Republic of Indonesia had different views of the task of that Committee. To the Republic, the Committee was to take an active part in the negotiations and to find a solution of the problem of Indonesian independence. The Netherlands, on the other hand, expected the Committee to give suggestions only on questions of procedures. The Committee decided to limit itself to making suggestions which would assist the parties to settle their

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43 O.R.S.C., Second Year, 207th Meeting, (3 October 1947), 2486.
dispute only "if and when the Committee was requested to do so by the parties." 45

But when the Security Council adopted a resolution on 1 November 1947, requesting the Committee to "assist the parties in reaching agreement on an arrangement which [would] ensure the observance of the cease-fire resolution," the Committee considered itself "directed to offer its assistance to the parties ... without awaiting a request by either party." 46

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CHAPTER III

THE RENVILLE TRUCE AGREEMENT AND ITS AFTERMATH

After long and complex negotiations under the guidance of the Committee of Good Offices, the two parties signed a truce agreement on the USS Renville, on 17 January 1948. The truce agreement consisted of twelve political principles forming an agreed basis for further political discussions. Four of these principles were taken from the Linggadjati Agreement, and the other eight were proposed by the Netherlands delegation. The major points which composed the truce agreement were provisions:

...for gradual reduction of armed forces; for resumption of trade, transport and communication; ... for self-determination by the people of their political relations to the United States of Indonesia; for possible observation by a United Nations agency of condition between the signing of the agreement and the transfer of sovereignty to the United States of Indonesia.

The Committee of good Offices proposed six additional points, which were accepted by the parties on 19 January 1948. The six points provided, among other things, for Dutch sovereignty over the Netherlands Indies until, "after stated interval," the sovereignty was transferred to an independent United States of Indonesia, of which the Republic was to be a constituent state. Another important point was "that plebiscites be held under international observation to determine whether the peoples of the various territories of Java, Madura and Sumatra wished

\[48\text{Ibid.}, \text{Appendix XI, 72.}\]

\[49\text{Yearbook of the United Nations, (1947-1948), 376-377.}\]
their respective territories to form part of the Republic of Indonesia or another state."

The Republic had faith in the United Nations, a fact which made the truce possible. The Indonesian Republic even agreed, in the Renville Agreement, to permit the Netherlands to keep territories which were taken, in part, after the Dutch attack of 20 July 1947.

The Security Council noted with satisfaction the achievements of the Committee of Good Offices, after it discussed the first interim report of that Committee in February 1949. The representative of the Republic of Indonesia declared that, although the results of the agreement were not in all respects satisfactory to the Republic, they accomplished the first significant success in the history of the United Nations.

The representatives of Belgium, the United States, The United Kingdom, China, and Australia were generally satisfied with the accomplishments of the Committee. The representatives of the Soviet Union and of the Ukraine were not. They believed that the Committee had put pressure on the Republic to sign the Renville Agreement and declared that the agreement betrayed the Indonesian people and insured the continuance of the colonial regime.

Shortly after the signing of the Renville Agreement, as in the months which followed the Linggadjati Agreement, the situation deteriorated quickly and culminated in renewed fighting. As the Committee of

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50 Ibid., Appendix VIII, 67-68.
52 O.R.S.C., Third Year, 248th, 249th and 251st Meetings, (February 1948).
Good Offices reported to the Security Council, the "major issues dividing the parties [were] the very issues which have always divided them and which the Linggadjati Agreement failed to resolve." The Republic of Indonesia wanted to keep its de facto authority, including its army and foreign relations, until sovereignty was transferred from the Netherlands to the United States of Indonesia: but the Netherlands did not want the Republic to maintain such authority. The relationship between Indonesia and the Netherlands after the transfer of the sovereignty was another basic disagreement between the parties. The Republic wanted a completely independent United States of Indonesia tied only loosely to the Netherlands, but the Dutch desired a "tight" Union with the Dutch Government. And so each party continued to work unilaterally toward its immediate goals.54

The representative of the Republic declared that the great distrust and suspicion on the part of the Indonesian Republic were caused by recent Netherlands actions: 1. The establishment of the so called Provisional Federal Government for Indonesia on 9 March 1948 by the Netherlands Government; 2. The Banding Conference of the non-Republican states of Indonesia, sponsored by the Dutch to discuss matters being negotiated with the Committee of Good Offices; 3. The Dutch Constitution was amended; (this amendment was with regard to the Netherlands-Indonesia Union; it was important to note that the amendment, the Republican representative continued, was binding on the Dutch

delegations, and this fact made compromise impossible) 4. The attempt by the Netherlands Government to create states out of West Java, Madura and East Sumatra "without the plebiscite called for in the agreements;" 5. The severe economic blockade of the Republic.

The representative of the Netherlands in a reply to the Indonesian claims stated that the main handicap to full agreement was the negative attitude taken by the Republic toward previous agreements, toward a federal Indonesian state and toward the Netherlands-USI Union. The Republic, he continued, was still affected by the old dream of having a unitary state which the Republicans would rule. 56 The representative of Indonesia denied the intention of having a unitarian state. Indonesia favored a federation, not a federation such as the Netherlands was trying to create, but one which was in the interest of the Dutch and not of the Indonesia people. 57

The Security Council studied the situation in Indonesia very carefully. The majority of the members of the Security Council were in favor of the Indonesian position. The situation was moving from bad to worse rapidly. Each party accused the other of violations of the Renville Truce Agreement. Distrust and suspicion increased. The Dutch economic blockade caused severe shortages in important commodities, especially medical supplies, clothes, and in some cases even food. 58

56 O.R.S.C., Third Year, 316th Meeting, (10 June 1948), 26-27.
57 O.R.S.C., Third Year, 326th Meeting, (23 June 1948), 4.
The political negotiations came close to a standstill.\(^{59}\)

The representative of the Ukraine declared that the Committee of Good Offices was powerless to undertake any step to improve the situation. He blamed the United States and other western powers for the powerlessness of the Committee of Good Offices. Other representatives believed that interference in the Committee's work would create handicaps in the progress of negotiation.

Finally, the Security Council adopted the following resolution, on 29 July 1948:

\[\text{The Security Council,}\]
\[\text{Calls upon the Governments of the Netherlands and the Republic of Indonesia with the assistance of the Council's Committee of Good Offices, to maintain strict observance of both the military and economic articles of the Renville Truce Agreement, and to implement early and fully the Twelve Renville Political Principles and the Six Additional Principles.}^{60}\]

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\(^{59}\)\textit{Tbid.}, Doc., S/918, (23 July 1948), 89.

CHAPTER IV
THE SECOND MILITARY ACTION

In the Fourth Interim report of the Committee of Good Offices, dated 15 November 1948, the Security Council was informed that in spite of the Committee's efforts to assist in solving the Indonesian dispute in accordance with the Renville Agreement there had been no progress since the previous June. The proposals which were made by the representatives of the United States and Australia to break the deadlock had been received reluctantly by the Netherlands delegation. This situation in the political negotiations, the report continued, led to economic setbacks within Indonesia as a whole, intensified political difficulties within the Republic, and increased tension between the parties. Consequently, the truce was endangered and the Committee doubted its ability to settle the dispute.61

On 19 December 1948, military actions were resumed. The Committee of Good Offices charged the Netherlands Government with violation of the Renville Truce Agreement.62 The Australian representative, in explaining the events which led to the second military action, stated that Prime Minister Mohammed Hatta, in a letter to the Dutch Government dated 12 December 1948, accepted many points which the Netherlands wanted. The reply to that letter from the Dutch Government, four days later, stipulated that the Republic should accept in advance all points still

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62Ibid.
under negotiations. Actually, that meant a complete surrender to the Netherlands Government. The Republic was given eighteen hours to make the decision. Because of the difficulties in communication, the United States representative, on the Committee of Good Offices, received notice of the new Dutch demand only one hour before the "zero" hour. The ultimatum was delivered to the Republican delegation only a quarter of an hour before the deadline for acceptance. All of the Committee's documents were seized by the Dutch and the very people with whom they were negotiating were arrested immediately, including President Soekarno.\textsuperscript{63}

The representative of the Netherlands, in a long speech to the Security Council at its 388th meeting, charged the Republic of Indonesia with several violations of the Truce agreement. He declared that the Netherlands had to take what he called "police action" to restore law and order in that area and to stop certain Republicans from entering territory under Dutch control. The Netherlands policy in Indonesia, the Dutch representative stated, "is and remains the promotion of the freedom of Indonesia in order to create a sovereign federation of Indonesia linked in voluntary and equal partnership with the Kingdom of the Netherlands in a Netherlands-Indonesian Union." And what the Dutch wanted, the representative added, was to insure that no minority domination would disregard the democratic rights and privileges of the citizens and which would be under great influence from extremist parties.\textsuperscript{64}

\textsuperscript{63}O.R.S.C., Third Year, 390th Meeting, (23 December 1948), 10-11.
\textsuperscript{64}O.R.S.C., Third Year, 388th Meeting, (22 December 1948), 2-4.
The representative of Indonesia made counter charges in the Security Council and claimed that the last Netherlands military action was but a continuation of Dutch policy. What the Dutch wanted, the Republican representative continued, was "to strangle us economically and politically and finish the job by a second military action which the Netherlands launched four days ago."  

The Council discussed the dispute at its 388th through 392nd meetings. The Soviet delegation proposed a draft resolution in which it asked, among other things, for: condemnation of the Netherlands aggression, immediate withdrawal of the Netherlands troops to their previous position and cessation of hostilities. This draft resolution was rejected by the Security Council. Syria and the Soviet Union voted in favor of the resolution; the remaining nine members of the Security Council (including the Ukraine) abstained. A new joint draft resolution sponsored by the United States, Syria, and Colombia was submitted and adopted on 24 December 1948. The joint draft resolution read as follows:

The Security Council,
Noting with concern the resumption of hostilities in Indonesia, and,
Having taken note of the reports of the Committee of Good Offices, Calls upon the parties:
(a) To cease hostilities forthwith, and
(b) Immediately to release the President and other political prisoners arrested since 18 December;
Instructs the Committee of Good Offices to report to the Security Council fully and urgently by telegraph on the events which have transpired in Indonesia since 12 December 1948, and

65O.R.S.C., Third Year, 389th Meeting, (22 December 1948), 32.
67Ibid., 38.
to observe and report to the Security Council on the compliance with sub-paragraphs (a) and (b) above. 68

A few days after the adoption of this resolution, the Security Council received two reports from the Committee of Good Offices dated 25 and 26 December. The two reports outlined the chief events since 12 December and summarized the military operations since 19 December. The Committee also reported to the Security Council that the Netherlands did not comply with the resolution of the Security Council which was adopted on 24 December. After the Security Council discussed these reports, it deemed it necessary to repeat its demands in the resolution of 24 December 1948 to the parties. The Security Council repeated these demands in a resolution which was adopted on 28 December 1948. 69

All the members of the Security Council were dissatisfied with the Dutch response to the Council's resolutions, and they criticised strongly the Netherlands military attack. Belgium, Colombia, and Syria, having served their two year term in the Security Council, were replaced by Egypt, Norway, and Cuba, which joined in criticising the Dutch action. This change in membership of the Security Council promised a voting alignment supporting stronger action by the Council, because the Netherlands lost the support of Belgium in the Security Council. The major powers were divided in their views on the situation. The representative of the Soviet Union declared that the Security Council had not dealt with the Indonesian question firmly and effectively enough to put an end to the Dutch aggression. He described the Committee of Good Offices

68 Ibid.
as weak, ineffective and overly protective of the colonial interests of
the Netherlands.\textsuperscript{70}

The representative of the Ukraine who shared the opinion of the
Soviet Union, declared that the majority of the Security Council led by
the United States, "had by its conduct in the Indonesian question,
substantially assisted and encouraged the aggression by the Netherlands
Government against the Indonesian Republic."\textsuperscript{71}

The representative of the United States reaffirmed the position
which his Government had taken toward the Indonesian question since
August 1947. The United States Government offered its assistance in
solving the Indonesian problem, but it did not want to resort to actions
which might open legal questions—questions such as whether the Indo­
nesian Republic was a sovereign state, or under what Article of the
Charter the United Nations should discuss the issue. The United States
representative stated that his delegation was not satisfied with the
Netherlands action.\textsuperscript{72}

The representatives of France and Belgium claimed that the
Security Council's competence in the Indonesian question had not been
decided. The Republic did not qualify as a state within the meaning of
the Charter. They believed that the Security Council could only offer
its good offices. They described the Netherlands action as brutal and
shocking but did not believe that this feeling should alter legal

\textsuperscript{70}Ibid., 391st Meeting, (23 December 1948), 29-30.
\textsuperscript{71}Ibid., 393rd Meeting, (27 December 1948), 4.
\textsuperscript{72}Ibid., 22.
considerations. The United Kingdom, though it shared with France and Belgium their doubts about the Security Council's competence in dealing with the Indonesian question, supported the Security Council's resolution of 24 December 1948, because it regarded the situation in Indonesia as "pregnant with consequences for Indonesia, for all Powers which have the privilege of administering colonies ... and for the whole world."

When the Security Council reconvened on 7 January 1949, it was informed by the representative of Indonesia and by the Committee of Good Offices that although cessation of hostilities had been ordered by the Netherlands Government, shooting had not ceased. The President of the Republic and the other political leaders had not been released. Effective cease hostility orders, the Committee of Good Offices reported to the Security Council, should be agreed upon by the two parties. Since the Republican political leaders were imprisoned, there was no authority on the Republican side to implement the Council's resolution.

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74 O.R.S.C., Third Year, 396th Meeting, (29 December 1948), 29.
75 O.R.S.C., Third Year, 392nd Meeting, (24 December 1948), 38.
76 O.R.S.C., Loc. cit.
77 O.R.S.C., Fourth Year, 397th Meeting, (7 January 1949), 13-14.
CHAPTER V
INDEPENDENCE

A. The Establishment of the United Nations Commission for Indonesia

The focus of the discussion of the Security Council on the Indonesian question during the month of January 1949 was on a joint draft resolution by Cuba, Norway, the United States and China. This joint draft resolution was adopted by the Security Council on 28 January 1949. The Security Council acted promptly and decisively in this resolution. It transformed the Committee of Good Offices into the United Nations Commission for Indonesia, with greater authority and responsibility than its predecessor. It called upon the Dutch Government to discontinue all military operations and the Republic to order its army to cease guerrilla warfare immediately. The Netherlands was asked to release all political prisoners arrested since 17 December 1948, and to facilitate the immediate return of Republican officials to Jogjakarta. The Security Council also recommended that the parties should resort to negotiations as soon as possible on the basis of establishing an Interim Federal Government not later than 15 March 1949; that elections for an Indonesian Constituent Assembly be formed by 1 October 1949, and that the transfer of sovereignty take place not later than 1 July 1950.79

B. The Round Table Conference and its Results

The Security Council reconsidered the question of Indonesia on 10

79 For the full text see Appendix A, the fifth resolution, 130.
March 1949. On the same day, the Security Council discussed the first report of the United Nations Commission for Indonesia (UNCI), which reported that hostages had not been released. The Dutch Government refused to re-establish the Republican Government at Jogjakarta. The Dutch Government, the report continued, suggested a round-table conference on the Indonesian question, to be held at the Hague on 12 March 1949. The Republican, the Federeralists, a group which represented areas of Indonesia other than the Republic, as well as the United Nations Commission for Indonesia were invited to sit at the proposed conference.  

The purpose of the conference, according to the representative of the Netherlands, was to effect a compromise between the United Nations resolution of 28 January 1949, and the Netherlands' objections to some parts of it; to gather the parties, including the Federalists, in order to arrange all the necessary steps for a transfer of the sovereignty within a few months; to establish, in the meantime, the Netherlands-Indonesian Union and to form a representative federal government for the whole of Indonesia. There were two advantages, he informed the Council, in having this conference; first, it would save a whole year in the transferring of the sovereignty; second, it would reduce the transition period greatly. The major difference, the representative added, between the United Nations resolution and the Dutch plan lay in the matter of the re-establishment of the Republican Government. He asked the Council to permit the United Nations Commission for

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Indonesia to participate in the conference.

The representative of the Republic, basing his opinion on the Netherlands action in the past, expressed his distrust of the new proposal. The new proposal, the representative declared, aimed at reducing the power of the United Nations Commission for Indonesia. The representative of India and Australia backed up these views and stated that the new scheme was a reversal of the Council's resolution merely because the Netherlands objected to some parts of it. 82

The discussion of the Netherlands proposal in the Security Council led to the adoption of a Canadian resolution on 23 March 1949. The Security Council in this resolution requested the United Nations Commission for Indonesia to assist the parties to reach an agreement on the time and conditions for holding the proposed conference at the Hague. Furthermore, the Commission was asked by the Council to assist the parties to reach an agreement on the implementation of the Council's resolution of 28 January 1949.

The representatives of the United States, Britain, China, Canada and Norway emphasized "that military action could not be allowed to eliminate one of the parties before the Security Council." 83 They also declared that if the two parties reached an agreement on the terms and conditions for having the round-table conference, such conference would be consistent with the major purposes and aims of the Security Council's resolution of 28 January 1949. The named resolution, they added, would

81 Ibid.
82 Ibid., 224.
83 Ibid.
remain in full force and effect.

In a report from the United Nations Commission for Indonesia to the President of the Security Council, date 9 May 1949, the Security Council was informed that the parties would negotiate under the guidance of the United Nations Commission for Indonesia and that preliminary negotiations would begin on 14 April 1949. The first important development came when Dr. Mohammed Roem, head of the Republican delegation, declared that President Soekarno and Vice-President Hatta promised that, immediately after the restoration of the Republican Government to Jogjakarta, they would urge cessation of guerrilla warfare, co-operate in maintaining law and order, and participate in the Round-Table Conference. 84

The chairman of the Netherlands delegation approved of setting up joint committees, under the guidance of the United Nations Commission for Indonesia, to take preliminary steps to return the Republican Government to Jogjakarta. He reaffirmed the Netherlands' willingness to stop all military operations immediately and to set free unconditionally all those political prisoners who were arrested since 17 December 1948. 85

The second major development took place when Netherlands troops were withdrawn from Jogjakarta and Republican troops reoccupied the area. This delicate military operation was completed peacefully on 30 June 1949, under the supervision of the United Nations military observers.

85 Ibid.
Six days later, on 6 July, the Republican Government was re-established at Jogjakarta. Soon after its restoration, the Republican Government approved the time and conditions for the Round-Table Conference. On 3 August the Netherlands and the Republican authorities issued cease-fire orders simultaneously.

On 23 August 1949 the Round-Table Conference was opened at the Hague, and it ended on 2 November 1949. The Conference was composed of the representatives of the Governments of the Netherlands, the Republic of Indonesia and the Federal Consultative Assembly representing areas in Indonesia other than the Republic. 86

A central Joint Board was established to observe the implementation of the cease-hostilities. This Board was to report and make recommendations to the parties and to the United Nations Commission for Indonesia. Thirteen Local Joint Committees in Java and Sumatra were established under the Central Joint Board. Delegations from the parties and the United Nations Military observers sat on the Local Joint Committees. This machinery, though similar to that set up after the Renville Agreement, proved to be more useful for implementing the truce than the first one. Three main factors led to this change: first, the authority was more decentralized; second, the military observers had more active participation at the local level; and third, the supervisory machinery was effectively separated from political negotiations. 87

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C. The Role of the United Nations Commission for Indonesia

As the Conference continued, its work became more and more centered within the Steering Committee, because the parties could not arrive at agreements at the lower levels on many substantial issues. The Steering Committee was made up of a Chairman, a Vice Chairman, the next ranking member of each delegation, and the representative of the United Nations Commission for Indonesia. The heads of the participating delegations took turns at the chairmanship of the Steering Committee a week at a time. The United Nations Commission for Indonesia participated in all meetings of the Steering Committee. Any decision of the Conference both on matters of procedure and substance had to be agreed to unanimously by the delegations. The United Nations Commission for Indonesia was requested to mediate whenever unanimity could not be reached. The United Nations Commission for Indonesia played a vital role by offering compromise solutions which were acceptable to both sides.

The major problems on which the parties could not reach an agreement at the Round-Table Conference were political, military and economic. The United Nations Commission for Indonesia succeeded in getting agreement on all these problems.

1. In the Political Field: The Dutch demanded creation of three permanent organs for the Netherlands-Indonesian Union: a council of ministers; an interparliamentary commission; and a court of justice. The Republicans regarded the Dutch demand "as trappings of a superstate...

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Ibid., 188-189.
that would infringe on their sovereignty rather than necessary concomitants of union between two independent nations. The Republicans asked for complete independence in the economic, military and political fields, and for a loose union—a "form of organized co-operation." They proposed that it would operate only if the two parties agreed "in each concrete case."

With the help of the Commission the parties agreed on organized co-operation between the independent and sovereign partners on the basis of equality and free will. They also agreed to have regular co-operation between their two Parliaments. The partners further agreed to establish a Union Court of Arbitration to settle legal disputes arising out of the Union Statute. The chairmanship of this Court would rotate annually between Indonesia and Netherlands members. Finally, the Netherlands and the Indonesian delegations agreed to set up a Conference of Ministers, whose acts would have to be ratified by the two Parliaments.

When the question of whether the transfer of sovereignty over Indonesia would include the Residency of New Guinea was discussed, a sharp difference in opinion developed. The Dutch desired to keep New Guinea, but the Indonesian delegation demanded that it should be part of the United States of Indonesia. Finally, the United Nations

90 Ibid., (6 September 1949), 20.
91 Ibid., (16 September 1949), 8.
Commission for Indonesia proposed as a compromise that the status quo of the Residency of New Guinea should be maintained. It should continue under the Dutch Government, on condition that within a year from the date of transfer of sovereignty the political status of New Guinea must be determined through negotiations between the two parties. Both the Netherlands and the Indonesian delegations accepted the suggestions. Although the Commission did not find a final solution for the dispute over New Guinea, the agreement was very important because any delay at that grave time was a threat to the truce agreement between the two parties.

Another political problem was the question of the right of self-determination of the Indonesians territories. There was no provision in the Provisional Constitution for self-determination—that is the right of the Indonesians to disassociate their respective territories from the Republic of United States of Indonesia. The Netherlands delegation attached special importance to this question and it was discussed at length. However, the parties were not able to reach an agreement until the last day of the Conference when they accepted a compromise solution proposed by the United Nations Commission for Indonesia (UNCI). This proposal provided that a plebiscite be held among the peoples of those territories upon the recommendation of the Commission or another organ of the United Nations, to determine whether those territories should form separate component States. The United Nations Commission for Indonesia—or another United Nations agency—

93 Ibid.
2. In the Military Field: The Dutch demanded that its troops should remain in Indonesia until the United States of Indonesia completed a year of governmental administration. The Indonesian delegation proposed that the Dutch troops should be withdrawn immediately after the transfer of sovereignty. There were also technical military problems, financial-economic questions in the military field upon which the parties were unable to reach an agreement.

But finally with the assistance of the Military Committee of the United Nations Commission for Indonesia, the parties agreed upon the following: 1. The government of the United States of Indonesia would be responsible for the internal security and external defense of Indonesia; 2. The Dutch fighting forces would be withdrawn from Indonesia after the transfer of sovereignty to the United States of Indonesia; 3. The Netherlands would send a military mission to Indonesia to help the Republic build up its fighting forces.

3. In the Economic Field: A great threat to negotiations at the Round-Table Conference was the economic deadlock. There was a sharp dispute over the assumption of debts by the new state. There were also differences of opinions over the means through which the Netherlands could protect its investments and other economic interests in Indonesia. A

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94 Ibid., 19-20.

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vital role was played by the Commission in bringing the parties to an agreement on these issues, which in effect amounted to arbitration by the Commission.

The United Nations Commission for Indonesia declared that the results of the negotiations at the Round-Table Conference were "eminently successful," and the Commission reported that the Conference had reached agreement on all issues which were before it. One of the main results of the Conference was the transfer of real, complete and unconditional sovereignty to the United States of Indonesia. Article 1, paragraph 1, of the Charter of the Transfer of Sovereignty states that, "the Kingdom of Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia and thereby recognize the said Republic of the United States of Indonesia as an independent and sovereign State."^\textsuperscript{99}

Paragraph three of the same Article states that "the transfer of the sovereignty will take place at the latest on 30 December 1949."^\textsuperscript{100}

A second major result was a draft defining the status of a Netherlands-Indonesian Union under the Dutch Crown. It was agreed between the parties that the Union would be established "on the basis of free will and equality in status with equal rights."^\textsuperscript{101}

The parties

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\textsuperscript{98} Collins, \textit{Loc. cit.}, 189.


\textsuperscript{100} \textit{Ibid.}, Doc., S/1417/Add.1, Appendix VII, 91.

\textsuperscript{101} \textit{Ibid.}

\textsuperscript{102} \textit{Ibid.}, 95.
also agreed that the "Union does not prejudice the status of each of
of the Partners as an independent and sovereign State." 103

The third important result was the agreement on the transitional
measures, including agreement on major problems such as: the right of
self-determination of the territories of Indonesia; debt settlement;
regulations concerning the monetary system and issue of currency in
Indonesia; and co-operation in the field of commercial policy.104

The Security Council considered the report of the United Nations
Commission for Indonesia on 12 December 1949, at its 455th and 456th
meetings. The representative of Canada submitted a draft resolution,
in which he proposed that the Security Council should note "with
satisfaction the report of the Commission on the Round-Table Conference,
congratulate the parties on reaching agreement, and welcome the
establishment of the Republic of the United States of Indonesia as an
independent sovereign state." 105 Furthermore, the draft resolution
requested the Commission to continue to discharge its responsibilities
and "to observe and assist in the implementation of the agreements
reached at the Round-Table Conference." 106

The results of the Round-Table Conference at the Hague were, in
the words of Mr. Herremans, Chairman of the week of the United Nations
Commission for Indonesia, "the end of a conflict, the solution of a

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103 Ibid.
104 Ibid., 19-23.
105 "International Organization: Summary of Activities of the United
Nations Security Council--The Indonesian Question," International
106 Ibid.
problem, the birth of a nation and the foundation of a Union."\(^{107}\)

The representative of the Netherlands declared that the United Nations Commission for Indonesia played a vital role in solving the complex problem. He also believed that the initiative taken by his Government in asking for a Round-Table Conference was very wise and fortunate.\(^{108}\)

Mr. Palar, the representative of Indonesia, declared the satisfaction of his Government with the results of the Round-Table Conference. He stated that the "work of the United Nations Commission had been and would continue to be most important."\(^{109}\)

A majority of the Security Council supported the Canadian draft resolution. After the statements of the representatives of the Netherlands and the Republic of Indonesia, the representatives of Norway, Pakistan, and China praised the achievements of the Conference and congratulated the parties. However, the representatives of the Ukrainian SSR, and the Soviet Union took an isolated position. The Ukrainian representative stated that "the agreements that were reached at the Round-Table Conference in The Hague were not capable of leading to a solution of the question; the agreements were not in accordance with the wishes of the Indonesian people, who were not truly represented by the government of the Hatta clique."\(^{110}\)

\(^{107}\) O.R.S.C., Fourth Year, 455th Meeting, (12 December 1949), 5.

\(^{108}\) Ibid., 4.

\(^{109}\) Ibid., 108.

\(^{110}\) Ibid., 109.
Furthermore, the Ukrainian representative submitted a resolution in which he asked for the dissolution of the United Nations Commission for Indonesia. The representative of the Soviet Union supported the views of the representative of the Ukrainian SSR and his resolution. He also stated that "the text of The Hague agreements made it clear that the freedom and independence of Indonesia had been sacrificed on the altar of political and economical interests of a bloc of colonial powers, the United States, the Netherlands, the United Kingdom and others." 111

Mr. Gross, the representative of the United States, took a position opposite to that of the Soviet Union and the Ukrainian SSR. Mr. Gross considered the agreements reached at the Round-Table Conference as very successful and as a "striking example of a way in which the primary purpose of this Organization can be carried into action." 112

The Ukrainian resolution was rejected by the Security Council. The representative of the Soviet Union vetoed the Canadian resolution, which asked for the continuation of the United Nations Commission for Indonesia to assist the parties in implementing the agreements. However, despite the veto of the Canadian resolution, the previous Security Council's resolution, which authorized the United Nations Commission for Indonesia to assist the parties in the implementation of future agreement, remained in full effect and unimpaired. 113

111 Ibid., 110.
113 Ibid., 36.
The United Nations General Assembly adopted a resolution at its 272nd meeting on 7 December 1949, which read as follows:

The General Assembly.
1. Welcomes the announcement that an agreement was reached at the Round Table Conference held at The Hague between 23 August and 2 November 1949;
2. Commends the parties concerned and the United Nations Commission for Indonesia for their contributions thereto;
3. Welcomes the forthcoming establishment of the Republic of the United States of Indonesia as an independent, sovereign State.114

The Commission returned to Batavia, when the Round-Table Conference was over, "to observe in Indonesia the implementation of the agreements" arrived at by the Conference. It continued its task of observation of the withdrawal of Dutch troops until completed in April 1951. After the complete withdrawal of the Dutch troops, the United Nations Commission for Indonesia relieved its military observers, and adjourned sine die. However, even after the sine die adjournment, the Commission remained at the disposal of the parties.

On 28 December 1949, Mr. Lie, the Secretary General, was formally informed by Dr. H. Riemans, acting Dutch representative to the United Nations, that:

the round-table agreements had been ratified by both houses of the Dutch Parliament and by the representatives of the states and territories which were to form the United States of Indonesia, and that the transfer of sovereignty over the entire Netherlands East Indies, with exception of Netherlands New Guinea, took place this morning in Amsterdam.115


D. Change in the Federal Status

At the Round-Table Conference a major point for discussion was the right of the Indonesian territories to determine what type and form of government they would have. The Netherlands and the Indonesian delegations agreed upon a Netherlands-Indonesia Union and the transfer of sovereignty over Indonesia from the Netherlands to the Republic of the United States of Indonesia, which would have a federal form of government. However, after sovereignty was transferred, the Republican leaders proceeded to form a unitary form of government.

On 25 May 1950, the Netherlands High Commissioner sent a letter to the United Nations Commission for Indonesia, in which he expressed his Government's concern over the right of self-determination, and inquired how this right could be carried into effect in a unitary state. 116

On 8 June 1950, the Indonesian Prime Minister informed the United Nations Commission for Indonesia that the right of self-determination of the Indonesian people could be guaranteed by establishing autonomous provinces or communities. Furthermore, he added, preparations were being made to hold general elections to a constituent assembly. The constituent assembly, together with the government, would enact the final constitution "displaying the real democratic features of the unitary state." 117

Subsequently, the Commission felt it necessary to declare its position on the question. And on 24 June 1950, the Commission stated


117 Ibid.
its position in a letter to the two parties:

The obligation to implement the Round-Table Conference Agreements, including the Agreement on Transitional Measures, rested with the two Governments concerned. Although the Commission, as an organ of the United Nations, had participated in the Round-Table Conference and signed its Covering Resolution, it could not be considered a party to this Agreement; ... Consequently, the Commission had so far regarded it as inappropriate to take action on the basis of the provisions of the Round-Table Conference Agreement without first being approached in the matter by at least one of the parties.\textsuperscript{118}

On 15 August 1950, President Soekarno abolished the federated 'United States of Indonesia' and declared the unified 'Republic of Indonesia' to take its place. He announced that he would continue as President and that Jogjakarta would be the capital of the new state. It was not until five years later, on 29 September 1955, that the first general election for the house of representatives was held. Then on 15 December 1955, the constituent assembly was elected.\textsuperscript{119}

The sixteen federal states that formed the United States of Indonesia in December 1949, began a new phase of their career on 17 August 1950, when they consolidated and formed the Republic of Indonesia\textsuperscript{120} as a unitary State.

\textsuperscript{118} Ibid., 304.

\textsuperscript{119} Britannica Book of the Year, (1957), 409.

\textsuperscript{120} New York Times, (17 August 1950), 20.
CHAPTER VI

CONCLUSION

What was the role of the United Nations in this successful settlement? What measures did the Security Council follow in order to arrive at a lasting settlement? How has the Netherlands reacted toward those measures? Where was the turning point at which the Dutch Government started seriously to co-operate with the United Nations in solving the problem by transferring the sovereignty? What were the factors which led to this turning point, or this change? And finally, what were the factors which enabled the United Nations to play such a successful role?

The Security Council played a major role in settling the problem peacefully. It took prompt measures whenever it deemed them necessary. It helped to keep the world well informed about the situation in Indonesia. It tendered its mediation and aid during the transition period through the United Nations Commission for Indonesia.

A. The Effect of the Resolutions of the United Nations

Although the resolutions of the United Nations were not fully effective in the short run, they played an invaluable role in finding a peaceful settlement of the Indonesian question.

The Security Council was informed of hostilities in Indonesia on 30 July 1947. It placed the Indonesian question on its agenda on 31 July 1947. On 1 August, the very next day, the Security Council adopted a resolution which asked the parties to cease hostilities, to settle their dispute by peaceful means and to keep the Council informed.
of the progress toward settlement. Three days later, the resolution was accepted by the parties, but almost immediately afterwards hostilities started again with each party claiming that the other had violated the cease-fire order.

The Security Council at this stage was faced with two main problems. The first was to ensure the effectiveness of the resolution of 1 August, and the second was to achieve a lasting settlement. The Security Council reminded the parties on 25 August of its first resolution. It then created the Career Consulars Commission which was asked to submit a joint report to the Council as to the manner in which the cease-hostilities order was being observed. As far as its second problem was concerned, the Security Council, acting upon an American proposal, tendered its good Offices to the parties and established the Committee of Good Offices (CGO) as its representative. These steps were taken in order to assist the parties to reach a durable settlement.

The Committee of Good Offices played a major role in leading the parties to signing the Renville Truce Agreement, on 17 January 1948. This agreement was one of the major agreements between the two parties, second only to the Linggadjati Agreement. The parties agreed on major political issues as a basis for the negotiations, and they agreed upon many other important points all of which were supposed to solve the problem peacefully.

However, the hostilities did not cease completely. Mutual distrust and suspicion increased. The severe economic blockade by the Dutch on the Republic was strengthened and the political negotiations
moved from bad to worse. The Security Council asked the Committee of Good Offices, on 25 June 1948, to continue its efforts to improve the situation peacefully. On 29 July 1948, the Security Council called upon the parties to observe strictly the military and economic articles of the Renville Agreement.

The Committee of Good Offices lost confidence in itself in solving the problem. The Netherlands Government was persistent in its demands, and the Committee was not able to satisfy them. Finally, on 12 December 1948, the Committee of Good Offices reported to the Security Council that direct talks between the parties had collapsed. Seven days later, on 19 December, the Dutch began their second major military attack and imprisoned the Republican political leaders, including President Soekarno and Vice President Hatta.

B. The Role of the United Nations—Conciliation

The Security Council acting promptly and decisively passed several resolutions, which asked the parties to cease hostilities and requested the Netherlands to release the Indonesian political leaders. One of the most important resolutions was that of 28 January 1949. In this resolution the Security Council transformed the Committee of Good Offices into the United Nations Commission for Indonesia (UNCI). The Commission had more authority and power than its predecessor. Unlike the Committee of Good Offices the United Nations Commission for Indonesia was empowered to make recommendations to the parties and to the Security Council, and it was authorized to consult with representatives of territories other than the Republic and to ask them to participate in the negotiations. The Commission had the duty to observe elections
that were to be held throughout Indonesia, and to help in accomplishing
the restoration of the civil administration of the Republic as early as
possible.

The Netherlands refused to comply fully with the Security Council's
resolution and proposed a round-table conference which finally led, in
December 1949, to the transfer of the Dutch sovereignty over Indonesia
to United States of Indonesia.

The United Nations Commission for Indonesia played a vital role in
assisting the parties to reach a lasting agreement at the Round-Table
Conference. The parties turned to the United Nations Commission for
Indonesia for recommendations and compromises whenever an impasse
occurred. The Commission made it possible for the Conference to find
solutions or acceptable compromises for most of the problems which were
before it, in the political, economic and military fields. Any serious
delay in solving these problems might have led to the end of the truce
agreement between the two parties. Actually, it was not until the
beginning of the Round-Table Conference that the Dutch tried seriously
to make use of the assistance of the United Nations agency on important
issues. This fact is one of the main factors which led to the final
success of the Conference.

How did the Netherlands react toward the Security Council's
resolutions? The Netherlands, from the beginning of the dispute until
its proposal of the Round-Table conference (after the second major
military action), gave the impression that it was trying its utmost to
preserve the colonial status of Indonesia.

After the Security Council's cease-fire order of 1 August 1947,
the Dutch, although accepting the resolution in words, did not do so in reality. Long after that resolution, the Netherlands captured many important towns in the Republic. The Netherlands continued strong economic blockades. Many areas in the Republic thus became deficient in food, medical equipment and clothes.

The Dutch, in spite of the continuation of the military attack and the severe economic blockade on the Republic, tried to make use of indirect rule in order to destroy the Republic. For example the Dutch, through those Indonesians who preferred the Netherlands rule to that of the nationalists, were able to insure more effective control over East Indonesia. In return, this group obtained governmental positions in that area. Finally, the uncompromising position which they took in December 1948, and the second military attack on the Republic were other good examples of Dutch intentions to destroy the Republic.

C. Factors Which Led to the Change in the Dutch Policy in Indonesia

The change in the Dutch policy in Indonesia came about after the Dutch proposal for the Round-Table Conference at the Hague. There were many factors which led to this change in the Netherlands policy in Indonesia. Certainly, the pressure from the members of the Security Council on the Dutch Government, the strong resistance of the Indonesian citizenry to accepting Dutch rule, the change in the Dutch government, and the inability of the Dutch to finance the large army and the long struggle, are some of the major factors in that change. The Dutch lacked the power to continue the war.

The British since 30 July 1947, forbade the selling of war materials to the Netherlands for use in Indonesia and the United States followed suit shortly after. The pressure on the Dutch increased when the United States Senate announced it was following closely the course of events and the Dutch actions in Indonesia; and was prepared to use severe economic sanctions in case the Dutch continued their defiance of the Security Council's resolutions. Aside from the action which was taken by the United States and Great Britain, in January 1949, all transit facilities, both sea and air, were withdrawn from the Dutch by India, Pakistan, Burma, Ceylon, and Saudi Arabia.

The Dutch, at first, accused some of the nationalist leaders of being communists and accused the Republican Government as a whole of being unable to fight communism in that area. The suppression of the communist revolt in Indonesia by the Republican Government in September 1948 proved the opposite. The suppression of this revolt by the Republican Government undercut much of the support the Dutch were receiving from the western major powers.

The Republican leaders realized that the Dutch did not have the power to control the whole territory of the Republic or the money to keep thousands of soldiers in action. Thus, the Republican leaders decided to leave the cities and go to the countryside to fight the Dutch from there. An observer who visited Jogjakarta in January 1949, found the situation in areas under the Dutch control different from

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122 Ibid., 214.

123 Congressional Record-Senate, 81st Congress, 1st Session, VC, Part III, (5 April 1949), 3839-3848.
what the Netherlands was telling the world. The majority of the populations in those areas were women, children, and old men. Most of the young men were fighting outside these areas.\textsuperscript{124}

Besides the Republican military resistance after the second major military action, the civilians in the areas which the Dutch liberated were hostile and did not co-operate with the Dutch. As George Kahin states in his book, \textit{Nationalism and the Revolution in Indonesia}, "out of 10,000 civil servants in Jogjakarta [there were] no more than 150, ... [who] were working for the Dutch administration."\textsuperscript{125} This resistance convinced the Dutch leaders, who believed that the Republican Government did not represent the majority of the Indonesian people, that the Indonesian citizens truly desired independence.

Another important factor influencing modifications in the Netherlands policy toward Indonesia was the change of the Dutch Government in August 1948. The Dutch Government, before 1948, was conservative and believed that the nationalist movement was confined to a minority group of the Indonesian people and had a strong desire to keep Indonesia under its rule for different reasons. This Government felt responsible for the peace and security in Indonesia and distrusted the nationalist leaders who formed the Republic of Indonesia. There were many Indonesians who preferred to see Indonesia under Dutch rule. These people were those who had been appointed to governmental positions by the Dutch and were sure that they would lose their positions if the nationalists ruled Indonesia. The Dutch Government was in touch mainly

\begin{center}
\textsuperscript{125}Ibid., 396.
\end{center}
with these Indonesians, a fact which made the Dutch underestimate the Indonesian resistance to its rule. There was also a fear of the threat of communism, if incapable leaders took the rule in Indonesia. Finally, the Dutch Government wanted to protect its economic interests as well as to prevent economic disaster in Indonesia.

The new Cabinet of August 1948 was Liberal Socialist. This Cabinet had a different policy than its predecessor. It did not consider the nationalist movement as confined to a minority group of intellectuals, but as a movement clearly reflected what was living in the masses. The leaders of the new Dutch government were determined to end the deadlock with the Indonesian Republic, and were capable of mustering strong support in the Netherlands parliament. And although they were sensitive to the Netherlands national interests, they had no sentimental attachment to Indonesia.

D. Factors that Assisted the United Nations to Play a Vital Role in Finding Peaceful Settlement

The change in Dutch policy toward Indonesia was one important factor which helped the United Nations to act successfully. However, there were other important factors which helped the United Nations to find a peaceful and lasting settlement. First, the Netherlands was not a permanent member in the Security Council with a veto power, and was not able to prevent the Security Council from passing resolutions which the Netherlands did not approve.

Second, it was not as closely allied with a major power such as

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Great Britain and the United States or the United States and France. However, it did have something which tied it with France and Great Britain. It was a colonial power. Although, France and Great Britain supported the Dutch position on many occasions and questioned the competence of the Security Council in dealing with the question, this tie was not strong enough to make these powers veto any major resolution in the Security Council. As a matter of fact Great Britain voted for the Security Council's resolution of 24 December 1948, in which the Security Council asked for cessation of hostilities and the release of the Republican leaders.

Third, the United States, with its power in the Security Council, played a major role in helping the Republic of Indonesia to obtain her independence. The United States made the passage of the Australian resolution (1 August 1947) possible when it amended that resolution in a way which eliminated legal questions which might have led to a long debate. The United States played a very important role in the drawing up of the Renville Agreement. The Netherlands' twelve principles were not clear at all, so clarification was asked by the Republic. There was no time for negotiation between the parties, but Dr. Graham, the United States' delegate to the Committee of Good Offices, helped persuade the Republicans to agree to the twelve principles. The Committee of Good Offices then proposed the six additional points which defined the status of the Republic as "a state within the United States of Indonesia," and provided United Nations supervision of plebiscites to determine whether the people of various territories in Indonesia wished to form part of the Republic or to
constitute separate states within the United States of Indonesia. However, the promised plebiscites were not held; the federated 'United States of Indonesia' was abolished by President Soekarno and a unified 'Republic of Indonesia' was declared to take its place on 15 August 1950.\textsuperscript{127}

The Renville Agreement, though it gave the Dutch territory which was taken after the cease-fire resolution, helped the Republic to maintain its international standing and insured the Republic that it could keep its army and its foreign relations.\textsuperscript{128} It was also the United States who proposed the establishment of the United Nations Commission for Indonesia, which had greater power than the Committee of Good Offices. And, finally, through the United Nations Commission for Indonesia the United States helped greatly at the Round-Table Conference at the Hague which settled the problem.

Fourth, the United Nations, from the very beginning of the dispute, did not engage itself with legal questions. When Australia referred to Articles 39 and 40 of the Charter of the United Nations in its draft resolution of 1 August 1947, the United States offered an amendment that excluded reference to these Articles or any other Article of the Charter. Such reference would have opened complex legal issues. The amendment which was adopted by the Security Council merely recognized that fighting on a large scale was taking place in Indonesia and considered such conditions as a threat to the peace in that region. Furthermore, on 26 August 1947, the Security Council rejected the

\textsuperscript{127}See p.p.50-51.
\textsuperscript{128}Ibid., 42-43.
the Belgian proposal to ask the International Court of Justice for an advisory opinion on the competence of the Security Council to deal with the Indonesian question. The fact that the Security Council did not agree to engage in legal subtleties speeded its action to a final successful settlement.

Fifth, the super-powers (the United States and the Soviet Union) agreed that the United Nations should play a role in settling the problem. Without such an agreement the United Nations would not have operated as successfully as it did. Both the United States and the Soviet Union were for the independence of the Indonesian Republic, although they opposed each other as to the means to be followed. Whenever the two super-powers did not veto each other's action, there was a good possibility for final solution.
PART TWO

THE ALGERIAN PROBLEM
A CASE STUDY IN EVOLUTION
CHAPTER VII

BACKGROUND

The outbreak of the Algerian revolution, on 1 November 1954, destroyed the widely held conviction in the western world that this French North African Province was secured against the nationalist convulsion which France had faced in Tunisia and Morocco.

Despite the fact that simultaneous attacks on police and military posts, factories, bridges, railways, radio and telephone stations were clearly well co-ordinated, most French observers regarded the revolution as a small scale disturbance which a small concerted military effort could quickly overcome. But when hundreds, then thousands of French troops, many tanks and planes failed to restore order, the true nature of the revolution became evident.\(^{129}\)

What were the major factors which led to the nationalist revolution? What were the French views on this problem? Who were the revolutionaries? Could we consider the Algerian question as an international problem? Where did the major powers stand with regard to this problem? What was the role of the United Nations in its attempt to solve the problem? And finally, why has the Algerian problem not been solved during the past six years?

A. Major Factors Which Led to the Revolution.

One major factor which led to the Algerian revolution was the rise of nationalism in the Afro-Asian countries, particularly after World


64
War II. The Algerian Moslems objected to being ruled by a non-Moslem people. In addition, the success of Libya, Tunisia and Morocco in their struggle for independence encouraged the Algerian nationalists to revolt.

A second important factor was the feeling of not having national identity. The basic policy of the French Government did not consider Algeria as a territory which should be steered toward independence, nor did it consider Algeria as a colony, but rather as part of France.¹³⁰

The Algerian person was frustrated by the fact that although his status was that of a French citizen, he was not treated as one. He had "keen realization of social, financial and political discrimination."¹³¹

Furthermore the Algerian individual felt neglected. His standard of living and educational level was much lower than that of the French people. Edward Behr stated in his article, "The Algerian Dilemma" that he had been told by an Algerian: "When the rebellion started, we never imagined it would cause such a stir.... We thought we had been forgotten. The only Frenchman I had ever seen was the gendarme, coming to arrest people."¹³²

The income of the Algerian Moslem people was lower than that of the French. Although theoretically there was equal pay for equal work, this did not prevent discrimination in hiring and promotion. At the bottom, there was the rural class, which formed sixty five per cent of

¹³¹ Ibid., 284.
¹³² Ibid.
the population, received an average of $55 per capita a year. The urban class received $164 a year per capita. The two classes combined form 93 per cent of the Moslem population and have a per capita income of $78.49 a year. The remainder of the population's income—excluding the European settlers—was not much higher than the two classes.133

The standard of education is very low in Algeria; elementary schools are provided for about fifteen per cent of the Moslem population but there are enough for all the Europeans. This imbalance is found not only in the elementary schools, but in institutions of higher learning as well.134

A third factor which led to the revolution was the nature and actions of most of the political leaders in France and Algeria. It was observed that most of the large French landowners who had gone into politics had put their own interest far above that of the Algerians. Their main objective was to maintain the status quo.135

A final factor for the Algerian discontent rose out of the past two decades. The vast majority of the Algerian Moslems "gradually grew up to believe that they were neither being steered towards political maturity and a larger share in the government of their country, nor was any effort really being made to turn them into full French citizens."136

134 Knight, Loc. cit.
135 Behr, Loc. cit., 282.
136 Ibid., 383.
B. The French Views on the Algerian Problem

France insisted that the Algerian revolution was a political campaign organized by a minority. This campaign would have failed had it not been supplied by certain countries (such as Egypt and Tunisia) with money, arms, directives and even bases of operations. France, also, declared that the terrorist's organizations of the communists had merged with those of the National Liberation Front and had infiltrated rebel bands. 137

The Foreign Minister of France informed the United Nations General Assembly that the economic expansion of Algeria had always been France's chief concern. Algeria had less than two million inhabitants when France entered in 1830. Algeria was ravaged by epidemics and torn by dissension. It had obsolete institutions and lacked cultural life. But after 1830, and as a result of the French effort to improve situation through civilizing missions, infant mortality decreased from fifty per cent in 1830 to 8.5 per cent in 1956 and the population increased to over nine millions. The problem of poverty was due mainly to the fact that the increase in productivity did not keep pace with the rapid increase in population. Every year food had to be found for an additional 225,000 inhabitants in that area. The production of the country had to be further increased to meet the additional demand. 138


Education was spread among the farmers by France, the Foreign Minister continued, and the farmers were supplied with funds to improve and increase productivity. The Committee Fund of the Provident Societies distributed, in 1954, 2775 million francs among more than 6000,000 Moslem farmers. Modern agricultural methods were introduced and the soil yielded larger crops. Irrigating was a major problem in Algeria, he added. In the past two decades twelve large dams had been constructed. These dams provided water for an area of more than 100,000 hectares. During the same period 2550 kilometers of canals were built. Roads, railroads, air fields and harbours was constructed. France spent large sums of money to improve the standard of living. Food production rose steeply; sugar and meat, for an example, doubled since 1938; and dairy products tripled. Health conditions improved greatly, and compulsory medical care was introduced. In the educational field, he said, one-sixth of the ordinary budget of Algeria was allocated to education.139

In the administration field, Mr. Pineau maintained, the French Government had simplified the eligibility requirements for French Moslem before they could enter the Civil Service, and gradually brought the Algerian people into the management of local and Algerian affairs. He added:

The principle underlying that partnership had been laid down as early as 1875. The civil registry had been established in 1883, and in 1898 the Assembly and the financial delegations had rectified the prevailing excessive centralization. By 1900, Algeria electorate for the communes de plein exercice had been appreciably increased. In 1919, French citizenship had been widely granted, and 1937, exclusively Moslem.

139 Ibid., 100-101.

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municipalities had been established. Full citizenship had been granted to all Algerian Moslems on 7 May 1946, with the result that they were authorized to send fifteen deputies, seven senators and nine councillors of the French Union to Paris. Finally, the statute of September 1947 guaranteed to all inhabitants the full rights of French citizens and created Algerian Assembly consisting of sixty delegates from each college and possessing some measure of legislative autonomy.

Two different views could be found with regard to the general living conditions and the pace of the progress in the standard of living in Algeria. Regardless of which was right, one fact remained true: no matter how high or low the standard of living, and no matter how much France improved the economic situation in Algeria, the nationalists still wanted independence.

In 1957, the French spent twelve to thirteen times more on Algeria than they had done in 1954, excluding the amount which was spent for the suppression of the revolt. This increase was for improvement of roads, schools, irrigation and other important needs. Furthermore, there was the 'Constantine Plan,' announced by de Gaulle, in 1958, and designed: first, to raise the Algerian wage levels to those of France; second, to reserve one tenth of all military and civil jobs in metropolitan France for Algerian Moslems; third, to transfer 617,000 acres of new land to Algerian farmers; fourth, to make 400,000 new jobs available for Algerians through intensified industrialization projects, housing construction and transportation facilities; fifth, to provide

140 Ibid., 101.
141 Behr, Loc. cit., 286.
more education for the Algerian children. Nevertheless, the revolution continued and the rebels still were asking for independence.

C. Who are the Revolutionaries

The history of the national movement in Algeria goes back to 1924, when Messali el Haj formed an organization known as Najm Shamal Ifriquah (Star of North Africa - Etoile Nord Africaine). The aims of this organization were to help the needy Algerians, and to obtain their national rights. The French authorities opposed the organization as communist affiliated. When the national elements in Algeria rallied strongly around Messali, the Etoile was dissolved by a decree issued by the French Government in 1937.

The Etoile, shortly after its dissolution, reappeared under the name of "The Society of the Friends of Al-Ummaha." Later the name of this organization was changed to the "Algerian People's Party." This Party asked for the establishment of constitutional government and for independence. In 1939, the French Government dissolved the People's Party, on the grounds it was harmful to French sovereignty. The ban on all political parties continued through the Second World War.

The political parties resumed their activities at the end of World War II. The People's Party reappeared, upon the release of Messali, under the name of "Mouvement pour le Triomphe des Libertés


144 Ibid., 9.
Deomcratiques" (MTLD). This movement, which was led by Messali, asked for national independence. However, its followers did not believe in achieving independence through military action, but rather through negotiation. The French expelled Messali to France in 1952, in order to strip his party of experienced leadership.\(^5\)

The French Government did not know of a movement called L'Operation Secrete, developing within the MTLD. The goal of this movement was to do something more than talk of independence. Its members, who were young men, believed that they should prepare for an armed uprising through secret military training. When Messali learned of the aims of this movement, in 1954, he refused to support its views.\(^6\)

His refusal led to a complete division within the MTLD. Messali and his followers kept the position and the name of the party for a few months. Later Messali regrouped his followers and started a military struggle of his own in the southern sectors of Algiers, and in the Department of Oran. His movement was known as the Mouvement National Algerian, (MNA). In 1955, Messali abandoned his policy of wait and see and the MNA through itself into the military activities with a view to taking over the leadership of the military movement.\(^7\)

The L'Operation Secrete members left the Messalist national movement and formed their "Comite revolutionnaire d'unite d'action" (CRUA)

\(^{145}\)Hahn, Loc. cit., 286.

\(^{146}\)Ibid., 286-287.

in 1954, and set up a liaison center in Cairo. From their office in Cairo they made political decisions and directed their forces which were called the "Front de Liberation National" (FLN) and began training people in techniques of guerilla warfare. Their appeal to the Algerian people was simple—"This is a holy war for the defense of Islam."
Volunteers joined the FLN either as full time soldiers or part time auxiliaries. The FLN grew at the expense of the MNA and became the largest party in Algeria seeking independence followed by the MNA and the Communist Party.

The FLN and the MNA were both nationalist groups and it would not be right to believe that communism was behind either movement. While the FLN was greatly influenced by the United Arab Republic, it leaned closely toward Western socialist movements and ideologies.  

Messali Hadj, who was considered the father of the Algerian nationalists, stated his views of the FLN and proposed a solution for the Algerian problem:

"The FLN were a heterogeneous group that contained people from ultra-left to ultra right ... There were no doubt, valuable elements in the FLN, but there was no chief there. And that movement was supported by outside powers who sooner or later will present the bill for their aid. You don't believe that Cairo or Moscow did anything for nothing? This is not real independence."

He called, as a solution to the problem, for

an independent Algeria collaborate in the closest possible way with France, within the framework of a Common wealth along

148 Hahn, Loc. cit.

149 Sat Tas, "Interview with Messali Hadj," The New Leader, (9 March 1959), DLII, 7.

150 Ibid., 8.
British lines ... We must break away from revolutionary intoxication. We face tremendous economic problems which independence alone cannot solve.\textsuperscript{151}

The third party which sought Algerian independence was the Algerian Communist Party (PCA). Originally an offshoot of the French Communist Party, it became independent in 1935. Immediately after the Second World War the PCA campaigned for Algeria's integration with France only because the French communists were in the Government of the Republic and they hoped that they would soon come to power. However, the communists realized about 1950 that they would be unable to reach that goal and they switched to a position favoring Algerian independence.\textsuperscript{152} This party tried always to exploit the situation for its own advantages. It was supported only by communists, and all evidence indicates that it was smaller than the FLN and the MNA.

D. Sources of the FLN's Support and Strength.

The FLN had many sources of arms, medicine, food, clothing and money. The members of the Arab League regarded it a "solemn obligation" to assist the Algerian people in their struggles against the French from the very beginning of the revolution in November, 1954. Ahmed Shukairi of Syria, Assistant Secretary General of the League, openly announced this in the United Nations General Assembly.\textsuperscript{153}

Although the Nationalists were anti-communist, the communists in Algeria took full advantage of the situation and gave ample propaganda

\textsuperscript{151}Ibid.
\textsuperscript{152}O.R.G.A., Eleventh Session, First Committee, 830th Meeting, (4 February 1957), 103.
and military support. The Algerian Army received increasing military support not only from the Arab countries but from the People's Republic of China and the Soviet Union. According to a report published in the Christian Science Monitor, it was estimated that Peking had given the Algerian underground $60,000,000 in financial aid. Aside from the material assistance, Red China was training 25,000 volunteers on the island of Hainan to fight in the future against the French in Algeria. On 16 October 1960, Trud, a publication of the Soviet Union Central Council Trade Union, announced its largest assistance thus far to the Algerians in Tunisia. This aid included machine tools, tractors, automobiles, 22,000 cans of meat and fish, 20,000 tins of milk, clothes, medicine and soap.

Another source of supply for the rebels were the French. Occasionally the nationalists captured French arms. At times the French distributed arms among the Algerians to defend themselves against the rebels, but most of these arms were given to the nationalists by the Algerians. For example, at the end of 1955, the French administration distributed thousands of rifles to supposedly loyal Moslems who were to act as village guards. Many of these arms reached the rebels.

E. The French Action.

After the French attempts to suppress the Algerian revolt in its

154 Hahn, Loc. cit., 292.


earliest stages failed, France acted vigorously to put an end to the revolution. She began to increase her forces gradually until they reached about half a million troops in 1958. France withdrew four divisions of her troops from Western Germany under the NATO supervision despite the objections of some NATO powers.\textsuperscript{158} France acquired helicopters from the United States for fighting revolutionaries and sent strong troop reinforcements to seal the Tunisian borders and stop the aid to the nationalists.\textsuperscript{159} Furthermore, the French Army bombed every major suspected area as a center of rebel activity and in some cases where grounds for suspicion were slim. Near Constantines at dawn on 22 August 1955, the French forces leveled nine hamlets to the ground charging that they were furnishing the rebel with supplies.\textsuperscript{160} This incident was not singular.


\textsuperscript{159} Ibid., (11 November 1954), 3.

\textsuperscript{160} Ibid., (23 August 1955), 5.
CHAPTER VIII

THE ALGERIAN PROBLEM IN THE UNITED NATIONS

A. The Problem in the Security Council

The representative of Saudi Arabia sent a letter to the President of the Security Council dated 5 January 1955, in which he informed the President that the situation in Algeria might cause an international crisis and endanger the peace and security of the world. The representative reserved the right of his Government to ask for a meeting of the Council to discuss the matter and to take the necessary measures. An attached memorandum explained that France was using military operations in Algeria to destroy the Algerian nationalists uprising. However, a meeting was not requested, and the Security Council did not take action at this time. 161

The situation in Algeria continued to deteriorate. France had intensified the use of force in its policy of repression, which was costing thousands of lives. 162 On 13 June 1956, thirteen Afro-Asian countries deemed it necessary to request the Security Council for an early meeting to discuss the grave situation in that area, under Article 35, paragraph 1, of the Charter. The Afro-Asian countries claimed that the serious situation which existed in Algeria might


76
On 26 June 1956, the Security Council discussed the inclusion of the Algerian question on its agenda. The representative of France asked the Council not to include the thirteen-delegation complaint on its agenda. He considered the Algerian question a domestic problem, and invoked Article two, (7), of the Charter of the United Nations, which states:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter ...

He added, that the French Government remained firmly opposed to any discussion by third parties of domestic affairs, whether these parties be the General Assembly or the Security Council.

The representatives of the United Kingdom, Belgium and Cuba supported the French position that the question was of a domestic nature. The representatives of the United States, Peru, and China believed that a discussion at that time would not achieve any practical results and, therefore, they opposed it.

When the Security Council voted on the inclusion of the question, only Iran and the Soviet Union voted in favor of the provisional

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164 O.R.S.C., Eleventh Year, 729th Meeting, (26 June 1956), 5.
165 Charter of the United Nations, (Department of State Publication Conference Series 76), 1945.
166 O.R.S.C., Eleventh Year, 729th Meeting, (26 June 1956), 15.
agenda. China and Yugoslavia abstained, and the remaining seven members of the Security Council voted against it. Thus the Algerian question was not included on the agenda of the Security Council's eleventh year or any other year, although the Tunisian question which was related to the Algerian problem was included on the Security Council's agenda in 1958, as will be discussed later.

B. The Algerian Problem in the General Assembly

1. The Problem in the Tenth Session: On 29 July 1955, fourteen Afro-Asian states requested the inclusion of the Algerian question on the agenda of the tenth session of the General Assembly. These states stated, in an attached memorandum, that the deteriorating situation in that area was the direct result of colonial conquest and that France controlled Algeria only by force. The attached memorandum declared that:

> the employment in this region of massiv armed forces totalling over 150,000 and including French troops of the North Atlantic Treaty Organization testifies vividly to the grave situation existing. The continuance of this situation is creating a serious threat to peace in the Mediterranean area.

On 22 September 1955, the General Committee of the General Assembly recommended to the General Assembly not to include the question of Algeria on the agenda. When this recommendation came to the General Assembly on 27 September 1955, the discussion centered on the competence

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of the United Nations to deal with such a question. Many Afro-Asian members questioned French sovereignty over Algeria. They charged that the situation in Algeria was a threat to world peace and that the United Nations should no longer ignore the question. On the other hand, those who opposed the inclusion of the question, mainly the western powers and the majority of the Latin American states, considered the problem as "purely a matter of internal jurisdiction."\textsuperscript{171}

The representative of France charged that the inclusion of the question in the agenda would endanger the future of the United Nations, because it would give this organization the right to interfere whenever a racial, religious or linguistic minority existed within the boundaries of a certain country. Then he asked what was expected to be achieved through this debate? "Freedom for the Moslem populations of Algeria? But were they not already free? Did they not already enjoy universal suffrage? Were they not already represented in the Algerian Assembly, as in all the national assemblies? Moslems had the same rights as other French citizens," he added.\textsuperscript{172}

The representative of the United States argued that the Algerian question fell within the provisions of Article 2, (7), of the United Nations Charter, which prohibited United Nations interference in domestic questions. He warned the General Assembly of the danger to the future of the United Nations in taking up questions whose consideration would conflict with the provision of this Article. The position


\textsuperscript{172}Ibid.
of the United Kingdom, Colombia, Norway and the Netherlands was essentially the same as that of France and the United States.\textsuperscript{173}

The majority of the Afro-Asian states and the Soviet bloc supported the inscription of the question on the agenda and claimed that the discussion of the question could not be considered as an intervention within the meaning of Article 2, (7), of the Charter. They did not believe that Algeria was integral part of France, and they declared that the Algerian Arab did not enjoy all rights of French citizenship. They declared that the;

Algerians were discriminated against in the distribution of seats in Algerian Councils and the local bodies. The two-college electoral system and the equal numbers of seats reserved for Algerians and Frenchmen in those bodies—although the Algerians outnumbered the French residents of Algeria ten to one—sufficed to prove the unequal treatment. In the French National Assembly, consisting of 60 deputies, more than nine million Algerian Arabs were represented by only 15 Arab deputies, and by seven senators out of 319 in the Council of the Republic. If the Algerian "departements" were dealt with as French metropolitan "departements," they should be allowed to send 125 or 130 deputies to the National Assembly and a proportionate number of senators to the Council of the Republic. The facts were that Algeria was not represented "on the same basis" as were the various parts of Metropolitan France, and it was governed as a colony.\textsuperscript{174}

The recommendation of the General Committee to the General Assembly not to include the Algerian question on the agenda was rejected by the latter on 30 September 1955, and therefore, the question was included. After the inclusion of the question on the agenda, the representative of France stated that in the matter of internal jurisdiction of his country, his Government refused to accept any intervention of the

\textsuperscript{173}\textit{Ibid.}, 66.

General Assembly which would conflict with the provisions of the Charter and would regard as null and void any recommendation of the General Assembly on the matter. Believing that the vote which was taken might influence the relations between France and the United Nations, the French representative and his delegation thenceforth ceased to attend the meetings of the General Assembly and of all its standing Committees. The discussion on the question was postponed until 25 November 1955.175

When the General Assembly reconsidered the question on 25 November, it quickly adopted a proposal which was made by the Political Committee without objection or debate. The unanimous decision was taken because the members of the General Assembly believed that no proper solution could be found without the presence of the French delegation. The text of the resolution read as follows:

The General Assembly,
Decides not to consider further the item entitled "The question of Algeria" and is therefore no longer seized of this session.176

Many representatives, including several Arab states, expressed regret over the absence of the French delegation from the Assembly's debates, and they expressed the hope that the Algerian problem would be solved in a peaceful manner. On 29 November, the French delegation returned to the General Assembly.

2. The Problem in the Eleventh Session: The situation in Algeria had deteriorated so badly during the autumn of 1956 that it became even more difficult for the General Assembly to deal with the question successfully.

175 Ibid., 67.

On 22 October 1956, shortly before the Assembly's eleventh session, a Moroccan plane transporting five of the most important leaders of the Algerian nationalists to their headquarters was diverted by its French crew to Algiers where the Algerians were arrested by the French.  

From Tunisian and Moroccan sources it was understood that the five leaders were engaged in secret official talks with the French on the Algerian crisis, and with officials from Tunisia and Morocco on the possibility of their serving as mediators. The arrest of the Algerian leaders was denounced by Morocco as "an act of piracy, violation of international law, and personal insult to the Sultan of Morocco whose guests they were at the time of their arrest."  

On 2 October 1956, fifteen Afro-Asian states requested the inclusion of the Algerian question on the agenda of the eleventh session of the General Assembly. The letter stated that the situation had worsened since the postponement of the discussion in the General Assembly in its tenth session. Because France had continued its policy of military repression and had increased its forces from 150,000 to over 450,000 these states declared that the situation in Algeria was likely to endanger international peace and security.  

On 15 November 1956, the General Assembly decided at its 578th meeting to include the Algerian question on its agenda. The French  

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178 Ibid.  
The delegation did not object to the inclusion of the question. The French Foreign Minister declared that the French Government had not changed its opinion about the Algerian question as a domestic affair. France did not object to the inclusion of the Algerian question on the agenda because she wished to make a public reply to the campaigns of systematic denigration which had been directed against her for several years. France also wished to raise the question of foreign interference in Algeria. Mr. Pineau of France charged that the problem would have been solved if certain Powers had not kept the conflict alive by their deliveries of arms and an "astonishing orgy of propaganda."181

France declared that she was unable to accept any recommendation from the General Assembly, because such an interference would be in violation of Article two, (7), of the Charter of the United Nations. The United Kingdom, New Zealand, Belgium, Italy and several other western states supported the French position. They argued that the United Nations was not competent to deal with the question and that many countries would never have agreed to join the United Nations if Article two, (7), of the Charter had not precluded intervention in matters essentially of domestic nature.182

On the other hand many Afro-Asian countries plus Greece reasoned that the United Nations was competent to deal with the Algerian question, because it did not fall exclusively within the domestic


182 Yearbook of the United Nations, 1956, 118.
jurisdiction of France. They believed that Algeria was never integrated into France either in fact or law. Whatever political or constitutional devises used by France to justify the incorporation of Algeria, she was not a part of a genuine union, they added.\(^{183}\)

Although the Algerian nationalists were unable to present their views to the United Nations, their position was very clear to the United Nations' delegations. The nationalists insisted that France should recognize the Algerian independence unconditionally prior to a cease-fire agreement. She also should recognize the Algerian provisional government and release all political prisoners.\(^{184}\)

**a. The problem in the Political Committee:** The question of Algeria was considered by the Political Committee of the General Assembly at its 830th through its 848th meetings. Eighteen Afro-Asian countries gave their opinion on the question on 5 February 1957, in a draft resolution, which expressed concern about the grave situation in Algeria which was causing much human suffering. They recognized the right of the Algerian people to self-determination and requested the French Government to respond to the wish of the Algerians to exercise their fundamental right of self-determination. The eighteen states invited both parties to enter into negotiations immediately and cease hostilities. They also requested the Secretary General to help the parties conduct the negotiations and report to the General Assembly at its twelfth session.\(^{185}\)

\(^{183}\)Ibid.

\(^{184}\)Winslow, *Loc. cit.*, 60.

A second resolution was introduced at the 843rd meeting on 11 February 1957 by Japan, the Philippines, and Thailand. This resolution considered the grave situation in Algeria, and declared that the unsatisfactory situation could be normalized by the joint efforts of the French and the Algerian people to reach a better understanding and a solution in accordance with the principles of the United Nations Charter.\textsuperscript{186}

The representatives of Argentina, Brazil, Cuba, the Dominican Republic, Italy, and Peru introduced a third draft resolution on 12 February. They simply expressed the hope for a peaceful and democratic solution for the Algerian problem.\textsuperscript{187}

On 13 February 1957, a vote was taken on the three draft resolutions. The Political Committee voted on the eighteen-powers resolution paragraph by paragraph. The first operative paragraph was rejected by a vote of 33 in favor, 34 against with 10 abstentions.\textsuperscript{188}

\begin{itemize}
\item \textsuperscript{186} Ibid., Document A/C.1/L.166, (11 February 1957), 3.
\item \textsuperscript{187} Ibid., Document A/C.1/L.167, (12 February 1957), 3.
\item \textsuperscript{188} In favor: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Ecuador, Egypt, Ethiopia, Greece, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Syria, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.
\item Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Finland, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Laos, Luxembourg, Netherland, New Zealand, Nicaragua, Norway, Panama, Peru, Portugal, Sweden, United Kingdom and Northern Ireland, United States, Uruguay, Venezuela.
\item Abstaining: Bolivia, Cambodia, El Salvador, Guatemala, Liberia, Mexico, Paraguay, Philippines, Spain, Thailand.
\end{itemize}
operative paragraph was rejected by a vote of 33 in favor, 34 against with 9 abstentions. The Afro-Asian bloc, Greece, and the Soviet bloc voted in its favor; the Western Powers and the majority of the Latin American states voted against it. The Committee, because of the rejection of the first two operative paragraphs, did not take a vote on the rest of the draft resolution. Therefore, the draft resolution as a whole was rejected. And the three-power resolution and the six-power resolution were adopted. 189

b. The problem in the General Assembly: The General Assembly considered the two resolutions which were recommended by the Political Committee. Before the General Assembly there was also another draft resolution sponsored by Argentina, Brazil, Cuba, the Dominican Republic, Italy, Japan, Peru, Philippines, and Thailand. The President of the General Assembly stated that the new nine-power draft resolution (the text is below) was considered as a conciliatory move made by the sponsors of the six-power and the three-power draft resolutions which were adopted by the Committee. The General Assembly voted and adopted the new draft resolution unanimously. This resolution was the final action taken by the General Assembly in its eleventh session. The text of the resolution was as follows:

The General Assembly,
Having heard the statements made by various delegations and discussed the question of Algeria,
Having regard to the situation in Algeria which is causing much suffering and loss of human lives,
Express the hope that, in a spirit of co-operation, a

peaceful, democratic and just solution will be found, through appropriate means, in conformity with principles of the Charter of the United Nations.\(^{190}\)

3. The Problem in the Twelfth Session: On 16 July 1957, the representatives of twenty-two Afro-Asian countries requested in a letter to the Secretary General that the question of Algeria should be included on the agenda of the General Assembly's twelfth session. In an explanatory memorandum, they recalled the resolution which was adopted unanimously by the General Assembly in the eleventh session. They declared that since the adoption of the resolution there had been no indication to the United Nations from its member States that any improvement had been made. It further stated that the suffering and loss of human life in Algeria continued and increased. There were many delegates to the United Nations who criticised the French action in Malouga Kasbuh, where the males of that village were lined up and shot. Since the resolution of the previous year did not show any progress toward a peaceful settlement it was necessary that the question of Algeria should be included on the agenda of the twelfth session.\(^{191}\) The General Assembly decided to include the Algerian question on its agenda, on 20 September 1957.\(^{192}\)

a. the problem in the Political Committee: The problem of Algeria was considered by the Political Committee from its 913th through 926th meetings. The French representative explained that his Government did not


\(^{192}\)Yearbook of the United Nations, 1957, 63.
object to the placing of the Algerian question on the Assembly's agenda but that this must not be interpreted as a change in the French position on the competence of the United Nations intervention. France participated in the debate in order to show the efforts which were being made to bring about a peaceful settlement and to refute the calumnies directed against her.\(^{193}\)

The French representative explained his government's policy in Algeria, which rested upon three pillars: cease-fire, election, and negotiations. He stated that after the cease-fire had taken place a single electoral college would be elected in order to enable the Algerian population to choose freely their representatives. As soon as the elected Algerian assemblies had been organized, negotiations would begin in order to establish the permanent institutions of Algeria which would allow full exercise of individual rights and freedoms. France also informed the United Nations that the Parliament was debating a basic law (loi-cadre) which would be used as an instrument for achieving the French policy in Algeria.\(^{194}\)

The French representative noted that President Habib Bourgaiba of Tunisia and King Mohammed V of Morocco "placed their good offices at the disposal of France and the authorities of the [Algerian] Front National Liberation."\(^{195}\) But France rejected the offer because both

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\(^{193}\)Ibid.


countries were under pressure of the FLN which threatened their sovereignty and, were not sufficiently free to determine their own attitude toward the rebels.\footnote{196}

Several states supported the French position and argued that the United Nations did not have the right to intervene. Among those who took this position were Argentina, Australia, Cuba, Israel, the Netherlands, Peru, Portugal, Spain and the United Kingdom. On the other hand, several other countries declared that the United Nations was competent to deal with the Algerian question. They pointed out that the French rule in Algeria originally had been installed by military intervention and its present character should be considered only as a colonial occupation maintained without regard for the wishes of the people of Algeria. Moreover, since the war in Algeria endangered the peace and security in the area, it was both the duty and the right of the United Nations to continue its efforts for a peaceful solution. Furthermore, this problem was prejudicial to good relations between France on one side and Tunisia and Morocco on the other. They invoked Article fourteen of the Charter of the United Nations, under which the General Assembly might recommend measures for improving any situation regardless of origin, which it deemed likely to impair the general welfare or friendly relations among nations. Among those who took this position were the representatives of the Soviet Union, Byelorussia, Albania, Ukraine, Uruguay, Guatemala, and many Afro-Asian states.\footnote{197}

\footnote{196G.A., Twelfth Session, First Committee, 913th Meeting, (27 November 1957), 256.}

\footnote{197Yearbook of the United Nations, 1957, 70.}
Two draft resolutions were introduced in the Political Committee. The first, sponsored by seventeen Afro-Asian countries, recognized the applicability of the principle of self-determination to the Algerian people and called for negotiations in order to settle the problem in accordance with the principles of the Charter. The second draft resolution was introduced by the following seven powers: Argentina, Brazil, Cuba, the Dominican Republic, Italy, Peru, and Spain. They simply took note of the attempts to solve the problem through the offer of good offices of Heads of States and by the French legislature's measures. They also expressed the hope, once again, that a peaceful and just solution would be found through appropriate means in conformity with the principles of the Charter.

The seventeen-power draft resolution was rejected by the Political Committee, by a vote of 37 in favor, 37 against and with 6 abstentions. The voting pattern was essentially the same as in the previous session. The Argentinian representative, on behalf of the other states which jointly sponsored the second draft resolution, declared that the sponsors of the resolution would not press that draft resolution to a vote, but wanted to reserve the right to submit it in the plenary meeting of the General Assembly. The Political Committee, therefore, did not recommend to the General Assembly the adoption of any resolution.

b. The problem in the General Assembly: On 10 December 1957, the
General Assembly at its 726th plenary meeting, by a vote of 80 to none,
adopted a draft resolution. The draft resolution was sponsored by the
following fifteen states: Argentina, Brazil, Canada, Cuba, the Dominican
Republic, India, Iran, Ireland, Italy, Japan, Mexico, Norway, Peru,
Spain and Thailand. The text of the resolution was as follows:

The General Assembly,
Having discussed the question of Algeria,
Recalling its resolution 1012 (XI) of 15 February 1957,
1. Expresses again its concern over the situation in Algeria;
2. Takes note of the offer of good offices made by His Majesty
the King of Morocco and His Excellency the President of the
Republic of Tunisia;
3. Expresses the wish that, in a spirit of effective co­
operation, pourparlers will be entered into, and other
appropriate means utilized, with a view to a solution, in
conformity with the purposes and principles of the Charter
of the United Nations.201

This resolution was adopted as a conciliatory measure. However,
the Tunisian representative and certain other delegates of Arab states
objected to the resolution as a compromise, partly because it did not
include the right of self-determination to the Algerian people, and
partly because the compromise failed to mention who will conduct the
pourparlers.202

The General Assembly adopted such a vague and elastic resolution
for several reasions: 1. France insisted that the Algerian problem was
outside the United Nations jurisdiction and she would regard any
recommendation by the United Nations on this matter as null and void;

201. O.R.G.A., Twelfth Session, Annexes, Agenda Item 59, Document
1184 (XII), (10 December 1957), 3.


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2. Any stronger resolution would not command the two-thirds majority required for the passage of any resolution; 3. The majority of the General Assembly believed that the new French legislation (loi-cadre) might assist the parties to solve their problem; 4. They also believed that a stronger resolution by the United Nations might impair any possibility of negotiations between the parties outside the United Nations and might alienate the French delegation.

4. The Problem in the Thirteenth Session

a. In the Security Council: The fighting in Algeria continued and, if anything, quickened its pace, particularly along border areas. The French Government declared that the nationalists received arms and asylum from their neighbors, especially Tunisia and Egypt and believed that the rebels could not subsist without such outside aid. It claimed and exercised a "right of pursuit" of Algerian nationalists into Tunisian territory and tried to seal the borders.203

Many border fights took place, and on 8 February 1958, these incidents developed into a serious international crisis when twenty-five French planes bombed the Tunisian border town Sakiet-Sidi Yusif. This was believed to be a center of Algerian nationalist activities. Immediately after the bombing both France and Tunisia sent complaints to the Security Council; the former complained about the Tunisian aid to the nationalists, and the latter charged French aggression.204


On 18 February 1958, the Security Council included the French-Tunisian problem on its agenda of 811th meeting. After both the Tunisian and the French representatives presented their views on the problem, the representatives of the United States and the United Kingdom offered their good offices to assist the parties in settling their dispute. The offer was accepted by both parties. The representative of Sweden proposed and the Council agreed to adjourn to allow the parties to negotiate with the assistance of the Commission of Good Offices.205

In the meantime, Tunisia took direct action on its territory by virtually blockading 22,000 French troops in their barracks. The conflict was intensified by sporadic fighting between the confined French troops and the Tunisian Army. One of these fights near Ramada was so serious that complaints were again sent to the Security Council on 29 May 1958.206

On 2 June 1958, the Security Council met to discuss French-Tunisian complaints. After the Council included the question in its agenda, Tunisia charged France with act of aggression. France denied the Tunisian charge, and complained about Tunisian assistance to the Algerian rebels. Later, at the same meeting, France proposed a two-week postponement of the discussion to allow negotiations between the two countries. The Tunisian delegations accepted the proposal.207


206Winslow, Loc. cit.

On 18 June 1958, France informed the Security Council that a settlement had been concluded between the two countries. France agreed to evacuate its troops within four months from all Tunisian territory with the exception of Bizerte. The Tunisian Government agreed to restore freedom of movement to French forces. The President of the Security Council congratulated the two countries for solving their problem through direct negotiations.208

b. in the General Assembly: On 16 July 1958, twenty-four Afro-Asian countries asked the General Assembly once again to put the Algerian question on its agenda of the thirteenth session. They declared that since the adoption of the final resolution of the General Assembly's twelfth session, the hostilities had continued in that area, causing increasing suffering and loss of human life, and that settlement in conformity with the principles of the Charter was not in sight.209

On 17 September 1958, France declared in the Assembly's General Committee that it continued to believe that the inclusion of the Algerian question conflicted with the meaning of Article two (7), of the Charter. France also believed that the question had been sufficiently aired and therefore did not deem it necessary to participate in the debate if the question were included on the agenda. However, the General Assembly without discussion decided to include the question on its agenda of the thirteenth session, on 22 September 1958.210

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208Ibid., 40-41.


1) the problem in the Political Committee: The question of Algeria was discussed by the Political Committee from its 1014th to 1023rd meetings, which were held between 8 and 13 December 1959. The events in this session did not differ greatly from the previous sessions. Two basic positions emerged during the discussion. The Western Powers and many Latin American countries maintained that the United Nations was not competent to deal with the question because it was of a domestic nature. The Afro-Asian states and the Soviet bloc declared that as long as the military operation extended beyond Algeria, it could not be claimed that the Algerian problem fell exclusively within the jurisdiction of France. These countries believed that the United Nations was competent to deal with the question and that it should take a positive position in this matter.211

The representative of Tunisia regretted that France had decided not to participate in the debate. He also regretted his inability to report to the Committee that his Government and the Government of Morocco had carried out their mission of Good Offices, since France rejected the offer. Moreover, he referred to the establishment of the Provisional Government of the Algerian Republic which took place on 19 September 1958. This Government had stated its willingness to negotiate with France, and had declared that all guarantees compatible with the Algerian sovereignty would be provided for French interests in

in Algeria, the Tunisian representative added.\textsuperscript{212}

At the 1020th meeting of the Political Committee a draft resolution was submitted by the delegation of seventeen Afro-Asian powers, the main paragraphs of which read as follows:

\textbf{The General Assembly,}\n
Recognizing the right of the Algerian people to independence,\n
Deeply concerned with the continuance of the war in Algeria,\n
Considering that the present situation in Algeria constitute\n
a threat to international peace and security,\n
Taking note of the willingness of the Provisional Government\n
of the Algerian Republic to enter into negotiations with the\n
Government of France,\n
Urges negotiations between the two parties concerned with\n
a view to reaching a solution in conformity with the Charter\n
of the United Nations.\textsuperscript{213}

An amendment to this resolution was submitted by Haiti. This\n
amendment proposed that the seventh paragraph, which began with, "Taking\n
\textit{note of the willingness of the Provisional Government ...}," should be\n
replaced by the following text:

\emph{Taking note that both the French Government and the Algerian\n
leaders of the liberation movement have affirmed their wish\n
to enter into negotiations.}\textsuperscript{214}

It was undeniable, the representative of Haiti stated, that the\n
French Government had offered to open negotiations with the Provisional\n
Government of the Algerian Republic. The mere fact that the terms of\n
the French offer had not been accepted by the Algerian leaders, did not\n
mean that French Government refused to negotiate. Therefore,

\textsuperscript{212}\textbf{O.R.G.A., Thirteenth Session, 1st Committee, 1014th Meeting,}\n
(9 December 1958), 338-339.

\textsuperscript{213}\textbf{O.R.G.A., Thirteenth Session, Annexes, Agenda Item 63, Document}\n

\textsuperscript{214}\textbf{O.R.G.A., Thirteenth Session, 1st Committee, 1022nd Meeting,}\n
(13 December 1958), 376.
the United Nations should also take note of the French Government's willingness to negotiate. He also proposed a change of wording, namely the replacement of the words "Provisional Government of the Algerian Republic" by "the Algerian leaders of the liberation movement." He regretted the fact that his Government had not recognized the Provisional Government. As a consequence his delegation was faced with juridical problems which prevented them from voting in favor of the draft resolution as it stood. After the general debate on the amendment took place, the delegation of Haiti, believing that their proposal would not receive enough votes for passage, did not press it to a vote.\(^{215}\)

The seventeen-powers draft resolution was adopted in the Political Committee, by a vote of 32 in favor and 18 against with 30 abstentions\(^{216}\) and was recommended to the General Assembly.\(^{217}\)

\(^{215}\)Ibid.

\(^{216}\)The voting pattern was as follows:

**In favor:** Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian SSR, Union of Soviet Socialist Republic, United Arab Republic, Yemen, Yugoslavia.

**Against:** Australia, Belgium, Brazil, Canada, Chile, Cuba, Dominican Republic, Israel, Italy, Laos, Netherlands, New Zealand, Nicaragua, Paraguay, Portugal, Union of South Africa, United Kingdom, United States.

**Abstaining:** Argentina, Austria, Bolivia, Cambodia, China, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Federation of Malaya, Finland, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Japan, Mexico, Norway, Panama, Peru, Philippines, Spain, Sweden, Thailand, Turkey, Uruguay, Venezuela.

2) the General Assembly failed to adopt any draft resolution. Following the presentation of the report of the Political Committee, the representative of Malaya also proposed to delete the seventh paragraph of the proposed resolution which reads as follows:

Taking note of the willingness of the Provisional Government of the Algerian Republic to enter into negotiations with the Government of France.

He declared that the deletion of that paragraph would enable his delegation and other like-minded delegations which abstained from voting on the draft resolution as a whole because of this paragraph to vote in favor of the draft resolution.218

The General Assembly adopted the Malayan proposal by a roll-call vote of 38 in favor to none, with 43 abstentions.219 After the deletion of paragraph seven the General Assembly voted on the draft resolution as a whole. It received 35 votes in favor, 18 against with 28 abstentions. Thus, the Assembly was not able to adopt the resolution, since


219 In favor: Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Peru, Saudi Arabia, Sudan, Thailand, Tunisia, Union of South Africa, United States, Uruguay, Venezuela, Yemen, Austria, Brazil, Burma, Cambodia, Ceylon, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Greece, Guinea, Haiti, India, Indonesia, Iraq, Iran, Ireland, Japan.

Abstaining: Laos, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Philippines, Poland, Portugal, Romania, Spain, Sweden, Turkey, Ukrainian SSR, Union of Soviet Socialist Republic, United Arab Republic, Yugoslavia, Afghanistan, Albania, Argentina, Australia, Belgium, Bolivia, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Czechoslovakia, Denmark, Finland, Guatemala, Honduras, Hungary, Iceland, Israel, Italy, Jordan.
it failed to obtain the required two-thirds majority.\textsuperscript{220}

5. The Problem in the Fourteenth Session: Twenty-five Afro-Asian countries requested the General Assembly to include the Algerian question on its agenda for the fifth time, charging that there was no indication of improvement in the Algerian situation. The General Assembly agreed to include the question on its agenda.

In a radio speech, on 16 September 1959, President de Gaulle of France recognized the right of the Algerian people to self-determination and the nationalists reacted favorably. As a result, the Assembly's discussion on the Algerian question in this session took place against a more hopeful background than at any time since the beginning of the Algerians' revolution in November 1954. Before this proclamation, there was an unbridgeable gulf between the determination of France to keep Algeria closely tied to it and the nationalist insistence of the recognition of Algeria's independence.\textsuperscript{221} The focus of the disagreement now narrowed to the nature and the extent of the guarantees in order that self-determination might truly reflect the wish of the Algerian people. Nevertheless, the war in Algeria continued and a wide gap still existed between the opinions of the two parties.

\textit{a. in the Political Committee}: The Political Committee considered the item on its 1067th to 1078th meetings, inclusive. As before, the French delegation did not participate in this debate, for it felt that the question was sufficiently aired and that it conflicted with the

\textsuperscript{220}O.R.G.A., \textit{Loc. cit.}

\textsuperscript{221}Ann Winslow, Editor-in-Chief, "Issues Before the Fifteenth General Assembly--Algeria," \textit{International Conciliation}, (September 1960), No.529, 48-49.
meaning of Article two (7), of the Charter of the United Nations.

Two basic opinions on this question were expressed during the debate in the Political Committee. The Western Powers and many Latin American countries felt that the Committee must not adopt any resolution on the Algerian question. Such action would delay the implementation of President de Gaulle's proposal and would not improve its terms. Many of the Afro-Asian states and the Soviet bloc maintained that it was up to the Assembly to encourage the two parties to enter into negotiations through a resolution with a view toward achieving an early end to the hostilities. 222

Burma submitted a draft resolution to the Political Committee at its 1070th meeting. The operative paragraph of the resolution was as follows:

The General Assembly, 223
Urges the two parties concerned to enter into pourparlers [discussions] to determine the conditions necessary for the implementation as early as possible of the right of self-determination of the Algerian people, including conditions for a cease-fire. 224

On 7 December, 1959, the resolution was approved by the Political Committee of the General Assembly by a vote of 38 in favor, 26 against with 17 abstentions. The majority of the Afro-Asian states and the Soviet bloc voted in favor of the resolution. The Western Powers, including the United States and the United Kingdom, and the majority of


223 See appendix B, the fourth resolution, 135.

the Latin American countries voted against it. The French delegation was still absent.225

b. in the General Assembly: The General Assembly, in this session, took no action with regard to the controversial question of Algeria. It rejected a resolution submitted by Pakistan, by a vote of 39 in favor, 22 against with 29 abstentions. The main points of this resolution were: first, that the Assembly recognize the right of the Algerians to self-determination; second, that the Assembly urge the parties to undertake informal talks, "with a view to arriving at a peaceful solution on the basis of the right of self-determination in accordance with the principle of the Charter of the United Nations."226

The Western Powers maintained the same position which they took in the Political Committee, preferring that no move should be made by the Assembly. While the United States abstained from voting, Britain and Belgium both voted against the resolution; they claimed that the adoption of any resolution by the Assembly might impede talks between France and the Algerian people.227 The Pakistani resolution received solid support from the Soviet bloc.228

Voting on this resolution took an unusual pattern. Every individual paragraph of the resolution was adopted separately. But when the Assembly voted on the resolution as a whole, it failed to receive

227Ibid.
228Ibid., (8 December 1959), 3.
the two-thirds majority required for passage.\textsuperscript{229}

\textsuperscript{229}Ibid., (13 December 1959), 45.
What is the significance of the Algerian problem in international relations? Was the problem an international or domestic issue? What was the role of the United Nations in its attempt to settle the Algerian problem? Why did the United Nations not take a stronger action? Why was the Algerian problem not settled in these six years? What was the position of the super-powers? What are the possibilities for change in those factors which thus far have prevented settlement of the Algerian problem?

A. What is the Significance of the Algerian Problem in International Relations? Was the Problem an International or Domestic Issue

The Algerian question is one of the most complicated and important contemporary problems. It does not involve France and the Algerians alone, but it has caused a deterioration in the relationship of France with Arab countries in particular, and also with the Afro-Asian states. The problem is dangerous to NATO as long as some of the French troops are withdrawn from Western Germany to fight the Algerian nationalists, disregarding the objection of some NATO powers who oppose breaking up the unified defense forces of the Western allies in that area. President John Kennedy, has stated his belief that "prompt settlement of the Algerian problem was an urgent necessity--for North Africa, for France, for the United States, NATO, and the Western World."^230

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103
Furthermore, considering the grave problem of combatting communism, the free world cannot afford to lose either France or Algeria to the Communist bloc. The revolution in Algeria is pushing the nationalist closer to the Eastern Camp. Both Red China and the Soviet Union are supporting the Algerians. And if the red volunteers (troops)\textsuperscript{231} should come to the Algerians' assistance in fighting the French, a major world crises would be at hand.

In addition, the west needs to unify its forces to meet the communist threat. But the Algerian problem is helping to disunite the free world. France has not been satisfied with the position of the United States with regard to the Algerian problem. The French, have claimed that the United States has not taken a strong enough action. The United States abstained from voting in the fourteenth session of the General Assembly, on the Afro-Asian resolution, while the French expected her to vote against such a resolution. France also has expected greater support in arms and money from the United States.

The Afro-Asian states have not been satisfied with the position which the United States has taken on the Algerian problem. The United States supported the French position in the United Nations, by declaring the Algerian problem to be a French internal affair and that the United Nations should not deal with it.

Moreover, in 1956 the United States Ambassador to France, Douglas Dillon, declared that his Government gave its "whole-hearted support" to the French in solving its problem in North Africa. This statement

\textsuperscript{231}See page 74.
made the Arab people disappointed in the United States as a freedom loving nation. If the United States loves freedom, the Arabs believe, she should assist other areas in the world to have it too.\textsuperscript{232}

All these points show the significance of the Algerian problem in international relations and lead one to believe that the problem was an international issue and did not lie exclusively within the French jurisdiction. Therefore, the United Nations has the right and the duty to intervene in order to assist in finding a suitable solution for the problem.

B. What was the Role of the United Nations in its Attempt to Settle the Algerian Problem

1. The Problem in the Security Council: The Algerian problem was brought to the Security Council as well as to the General Assembly upon the request of many Afro-Asian countries.

In April 1956, sixteen Afro-Asian states requested the Security Council to include the Algerian question on its agenda, on the ground that it was a potential danger to international peace and tranquility.

The Security Council discussed the inclusion of the question on its agenda on 26 June 1956. France invoked Article 2, (7), of the Charter of the United Nations, claiming that the question was a domestic problem which the United Nations Charter did not give the Security Council the authority to discuss. The United Kingdom, Cuba, and Belgium supported this view. The United States, Peru, and China believed that the discussion at this time would not achieve any

practical results.

When the proposal of the inclusion was put to a vote, only Iran and the Soviet Union voted in favor of inclusion. Yugoslavia and China abstained, and the other seven members of the Security Council voted in the negative. The Algerian question was never included on the agenda of the Security Council, although the Tunisian question which was related to the Algerian problem was included in the agenda of the Security Council in 1958. 233

2. The Problem in the General Assembly: Although the Algerian question had received more detailed consideration in the General Assembly than it did in the Security Council, as it had been included on the General Assembly's agenda six times, no resolution of real importance has been passed. Before every session of the General Assembly since the tenth session an ever increasing number of Afro-Asian states have brought the grave situation in Algeria to the attention of the United Nations, claiming that the situation might endanger world peace and security and that there had been no progress in the previous year.

In each of these sessions of the General Assembly two basic views have been expressed. The majority of the Western states and several Latin American countries supported the French position. They charged that the United Nations was not competent to deal with the question because it was a French domestic problem and Article 2(7), of the Charter was applicable.

A different position was taken by a large majority of the Afro-Asian countries, the Communists bloc, plus a few Latin American states.

233See 93-94.
These powers charged that Article 2, (7), of the Charter was not applicable here. They denied French sovereignty over Algeria and claimed that since there were other countries involved in the question, and because the problem had caused deterioration of the relationship between France and other countries, the United Nations was competent to intervene under Article fourteen of the Charter. They declared that the United Nations should take decisive action to solve the problem.

C. What was the Action of the United Nations

Although the Algerian question was put on the agenda of the General Assembly's tenth session, its discussion was discontinued by the Assembly. It was believed that no proper solution could be found without the participation of France, who boycotted the debate.

During the five successive sessions in which the Algerian question was included on the General Assembly's agenda, only two resolutions were passed. The General Assembly at its eleventh session adopted a resolution which simply expressed the hope that a peaceful, democratic, and just solution would be found in conformity with the principles of the Charter of the United Nations.

The General Assembly adopted another resolution at its twelfth session. In this resolution the General Assembly, once again, expressed its hope for a peaceful settlement in conformity with the purposes and the principles of the Charter of the United Nations. It also noted the offer of good offices made by the King of Morocco and the President of

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234 Article 14 of the Charter of the United Nations states:...the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations...
Tunisia.

The General Assembly failed to adopt any resolution at its thirteenth and the fourteenth sessions, partly because of the insistence of the French delegation that the question was outside the jurisdictions of the United Nations, and partly because the majority of the members were afraid that a strong resolution might jeopardize any possibility for settlement which was taking place outside the United Nations. During the past six years of war in Algeria the United Nations had not been successful even in issuing a cease-hostilities order, in requesting the parties to enter into negotiations, nor in offering its good offices. The discussion of the Algerian question in the United Nations during the past five sessions helped its members to have a better understanding of the problem; this might enable the United Nations to assist in settling the problem in the future.

D. Why Did the United Nations Not Take Stronger Action

There were three major factors which made it very difficult for the United Nations to act in order to find a suitable solution for the Algerian problem. First, the super powers were in disagreement over the position which the United Nations should take on the question. The Soviet Union and its satellites backed Algerian independence and requested the United Nations to recognize the right of self-determination for the Algerian people and to ask the French to negotiate with the FLN before proclaiming cease-fire. But the United States and the United Kingdom declared that the United Nations should not take any action in the matter, because they considered Algeria as a part of France and Article 2, (7), of the Charter of the United Nations was
Second, France was a permanent member in the Security Council with the veto power. Any decision which the Security Council made could not be enforced as long as France was able to veto it. This factor might have affected the position of some Security Council members who desired to discuss the question in the Security Council. They knew that such discussion would be of no substantial benefit and might alienate France.

Third, it was difficult to find a solution in the United Nations as long as France boycotted the discussion of the Algerian question.

E. Why Was Not the Problem Settled During the Past Six Years

If the United Nations was unable to take decisive action to settle the problem, France and the FLN were the main parties to do so. But there were many forces within France herself working against a suitable solution. First, there was a prevailing sentiment within the professional officer core of the French Army against negotiation with the FLN, and against any solution to the problem which would not involve the physical surrender of the Algerian rebels. These officers were a strong force in French politics.

Second, the European settlers in Algeria had great political influence in Algeria and Paris. These settlers were bitterly against any change in Algeria which might reduce their power. When these forces combined their efforts, the result was a strong power against a suitable solution to the problem.

Third, French intellectuals were divided into three main groups on this issue. Their views on the Algerian problem ranged
from outright assistance to the rebels to the defense of the French Army views and "French Algeria." \(^{235}\)

The first of these groups represented the left-wing, but was certainly not exclusively communist. This group issued a declaration published by 121 teachers, writers, artists and journalists in which they declared the right of the French youth to refrain from fighting against the Algerian rebels. They argued that such acts of insubordination were in conformity with the defense of the eternal humanistic values of France which transcended obedience to the state. \(^{236}\)

The views of the left-wing group had been violently attacked by other equally influential spokesmen for the intelligentsia who represented the moderate position. They accused the left-wing of "adopting an illegal and extremist position, risk alienating the great body of law-abiding Frenchmen and projecting them by reaction, into the other camp— the Right-Wing defenders of war to the bitter end in defense of French sovereignty in Algeria." \(^{237}\)

The declaration of the moderate group, called "Appeal to Opinion," was issued by sixty-seven distinguished educators, teachers' union officials, writers and journalists. In their appeal they discussed the possibility of keeping Algeria French against the rise of nationalism in North Africa. They accused the Army of "blackmailing" the Government with a threat of an uprising to prevent further negotiation for peace.


\(^{236}\)Ibid., 123.

\(^{237}\)Ibid., 128.
In their conclusions, which have since been endorsed by several thousand new supporters, they declared that:

\[ The \text{inevitable solution} \] will either impose itself in upheavals, in the worst of conditions, in France and Algeria, ... or it will be obtained by a negotiation without exclusion of any negotiators or prior conditions.\textsuperscript{238}

The right-wing formed the third group of the French intelligentsia. They challenged the left-wing as "professors of treason," disagreed with the moderate group views on Algeria and supported the record of the Army in Algeria. The right-wing asked for "an all-out war," in Algeria to suppress the revolt.\textsuperscript{239}

This division in views on the Algerian problem within the French people—the Army and the right-wing, the European settlers in Algeria, the left-wing, and those who took the moderate position—made it very hard for the French Government to act efficiently in finding a suitable solution.

Mr. Mendes-France, a former premier, believed that General de Gaulle cherished no illusions that the Algerian problem could be solved only by force, police measures, and repression. He also felt that de Gaulle understood the problem better than his predecessors, but whenever de Gaulle expressed or implied such views, he came against the 'ultras', whether in the Army or in Paris or in Algeria.\textsuperscript{240}

Fifth, "There are exciting horizons of new economic development

\textsuperscript{238} Ibid.

\textsuperscript{239} Ibid.

of oil and minerals in Algeria. The people who had investments in their economic development form another force which influenced the French policy in Algeria. They wanted to protect their investment.

Aside from these different forces within France which made a quick and a suitable solution difficult, support from the Arab countries and the Soviet bloc to the Algerian nationalists encouraged and helped the nationalists to prolong the revolution.

F. What Are the Possibilities for a Change

The increase in the Afro-Asian bloc, after the admission of the additional sixteen new members in 1960, might lead one to believe that the General Assembly would be able to pass a stronger resolution than the ones which have been passed so far. The General Assembly might be able to adopt a resolution which would call upon the parties to resort to peaceful negotiations and cease hostilities. Let us assume that this resolution would also tender the good offices of the United Nations and offer to supervise a plebiscite throughout Algeria to determine the wishes of the people. Let us, also, assume that such a resolution would be passed by the General Assembly. What kind of results could be expected?

From the experience with the Indonesian question, it can be said that two main factors aided greatly the United Nations in assisting the parties to reach a peaceful settlement: 1. The new Liberal Socialist Dutch Government of August 1948, changed the former policy towards Indonesia and earnestly desired to co-operate with the United Nations

to end the deadlock; 2. The United Kingdom and the United States as well as other powers exerted pressure upon the Netherlands to comply with the United Nations resolutions.

Assuming that the proposed resolution was adopted by the United Nations, two questions would arise which would have great impact upon the success of this resolution. First, would France accept United Nations mediation to end the deadlock, if the United Nations offered such mediation, or, would France accept a plebiscite in Algeria supervised by the United Nations? Second, would the major western powers be willing to exert pressure on France to induce her to comply with the assumed United Nations resolution? As an answer to the first question, there seem to be many indications that France is not willing to accept any United Nations intervention in this matter. And it is extremely difficult to predict an answer to the second question. However, assuming that the major western powers agreed to exert such pressure on France, it is unknown what effect it would have on the French position, since France is one of the major western powers.

Judging from the past, the United Nations is not a source of real hope in settling the Algerian problem. However, there are other factors, which are not influenced by the United Nations, can lead one to believe that there may be a basic solution for the Algerian problem in the foreseeable future.

First, the long Algerian resistance might convince the French officials that independence is the only wish of the Algerian people.

Second, the high cost in lives as well as in money, and recent violent riots of the non-communist left-wing groups who favor negotiated
peace in Algeria may ease the French policy in dealing with the nationalists.

Third, John F. Kennedy, the President, has indicated several times that Algeria should have its independence and that the United States should support this position. In 1957, he declared that the delegation of the United States to the United Nations should not support France in the General Assembly on Algerian problem. Although the President showed sympathy for the Algerians cause, he did not offer a positive plan for obtaining Algerian independence. The Congressional limitations of his power to conduct foreign policy must also be considered.

Fourth, the firm offer of Red volunteers (as described by Peking and Moscow), to help the Algerians fight the French might change the French policy in dealing with the rebels.

A final important change which might lead to a settlement of the Algerian problem is the new course of President de Gaulle. The French President is taking a firm new course to end the six year old war in Algeria. He declared in his speech of November 4, 1960, that:

This course leads not to an Algeria governed by Metropolitan France, but to an Algerian Algeria. This means an emancipated Algeria, an Algeria in which the Algerians themselves will decide their destiny, an Algeria in which the responsibilities will be in the hands of the Algerians, an Algeria which, if the Algerians so desired—and I think this is the case—will have her own Government, her institutions and her laws. If the new Algeria chose to break with us we would certainly not persist in remaining by force alongside people who would reject us ...

242 Kennedy, Loc. cit., 17.

The main points of the new policy of President de Gaulle have been summarized as follows:

(1) De Gaulle would unilaterally declare a truce; (2) he would negotiate with the FLN on ending the war and organizing elections; (3) he would hold a referendum on his policy in both France and Algeria; (4) he would create an Algerian government with or without the FLN. \(^{244}\)

In order to put through his decision in Algeria, and to face the threat of some army officers that they will revolt if Algeria is lost, de Gaulle declared that he would hold a popular referendum. Moreover, if the ultras stand in his way, he threatened to dissolve the Parliament and, if necessary, assume the dictatorial powers provided him by Article 16 of his Constitution. \(^{245}\)

\(^{244}\) "Algeria Aflame," *Newsweek*, LVI, (21 November 1960), 44.

PART THREE

CONCLUSIONS
CONCLUSIONS

Two case studies have been briefly examined in this paper to show the role of the United Nations in assisting two emerging nations to obtain their independence. While the United Nations played an invaluable role in solving the Indonesia question, it failed to play a similar role in dealing with the Algerian problem.

The Security Council was informed of hostilities in Indonesia between the Dutch and the two year old Republic of Indonesia on 30 July 1947. Within two days the Security Council placed the question on its agenda and adopted a resolution (1 August 1947) which asked the parties to cease hostilities, to resort to negotiations or any other peaceful means to solve their problem, and to keep the Security Council informed about the progress of the settlement. Three days later both parties accepted the terms of the resolution.

When hostilities broke again shortly after the acceptance of the Security Council's resolution, the Security Council adopted other resolutions to assist the parties in a settlement of the problem. The Security Council also tendered its mediation through the Committee of Good Offices. This Committee brought about the Renville Truce Agreement in January 1948. Steps toward a final solution between the parties reached a standstill in that year. In December, the Dutch violated the Truce Agreement and renewed military attacks on the Republic. The Security Council adopted a series of resolutions requesting an effective cease-fire, a release of the Indonesian political prisoners held by the Dutch, and the establishment of a
sovereign State of Indonesia to be agreed to by Republican and Dutch representatives. In January 1949, the Security Council converted the Committee of Good Offices into the United Nations Commission for Indonesia and gave it more authority and responsibility. The United Nations Commission played an invaluable role in assisting the parties to reach a lasting agreement at the Round-Table Conference at the Hague.

In retrospect several factors aided the United Nations in assisting the parties to reach a settlement. First, the Netherlands was not a permanent member of the Security Council, and was unable by itself to prevent the Security Council from placing the question on its agenda or from passing resolutions which the Netherlands did not approve. Second, the major western powers were not allied closely enough with the Netherlands to veto Security Council's resolutions which the Dutch did not approve. Third, the United States, with its power in the Security Council, played a major role in helping the Republic of Indonesia obtain her independence. Furthermore, neither Britain nor France strongly opposed the Security Council's actions. Fourth, the United Nations from the very beginning of the dispute did not allow itself to become preoccupied with legal subtleties, but rather put its emphasis on more definitive issues. For example, neither the competence of the United Nations to deal with the dispute, nor the Article of the Charter under which the Security Council should handle the dispute was discussed in the United Nations. Instead, the discussion centered around such objectives as a cessation of hostilities and a peaceful settlement of the dispute. Fifth, the Super-Powers agreed that the United Nations should play a role in settling the
problem. Without such an agreement the United Nations would not have operated as successfully as it did. Sixth, the change in the Dutch cabinet (in 1948) from conservative to Liberal Socialist, who were capable of mustering strong support in the Netherlands' parliament and were willing to negotiate with the Indonesian Republic and to cooperate with the United Nations in order to end the deadlock, was a major factor that assisted the United Nations in playing a vital role in its attempt to settle the conflict.

The Security Council, in contrast, refused to place the Algerian question on its agenda, on the ground that it was a French domestic issue. Only Iran and the Soviet Union voted in favor of placing the item on the agenda. China and Yugoslavia abstained, and the other seven members of the Security Council, (including the United States and the United Kingdom,) voted against inclusion of the question.

While the Algerian question received more detailed consideration in the General Assembly during the five years in which the Algerian question was placed on its agenda, no resolution similar to the Indonesian resolution of 1 August 1947, or any other resolution of real importance was passed.

The General Assembly, at its eleventh session, adopted a resolution which simply expressed its hope for a suitable settlement in conformity with the principles of the Charter of the United Nations. The General Assembly, at its twelfth session, adopted a second resolution in which it expressed the hope for a just and peaceful solution for the Algerian problem. These were the only two resolutions adopted by the United Nations with regard to the Algerian
The General Assembly did not adopt stronger resolutions for several reasons: 1. Only such resolutions could command the two-thirds vote required for passage of any resolution. 2. The majority of the members of the United Nations were afraid of jeopardizing any attempts by the parties to obtain a solution outside the United Nations. 3. The refusal of the French delegation to participate in the debate made it difficult for the General Assembly to deal with the problem successfully.

Examination of the action of the United Nations in both cases leads one to believe that while the United Nations played an invaluable role in settling the Indonesian question, it failed to ameliorate the Algerian problem. However, this conclusion would do injustice to the international organization as a conciliatory agency, and it would tend to oversimplify the peculiar and the complex nature of the Algerian problem.

The Algerian problem, unlike the Indonesian question, is not an ordinary colonial issue. Algeria, unlike Indonesia which was a Dutch colony, is considered by many western countries as an integral part of Metropolitan France and not as a colony. This point raises several legal issues upon which no general agreement has been reached in the United Nations. The United Nations is thus forced to discuss at length the legal issues surrounding the Algerian problem. This deters the United Nations from taking prompt action, as it did in the Indonesian question.

While the delegations of France, Belgium, Colombia, the United
Kingdom, the United States, the Netherlands, Norway, the majority of the other Western Powers and the majority of the Latin American states declared that Algeria was a part of Metropolitan France under the French constitution, the Afro-Asian bloc never accepted this view. This bloc argued that no matter what constitutional or political devices were used by France to justify the incorporation of Algeria, Algeria was not a part of a genuine union with France as long as the Algerians did not have political, social, economic and educational equality with the citizens of Metropolitan France or the "colons."

This issue led to another complex legal problem linked to the first one—namely whether or not Article 2, (7), of the Charter of the United Nations (which prohibits the United Nations to deal with matters which are essentially within the domestic jurisdiction of any state) is applicable to this situation, and whether or not the United Nations is competent to deal with the Algerian problem. France, and the states which supported her, based their views on the argument that Algeria is an integral part of France. They believe that Article 2, (7) is applicable, and that the United Nations is not competent to deal with the question.

The Afro-Asian bloc and the Soviet bloc declared that Article 2, (7), of the Charter was not applicable in this situation, and that the United Nations had the right and the duty to deal with the question. Those who took this position backed their views by several arguments. First, that the inclusion of the item on the agenda might lead to a recommendation to both parties to reach a peaceful settlement. This, they believed, would amount neither to intervention in French domestic
affairs, nor a punitive action. Second, the Afro-Asian bloc declared that the Algerian question no longer lies exclusively within the French jurisdiction as long as other countries are involved in the dispute. They referred to the deterioration of relations between France and of the Arab countries, particularly Tunisia and Morocco. This bloc believed that the United Nations is competent to deal with the problem under Article 14 of the Charter of the United Nations. This Article States:

The general Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Finally, the argument continues, Article 2, (7), is not paramount and has no priority over Article 14 of the Charter or over the principles of self-determination. They demand, therefore, that the United Nations take a strong action to help solve the problem.

Beside the legal issues there are several other problems which make the Algerian problem much more difficult to solve than the Indonesian question. The French domestic problems hamper United Nations action. The French are divided among themselves over the Algerian problem. Their views on this problem range from outright assistance to the nationalists, to the defense of the French Army views and "French Algeria." The communists, the socialist, the de Gaullists and many well-known spokesmen for the intelligentsia support an "Algerian Algeria." The European settlers, the French Army and those who have special interests in Algeria demand "an all-out war," in Algeria to keep it French. All these different groups have great
influence on the French policy in Algeria.

The European settlers are against negotiating with the FLN because they are afraid that such a step might reduce their influence and power in Algeria, which they consider their homeland. The recent discovery of oil and mineral resources in Algeria adds to the complexity of the problem. The European settlers and the French investors believe that they will lose their investments if the FLN takes over. Therefore, they increase the pressure against negotiations with the nationalists, for negotiations might lead to the increase of the power of the FLN.

The Army also has a vested interest in Algeria. The French defeat in World War II, the loss of Syria, Indochina, particularly the defeat of the French paratroopers in the Dienbienphu battle, Morocco, Tunisia and the long war in Algeria frustrated the French Army and made it bitterly against negotiating with the FLN. Such a step is considered a defeat for the Army. Thus, the Algerian problem was further complicated by the Army's position with regards to the problem. The Army's threat to take over the government made many delegations in the United Nations more cautious and reluctant to help pass any strong resolutions by the United Nations.

In addition to the legal issues and the French domestic problems, which made it very difficult for the United Nations to act as it did in the Indonesian question, was the position taken by the super powers. While both the United States and the Soviet Union agreed that the United Nations should play a role in solving the Indonesian question, the United States, unlike the Soviet Union, did not support United
Nations intervention in the Algerian problem. The Soviet Union declared that the United Nations should recognize the self-determination of the Algerian people and should request the parties to resort to negotiations and cease hostilities. The United States considered the Algerian problem as a French domestic affair; therefore, according to Article 2, (?), the United Nations was not competent to deal with the question. The only change in the policy of the United States with regard to the Algerian problem came about in the fourteenth session of the General Assembly when the United States delegation abstained from voting on an Afro-Asian resolution which would have had the United Nations urge the parties to enter into negotiation and cease hostilities.

It is necessary to note that in the Indonesian question the United Kingdom supported the important resolutions made by the Security Council to end the deadlock, although she did not recognize the competence of the United Nations to deal with the question. She also forbade the selling of war materials to the Netherlands for use in Indonesia. However the position of the United Kingdom with regard to the Algerian problem, as we have seen, differs greatly from the position she took towards Indonesia. This fact is bound to have influence on the United States policy towards the Algerian problem because of the close ties between United Kingdom and America. These ties cause the United States to take into consideration the course of the United Kingdom in deciding her own position.

In the fifteenth session of the General Assembly the United States did not support the Afro-Asian resolution which would have the
United Nations supervise a referendum in Algeria to determine whether or not the Algerian people desire independence. The United States in the same session abstained from voting on a referendum to end colonialism. This indicates that the future policy of the United States with regards to the Algerian problem is still uncertain.

In speaking about the role of the United Nations in assisting in solving any problem, it is essential to note that the United Nations is merely an instrument in the hands of its member nations. What can be accomplished by this instrument and how it is done depends largely upon the policies of the members, and particularly upon the policies of the major powers. Thus, the United Nations, as an independent organization, could not determine the success of its role in the Indonesia question; rather this success was determined by the willingness of the parties involved and the major powers to allow the United Nations to have a role in settling the question, as well as other circumstances outside of the influence of the United Nations.

Similarly, it is neither the United Nations nor its Charter which prevent stronger action in the Algerian problem by the United Nations; but rather it is the conflicting policies of the major powers which are responsible for this ineffective action.

In conclusion, the following conditions could greatly aid the United Nations to play a more vital role in assisting parties to disputes, as in Algeria and Indonesia to solve their problem: 1. If the super-powers agree to give the United Nations opportunity to take action; 2. If both parties to a dispute agree to co-operate with the United Nations in its attempt to settle the dispute; 3. If the colonial
powers do not have domestic problems which prevent them from settling the dispute peacefully. Such domestic problems existed within the Netherlands before the formation of the Liberal Socialist Cabinet in August 1948, and now they exist in France; 4. If the colonial powers are not a permanent member of the Security Council.
APPENDIX A

MAJOR RESOLUTIONS ADOPTED BY THE SECURITY COUNCIL
ON THE INDONESIAN QUESTION

1

1 August 1947

The Security Council.

Noting with concern the hostilities in progress between the armed forces of the Netherlands and the Republic of Indonesia,

Calls upon the parties

(a) To cease hostilities forthwith, and
(b) To settle their dispute by arbitration or by other peaceful means and keep the Security Council informed about the progress of the settlement.

2

26 August 1947

I. The Security Council

1. Notes with satisfaction the steps taken by the parties to comply with the resolution of 1 August 1947,

2. Notes with satisfaction the statement issued by the Netherlands Government on 11 August, in which it affirms its intention to organize a sovereign, democratic United States of Indonesia in accordance with the purposes of the Linggadjati Agreement.

3. Notes that the Netherlands Government intends immediately to request the career consuls stationed in Batavia jointly to report on the present situation in the Republic of Indonesia,

4. Notes that the Government of the Republic of Indonesia has requested appointment by the Security Council of a commission of

\[246^\text{O.R.S.C., Second Year, No.68 and Un. Document S/459, 1 August 1947.}\]

\[247^\text{O.R.S.C., Second Year, Nos.83 and 84 and U.N. Document S/525, 26 August 1947.}\]
observers,

5. Request the Governments members of the Council who have career consular representatives in Batavia to instruct them to prepare jointly for the information and guidance of the Security Council reports on the situation in the Republic of Indonesia following the resolution of the Council of 1 August 1947, such reports to cover the observance of the cease-fire orders and the conditions prevailing in areas under military occupation or from which armed forces now in occupation may be withdrawn by agreement between the parties,

6. Requests the Governments of the Netherlands and of the Republic of Indonesia to grant to the representatives referred to in paragraph 5, all facilities necessary for the effective fulfillment of their mission,

7. Resolve to consider the matter further should the situation require.

II. The Security Council.

Resolve to tender its good offices to the parties in order to assist in the pacific settlement of their dispute in accordance with paragraph (b) of the resolution of the Council of 1 August 1947. The Council expresses its readiness, if the parties so request, to assist in the settlement through a committee of the Council consisting of three members of the Council, each party selecting one, and the third to be designated by the two so selected.

3

1 November 1947

The Security Council.

Having received and taken note of the report of the Consular Commission dated 14 October 1947, indicating that the Council's resolution of 1 August 1947, relating to the cessation of hostilities has not been fully effective;

Having taken note that, according to the Report, no attempt was made by either side to come to an agreement with the other about the means of giving effect to that resolution;

Calls upon the parties concerned forthwith to consult with each other, either directly or through the Committee of Good Offices, as to the means to be employed in order to give effect to the cease-fire resolution, and, pending agreement, to cease any activities or incitement to activities which contravene that resolution, and to take appropriate measures for safeguarding life and property;

Requests the Committee of Good Offices to assist the parties in reaching agreement on an arrangement which will ensure the observance of the cease-fire resolution;

Requests the Consular Commission, together with its military assistants, to make its services available to the Committee of Good Offices;

Advises the parties concerned, the Committee of Good Offices, and the Consular Commission that its resolution of 1 August should be interpreted as meaning that the use of the armed forces of either party by hostile action to extend its control over territory not occupied by it on 4 August 1947, is inconsistent with the Council resolution of 1 August.

Should it appear that some withdrawals of armed forces be necessary, invites the parties to conclude between them as soon as possible the agreements referred to in its resolution of 25 August 1947.

The Security Council,

Noting with concern the resumption of hostilities in Indonesia, and;

Having taken note of the reports of the Committee of Good Offices;

Calls upon the parties

(a) to cease hostilities forthwith; and

(b) immediately to release the President and other political prisoners arrested since 18 December.

Instructs the Committee of Good Offices to report to the Security Council fully and urgently by telegraph on the events which have transpired in Indonesia since 12 December 1948; and to observe and

report to the Security Council on the compliance with sub-paragraphs (2) and (b) above.

28 January 1949

The Security Council,

Recalling its resolutions of 1 August 1947, 25 August 1947, and 1 November 1947, with respect to the Indonesian Question:

Taking note with approval of the Reports submitted to the Security Council by its Committee of Good Offices for Indonesia;

Considering that its resolutions of 24 December 1948 and 28 December 1948 have not been fully carried out;

Considering that continued occupation of the territory of the Republic of Indonesia by the armed forces of the Netherlands is incompatible with the restoration of good relations between the parties and with the final achievement of a just and lasting settlement of the Indonesia dispute;

Considering that the establishment and maintenance of law and order throughout Indonesia is a necessary condition to the achievement of the expressed objectives and desires of both parties;

Noting with satisfaction that the parties continue to adhere to the principles of the Renville Agreement and agree that free and democratic elections should be held throughout Indonesia for the purpose of establishing a constituent assembly at the earliest practicable date, and further agree that the Security Council should arrange for the observation of such elections by an appropriate agency of the United Nations; and that the representative of the Netherlands has expressed his government's desire to have such elections held not later than 1 October 1949;

Noting also with satisfaction that the Government of the Netherlands plans to transfer sovereignty to the United States of Indonesia by 1 January 1950, if possible, and, in any case, during the year 1950,

Conscious of its primary responsibility for the maintenance of international peace and security, and in order that the rights, claims and position of the parties may not be prejudiced by the use of force;

1. Calls upon the Government of the Netherlands to insure the immediate discontinuance of all military operations, calls upon the Government of the Republic simultaneously to order its armed adherents to cease guerrilla warfare, and calls upon both parties to co-operate in the restoration of peace and the maintenance of law and order throughout the area affected.

2. Calls upon the Government of the Netherlands to release immediately and unconditionally all political prisoners arrested by them since 17 December 1948 in the Republic of Indonesia; and to facilitate the immediate return of officials of the Government of the Republic of Indonesia to Jogjakarta in order that they may discharge their responsibilities under paragraph 1 above and in order to exercise their appropriate functions in full freedom, including administration of the Jogjakarta area, which shall include the city of Jogjakarta and its immediate environs. The Netherlands authorities shall afford to the Government of the Republic of Indonesia such facilities as may reasonably be required by that Government for its effective function in the Jogjakarta area and for communication and consultation with all persons in Indonesia.

3. Recommends that, in the interest of carrying out the expressed objectives and desires of both parties to establish a federal, independent, and sovereign United States of Indonesia at the earliest possible date, negotiations be undertaken as soon as possible by representatives of the Government of the Netherlands and representative of the Republic of Indonesia with the assistance of the Commission referred to in paragraph 4 below on the basis of the principles set forth in the Linggadjati and Renville Agreements, and taking advantage of the extent of agreement reached between the parties regarding the proposals submitted to them by the United States representative on the Committee of Good Offices on 10 September 1948; and in particular, on the basis that:

(a) The establishment of the Interim Federal Government which is to be granted the powers of internal government in Indonesia during the interim period before the transfer of sovereignty shall be the result of the above negotiations and shall take place not later than 15 March 1949;

(b) The elections which are to be held for the purpose of choosing representatives to an Indonesian Constituent Assembly should be completed by 1 October 1949; and

(c) The transfer of sovereignty over Indonesia by the Government of the Netherlands to the United States of Indonesia should take place at the earliest possible date and in any case not later than 1 July 1950;

Provided that if no agreement is reached by one month prior to the respective dates referred to in sub-paragraphs (a), (b), and (c) above, the Commission referred to in paragraph 4 (a) below or such
other United Nations agency as may be established in accordance with paragraph 4 (c) below, shall immediately report to the Security Council with its recommendations for solution of the difficulties.

4. (a) The Committee of Good Offices shall henceforth be known as the United Nations Commission for Indonesia. The Commission shall act as the representative of the Security Council in Indonesia and shall have all of the functions assigned to the Committee of Good Offices by the Security Council since 18 December, and the functions conferred on it by the terms of this resolution. The Commission shall act by majority vote, but its reports and recommendations to the Security Council shall present both majority and minority views if there is a difference of opinion among the members of the Commission.

(b) The Consular Commission is requested to facilitate the work of the United Nations Commission for Indonesia by providing military observers and other staff and facilities to enable the Commission to carry out its duties under the Council's resolutions of 24 and 28 December 1948 as well as under the present resolution, and shall temporarily suspend other activities.

(c) The Commission shall assist the parties in the implementation of this resolution, and shall assist the parties in the negotiations to be undertaken under paragraph 3 above and is authorized to make recommendations to them or to the Security Council on matters within its competence. Upon agreement being reached in such negotiations the Commission shall make recommendations to the Security Council as to the nature, powers, and functions of the United Nations agency which should remain in Indonesia to assist in the implementation of the Provisions of such agreement until sovereignty is transferred by the Government of the Netherlands to the United States of Indonesia.

(d) The commission shall have authority to consult with representatives of areas in Indonesia other than the Republic, and to invite representatives of such areas to participate in the negotiations referred to in paragraph 3 above.

(e) The Commission or such other United Nations agency as may be established in accordance with its recommendation under paragraph 4 (c) above is authorized to observe on behalf of the United Nations the elections to be held throughout Indonesia and is further authorized, in respect of the Territories of Java, Madura and Sumatra, to make recommendations regarding the conditions necessary (a) to ensure that the elections are free and democratic, and (b) to guarantee freedom of assembly, speech and publication at all times, provided that such guarantee is not construed so as to include the advocacy of violence or reprisals.
(f) The Commission should assist in achieving the earliest possible restoration of the civil administration of the Republic. To this end it shall, after consultation with the parties, recommend the extent to which, consistent with reasonable requirements of public security and the protection of life and property, areas controlled by the Republic under the Renville Agreement (outside of the Jogjakarta area) should be progressively returned to the administration of the Government of the Republic of Indonesia, and shall supervise such transfers. The recommendations of the Commission may include provision for such economic measures as are required for the proper functioning of the administration and for the economic well-being of the population of the areas involved in such transfers. The Commission shall, after consultation with the parties, recommend which if any Netherlands forces shall be retained temporarily in any area (outside the Jogjakarta area) in order to assist in the maintenance of law and order. If either of the parties fails to accept the recommendations of the Commission mentioned in this paragraph, the Commission shall report immediately to the Security Council with its further recommendations for a solution of the difficulties.

(g) The Commission shall render periodic reports to the Council, and special reports whenever the Commission deems necessary.

(h) The Commission shall employ such observers, officers and other persons as it deems necessary.

5. Requests the Secretary-General to make available to the Commission such staff, funds and other facilities as are required by the Commission for the discharge of its function.

6. Calls upon the Government of the Netherlands and the Republic of Indonesia to co-operate fully in giving effect to the provisions of this resolution.
APPENDIX B
RESOLUTIONS PASSED AND FAILED TO PASS IN THE GENERAL ASSEMBLY ON THE ALGERIAN QUESTION

I. RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

1

RESOLUTION 909 (X)\textsuperscript{251}
TENTH SESSION 1955
THE QUESTION OF ALGERIA

The General Assembly,

Decides not to consider further the item entitled "The Question of Algeria" and is therefore no longer seized of this item on the agenda of its tenth session.

2

RESOLUTION 1012 (XI)\textsuperscript{252}
ELEVENTH SESSION 1956
THE QUESTION OF ALGERIA

The General Assembly,

Having heard the statements made by various delegations and discussed the question of Algeria,

Having regard to the situation in Algeria which is causing much suffering and loss of human lives,

Expresses the hope that, in a spirit of co-operation, a peaceful, democratic and just solution will be found, through appropriate means, in conformity with the principles of the Charter of the United Nations.


The General Assembly,

Having discussed the question of Algeria,

Recalling its resolution 1012 (XI) of 15 February 1957,

1. Expresses again its concern over the situation in Algeria;

2. Takes note of the offer of good offices made by His Majesty the King of Morocco and His Excellency the President of the Republic of Tunisia;

3. Expresses the wish that, in a spirit of effective co-operation, negotiations will be entered into, and other appropriate means utilized, with a view to a solution, in conformity with the purposes and principles of the Charter of the United Nations.

II. RESOLUTIONS REJECTED BY THE GENERAL ASSEMBLY

13 December 1958

The General Assembly,

Having discussed the question of Algeria,

Recalling its resolution 1012 (XI) of 15 February 1957, by which the General Assembly expressed the hope that a peaceful, democratic and just solution would be found through appropriate means, in conformity with the principles of the Charter of the United Nations,

Recalling further its resolution 1184 (XII) of 10 December 1957, by which the General Assembly express that negotiations would be entered into, and other appropriate means utilized, with a view to a solution in conformity with the purpose and principles of the Charter of the United Nations.
United Nations,

Recognizing the right of the Algerian people to independence,

Deeply concerned with the continuance of war in Algeria,

Considering that the present situation in Algeria constitutes a threat to international peace and security,

Urges negotiations between the parties concerned with a view to reaching a solution in conformity with the Charter of the United Nations.

12 December 1959*

The General Assembly,

Having discussed the question of Algeria,
Recalling its two previous resolutions on Algeria,
Recall Article 1 (2) of the Charter,
Expresses deep concern with the continuance hostilities in Algeria,
(1) Recognize the right of the Algerian people to self-determination, and
(2) Urge the holding of pourparlers with a view to arriving at a peaceful solution on the basis of the right of self-determination, in accordance with the principles of the Charter.255

*Because of the unavailibility of all the documents in the library pertinent to the fourteenth session of the General Assembly, this resolution is not a true copy of the original text.

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137

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