



STATEMENTS AND SPEECHES

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TUNISIA

Statement by the Acting Chairman of the Canadian Delegation to the United Nations General Assembly, Mr. Paul Martin, made in the First Committee (Agenda Item No. 60)

In the view of the Canadian Delegation the question of Tunisia is a test of the capacity of the United Nations as a centre for harmonizing the actions of nations in the attainment of common goals. Some countries question the very competence of this organization to examine the problem before us; on the other hand, a proposal has been put forward by a number of African and Asian States which would direct one country entrusted with responsibilities on behalf of a dependent people to orient its policies in a specific way. Given such divergent views, we must proceed with greater caution. It would be a great pity if, as a result of these discussions, the United Nations were to lose some of its prestige and moral authority; if the Administering Powers were to lose some of their zeal in the cause of helping non-self-governing territories attain their autonomy; and if the populations of those territories were to lose confidence in their future or acquire a false idea of the role of this organization.

There are special reasons why the Canadian Delegation should proceed with greatest care. In the first place, we know very little about Tunisia itself and must rely on second-hand information about conditions there. Disturbances have arisen recently in this area which, it seems to us, can only be explained in terms of political unrest. We know the irresistible strength - because we have felt it ourselves - of the urge for freedom which develops in all national groups still subject to external control. On the other hand, we know France well. The fact that our land was once called New France and that approximately one-third of our population today is of French descent establishes very close links between us. This natural friendship has been deepened and strengthened by our common participation in the defence of freedom in two World Wars. To us France is and will continue to be a bastion of freedom.

Article 73 of the Charter states that members of the United Nations which have responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount and accept the obligation to promote the well-being of the inhabitants of these territories. The ideals and obligations set out in Article 73 are conceived in the same spirit and directed to the same goal as the ideals and objectives which France has promised to fulfil in her constitution, the preamble of which reads in part

that "France proposes to guide the peoples for whom she has assumed responsibility towards freedom to govern themselves and democratically to manage their own affairs; putting aside any system of colonization based on arbitrary power".

The distinguished Foreign Minister of France has re-affirmed that his country remains dedicated to the principles I have just quoted in the French constitution and that "France would make it a point of honour to fulfil the obligations entered into under the Charter everywhere and at all times".

Why, therefore, is the question of Tunisia before us now? I think that the clearest and most succinct answer to this question was given by the distinguished Foreign Minister of Pakistan when the question of Morocco was being discussed in the General Assembly almost a year ago, on the 13th of December 1951, when Sir Zafrulla Khan then stated: "The objective being unquestionable, the controversy, we conceive, centres around the methods by which the objective is sought to be achieved and the pace of progress towards its complete achievement".

This is a good description of the problem before us, and one which allows us to see in a better perspective the role which the United Nations may play in considering it. The sponsors of the 13-power resolution bring in a new element, however, when they maintain that the situation in Tunisia is "endangering international peace and security". There are places where peace and security are imperilled. We are not convinced that Tunisia is one of them; we cannot help feeling that the terms "endangering international peace and security" should be reserved for situations of the utmost gravity.

If the situation does not endanger international peace and security, if any normally accepted construction is placed on these words, two further questions must be asked. First, has the United Nations any authority or jurisdiction whatsoever in this question, and, secondly, if it has, how can it best fulfil its purpose to develop "friendly relations among nations based on respect for the principle of the equal right and self-determination of peoples"?

In 1949, when discussing another matter, the Canadian representative to the United Nations stated that a fine balance should be drawn between Articles 10 and 14 of the Charter, which give the United Nations very broad powers of discussion, and Article 2(7), precluding the United Nations from intervening in matters which are essentially within the domestic jurisdiction of any state. In the absence of an advisory opinion from the International Court of Justice, it is difficult, if not impossible, to define the limits of the authority of the United Nations in instances where the provisions of Articles 10 and 14, on the one hand, and Article 2(7), on the other, appear to be contradictory. Furthermore, it must, I suppose, be recognized that, even if some of these marginal questions were put to the International Court for an advisory opinion, there would necessarily be a certain political or perhaps philosophical element in the Court's judgment going beyond the mere words of articles which might appear contradictory - a philosophical judgment reflecting the views of the Court as to how the United Nations might grow and develop to meet the needs of all of us in our search for peace amongst mankind. It may be that such contradictions

in the Charter can only be resolved by amendments to the Charter arrived at between Member States. While it is still premature to raise this issue, I need not remind members of this Committee that Article 109 provides a procedure for this.

Thus, while recognizing that there may be no final answer at this time to the question of the authority of the United Nations in any particular situation, I venture briefly to state our views on this tangled question. Canada has repeatedly asserted its faith in the United Nations as a cornerstone for peace. It follows that we would welcome developments which would strengthen and enhance the United Nations as an instrument for peace. Contrariwise, we would deplore developments in the United Nations which would derogate from its prestige and moral authority. On the basis of these criteria, we try to judge individually the question of including any specific item on our agenda. We are always prepared to listen to arguments that the time is not ripe to examine a given problem or that negotiations of great delicacy could be upset if a question were brought up here. Once a question has been included on our agenda, however, we accept the Assembly's competence to discuss it. The right of discussion, however, should not be abused. It must not become the right to slander, the right to incite revolt or rebellion, the right to use the forum of the United Nations to give encouragement to political parties or movements in a given country with whose views one happens to agree. Such an abuse of the right of discussion would be harmful to the United Nations and we should have to reconsider our position on the question of discussion if it appeared that the United Nations was being weakened and its prestige was being damaged in this way.

We also appreciate that the line to be drawn between legitimate discussion and intervention in matters where the competence of the United Nations is in doubt is a very fine one. In the absence of an opinion from the International Court, my delegation intends to use its judgment, which it hopes may be wise, in deciding whether any given resolution goes beyond the limit of the general articles of the Charter and constitutes an intervention which Article 2(7) specifically prohibits. On the assumption that discussion possibly leading to some form of recommendation is not precluded in the matter before us, there remains the second question of how the United Nations should go about its task.

...Although, as I have said, we have no first-hand knowledge of conditions in Tunisia, we are not unfamiliar with the outlook and aspirations of colonial peoples. In relatively recent times Canada itself was a colony. Possibly our experience in the achievement of full sovereignty may throw some light on these discussions. Through its continuous growth since four small colonies agreed to share their destinies by Confederation in 1867, and through a process of constitutional evolution, Canada has become a nation. Independence was not won by revolution. There was no hard, bitter physical struggle by which our sovereignty was gained. It was essentially through a process of normal maturity, mainly in the political field but also in the economic, social and cultural fields. Our experience is therefore different from many countries represented in this Committee who are proud of their revolutions and of the way in which they gained their liberty. We have taken another road; so have great countries like India and Pakistan.

The first essential point in our experience is that our sovereignty emerged from within. Once we had attained a considerable degree of economic strength, and a solidly based administration, it was easy for the world to recognize that a new state had been born. In so far as the strictly political processes were concerned, by which we secured a full measure of sovereignty, the most important element was undoubtedly the mutual trust and mutual respect between the United Kingdom and ourselves. This collaboration has continued to be as close as ever. Through wars and depressions, through bad times and good times, we saw that our most vital interests - the things which we cherished most - were interests which were shared with other members of the Commonwealth. We also found a reciprocity of interests, that is to say, economic and cultural exchanges within the Commonwealth, which have been mutually beneficial and enriching.

If the Canadian experience has any relevance to this discussion it relates to the value of peaceful evolution towards self-government. Force breeds hatred and makes future collaboration difficult if not impossible regardless of the final outcome. Our experience also relates to the usefulness, if not the necessity, of maintaining political, economic and cultural ties between the newly emerging state and its former protector. No country today is unconditionally independent.

...I ask your indulgence for having spoken at some length regarding my own country and the Commonwealth. You will appreciate that, in the light of our history, we are naturally sympathetic with the aspirations of peoples looking towards self-government. This applies to Tunisia and we sincerely trust that steady and continuous progress will be made towards this end with the wise and helpful guidance of the great country with which we have such close ties of interest and fraternity.

Article 73 of the Charter emphasizes the paramountcy of the "interests of the inhabitants" of non-self-governing territories. The Charter does not speak of the interests of the Administering Powers; nor of the concern which other powers may have; nor of the authority or jurisdiction of the United Nations. It merely asserts the principle that the interests of the inhabitants of non-self-governing territories are paramount within the system of international peace and security established by the Charter.

How can these interests be judged? On moral if not on legal grounds, we do not share the view expressed here that the Administering Power should be the sole judge of the interests of the inhabitants of a territory and refuse to permit even a discussion of the principles involved. Such an attitude seems to ignore the element of trust, the most sacred of all trusts, which a state assumes when it takes up responsibilities for the lives and destinies of another people.

Likewise, we cannot agree that one political movement in a non-self-governing territory can assert that it fully represents the interests of the inhabitants of that territory. In our generation ... - and this is not intended as a comparison but as a general observation - we have seen too many political movements which have claimed to champion the interest of a people, movements which have, indeed, impudently proclaimed that they represented the soul

and spirit of a people, only to lead that people to chaos and destruction, perhaps unequalled in the history of man.

Are there any objective standards by which one can determine the interests of the inhabitants of a territory or judge their capacity for self-government? A widespread popular desire for self-rule or, as the distinguished Foreign Minister of Pakistan has said, "an urge for freedom", is certainly necessary. But there are other factors which are also important if self-government in the interests of the inhabitants is to be real and lasting. Among these are a sound and solid administration, economic viability and a deep-seated understanding of democratic processes.

There being, in our view, no single authority, and no single method by which the interests of the inhabitants of a given territory may be determined, how should or how can these peoples move progressively toward self-government? The road ahead, we think, lies in a free and open interplay between the authorities of the Administering Power and indigenous groups as broadly representative of the various elements within the territory as possible. This interplay of forces and interests, to be constructive and progressive, should take place openly and above all should be peaceful and non-violent.

Recent events in Tunisia have not followed such a peaceful and non-violent course. We are aware also of the difficulties between the Government of France and the Bey of Tunis with respect to the latest reform programme put forward by the French Government. At the same time we have every confidence that France will honour the trust which it has assumed towards the Tunisian people.

The Tunisian problem is now before this Committee. In the light of the considerations I have set forth, we should like to express the appreciation of the Canadian Delegation for the initiative taken by the Government of Brazil in submitting, jointly with ten other Latin-American countries, a resolution which, in our estimation, provides the type of conciliatory approach with which the problem of Tunisia should be treated. It enshrines the ideals of the Charter and should be acceptable to all those who believe that these ideals should be clothed with real meaning. At the same time it does not attempt to accuse nor to condemn nor yet to trespass beyond the limits of the authority of this organization. We are prepared to support the Latin-American resolution and would appeal to African and Asian states to do likewise. Many of these speakers have paid tribute to the moral values of which France has been the guardian. In supporting the Brazilian resolution they will have an opportunity of appealing to the French sense of justice and fair play.

What we all seek is the establishment of peace and stability and the progressive unity of the free world. In these critical times all parties involved are called upon to make special efforts toward the attainment of these goals. France is well aware of this and is doing her full share which none of the nations of the free world should attempt to minimize. Within this context we are confident that she will show her usual generosity and farsightedness to meet the desires of those populations which are pressing for a still greater measure of self-government.

We would ask for an equal measure of moderation and patience on the part of the population of Tunisia. In the advancement of their welfare and their independence it is not entirely on their own resources that they will rely to their greatest benefit. France, which has already contributed so much, still has a great deal to contribute to the future progress and well-being of those territories. Other countries in the Western world can also make their contribution, especially in the economic and social fields. The Tunisian leaders will, we hope, fully appreciate the importance of harmonious relations with the nation with which by long association they have been so closely connected.

For those of us who are assembled in this international gathering the task is to promote such a relationship on the firmest possible foundation. No solution can compare in strength and permanence with a solution reached by free agreement. It is by encouraging both the parties to reach a mutually satisfactory agreement which both can accept as satisfying their essential interests that this Assembly can perform its greatest service to the advancement of the welfare of Tunisia and to the cause of international peace.

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