

Suspension of French Economic Aid to Tunisia.

Prior to the suspension of French military aid to Tunisia, and the subsequent supply of arms to that country by Britain and the United States, Franco-Tunisian relations had continued to deteriorate since the suspension of negotiations on a new defence agreement between the two countries in June 1956 [see 14980 A]. This tension between France and Tunisia, extending for over a year, attained the dimensions of a crisis on three occasions: in October–November 1956, following the arrest of five Algerian nationalist leaders while *en route* from Rabat to a conference in Tunis [see 15329 A]; in May–June 1957, as a result of the suspension of French economic aid to Tunisia; and in September–October 1957, following a series of incidents on the Algerian–Tunisian frontier. The first crisis ended with the announcement on Dec. 11, 1956, that normal diplomatic relations would be resumed, and with the appointment on Jan. 28, 1957, of new French and Tunisian Ambassadors [see page 15381]. Further developments in Franco-Tunisian relations during 1957 are summarized below.

The Government of M. Mollet decided on May 20, 1957, to withhold payment to Tunisia of the first instalment of 2,000,000,000 francs due under a financial aid agreement which had been signed in April, and which provided for the payments to Tunisia of 12,100,000,000 francs in several instalments. M. Mollet stated in the National Assembly on the following day that the French decision had been taken "because of Tunisia's present attitude."

Tunisian statement of May 24 claimed that the French Government had denounced the financial aid agreement, that it had thereby also ended the Franco-Tunisian economic and financial convention of June 8, 1955 [sec 14289 A], and that Tunisia had thus been released from her own obligations under that convention.

Alter stating that the French Government had refused to carry out its obligations "because of Tunisia's attitude towards the Algerian problem," the communiqué said: "The Tunisian's Government's attitude towards the Algerian problem has remained constant, and in any case has not changed since the French Finance Minister signed the financial government. It has been expressed by the Tunisian Premier on several occasions, and aims at utilizing every means of restoring peace in the neighbouring territory on the basis of free elections under international control... When speaking of assistance given to the Algerian's and demanding Tunisia's neutrality, the French Government fails to take into account that its own troops stationed in Tunisian territory use the country as an operational base, contrary to the wishes of the people and Government of Tunisia. The economic and financial convention, between France and Tunisia signed on June 3, 1955, stipulated that aid from France was an inseparable counterpart of the economic Concessions freely agreed to by Tunisia. As a French Government has considered it unnecessary to carry out its commitments in this matter, Tunisia is released from the obligations which she had accepted as a counterpart."

A French Foreign Ministry communiqué, issued on May 24, declared that the French Government had never denounced the France–Tunisian financial agreement. It had, however, "once again brought to the Tunisian Government's notice "the inadmissible character of the assistance which it was giving—or allowing to be given to the Algerian rebellion." In particular, it had been emphasized that it was "inconceivable that French aid to Tunisia should directly or indirectly assist France's enemies," and it rested with the Tunisian Government to give France "the necessary guarantees for the normal application of the financial agreement."

The Tunisian Cabinet decided on May 31 to carry out a unilateral revision of the Customs agreement with France signed on Dec. 28, 1955 [sec 14812 A], so as to permit in future reciprocal tariff agreements between Tunisia and third countries without French participation—a decision equivalent to the abrogation of the Franco–Tunisian Customs union. It was also decided to set up a special commission to prepare, co–ordinate, and supervise import and export programmes and trade agreements, and to create a guarantee fund for foreign investments in Tunisia.

Following these decisions, trade agreement on a most–favoured–nation basis were Signed with Yugoslavia and with Switzerland in October.

A law was promulgated by President Bourguiba on Oct. 10 abolishing the French and Franco–Tunisian chambers of commerce and agriculture in Tunisia.

An official statement said that French participation in these bodies was incompatible with Tunisia's status as an independent State, but that foreigners would be allowed to form a chamber of commerce which would have the same status as the foreign chambers of commerce established in France. It was pointed out in the French Press that this measure, which had been adopted without previous consultation with the French Embassy, constituted a breach of the convention of June 3, 1955, on the status of the French community in Tunisia, which expressly provided for the maintenance of the French chambers of commerce and agriculture [see 14289 Al.]

A series of incidents occurred at the end of May 1957 on the Algerian–Tunisian frontier in the neighbourhood of Ain–Draham, where about 2,000 Algerian refugees had crossed into Tunisia. They culminated in a clash between French troops and Tunisian soldiers and National Guards on May 31, in which seven of the latter were killed; details of the incident, which aroused intense indignation in Tunisia, remained obscure, as contradictory Versions were issued by the Tunisian and the French authorities.

The Tunisian version alleged that French troops had tried to drive the refugees back into Algeria by force; had blocked frontier roads; and had opened fire on Tunisian forces sent to the area, killing seven and Wounding 14. It was further alleged that two Tunisian officials—M. Hajeri (secondary–general of the Foreign Ministry) and M. Sebsi (of the Ministry of the Interior)—had been negotiating with the French officer in charge when the latter gave the order to open fire. The French Foreign Ministry, on the other hand, alleged that a French unit returning from a routine patrol had found the road blocked by Tunisian troops; that the French commanding

officer had been fired on by a, Tunisian soldier; and that the French forces had thereupon returned the fire.

Following a strong protest to Franco, at this incident, M. Bourguiba announced on June 1 that the Tunisian Cabinet had informed the French Government of its desire to open negotiations on the evacuation of the French force. On the same day the Tunisian Government issued an order forbidding French troops to make any movement without its express authority; the French High Command, while refusing to recognize the validity of this order, nevertheless confined its troops to barracks and ordered movements to be confined to the minimum necessary for maintaining contacts and supplies. In the Gabes area, however, the French commander rejected a proposal by the local Governor that all troop movements should be suspended or notified to him beforehand, and ordered his forces to use their weapons if necessary. In consequence a number of clashes, in which 10 French soldiers and 11 Tunisians were killed, occurred during June 3–14 between French troops and Tunisian Notional Guards and armed civilians, who had created barricades to prevent the movement of French troops and supply columns.

A proposal by M. Pineau that a joint inquiry commission should be set up with a view to preventing future incidents was rejected by the Tunisian Government. In a speech on June 18 M. Bourguiba denounced the "intolerable insolence" of the French/military authorities, and continued: "We are determined to end tills injustice and aggression, even if we have to enter into an armed conflict with France... If the French. Government supports its soldiers' attitude in Tunisia, and allows them to treat Tunisian sovereignty with contempt and to claim the right, to speak and act as if they were the country masters. I fear that incidents will gradually become increasingly serious, until they degenerate into a general conflict." He emphasized, however, that Tunisia's desire for co-operation and friendship with France had not changed, and appealed to the new French Government headed by M. Bourges–Maunoury to open negotiations for the withdrawal of all the French, forces in Tunisia to their base at Bizerta.

M. Bourges–Maunoury's Government subsequently submitted new proposals to the Tunisian Government for the partial evacuation of its forces in Tunisia, details of which were announced on June 27. These provided that about 10,000 of the 25,000 French troops in Tunisia should be transferred to Algeria during the next six months, and that the remainder should be confined to the bases at Bizerta, El Aouina, Gafsa, Gabés, Sfax, and remada. M. Bourguiba welcomed these proposals as a contribution to better Franco–Tunisian relations, but emphasized that Tunisia could not enter into negotiations for a joint defence agreement until the French forces had been withdrawn from all their Tunisian bases except Bizertn.

M. André Morice (then Minister of Defence) stated on June 87, 1957, in connexion with the French Government's new proposals," that the French Army would if necessary pursue Algerian rebel bands across the Tunisian border claiming that it possessed the right to do so under international law. This warning was repeated on several occasions by M. Morice and M. Lacoste (the French Minister–Resident in Algeria). On Aug. 13 President Bourguiba appealed to Algerians who had received asylum in Tunisia to respect Tunisian sovereignty, warning them that if their attitude led the French to attack them on Tunisian soil, the Tunisian State itself would be threatened. During September and October, however, a number of incidents on the Algerian frontier led to a further grave deterioration in Franco–Tunisian relations.

The French forces exercised the "right of pursuit" for the first time on Sept. 1, when an infantry company crossed the Tunisian frontier in the Tebassa area in pursuit of an Algerian rebel band, 10 of whom were killed. The Tunisian Government alleged that the French troops had attacked a frontier post and killed seven frontier guards, and a few days later further alleged that French troops had attacked a refugee centre at Ala-Draham and killed two Tunisians.

In view of these incidents, President Bourguiba declared a state of emergency along the Algerian frontier on Sept. 9. In a broadcast on Sept. 12 he maintained that the "right of pursuit" had no basis in international law; asserted that it was being used "as a pretext for attacks on Tunisians' sovereignty and integrity"; and announced that his Government had demanded the withdrawal of the French troops stationed in the Gafsa area.

On Sept. 10 the Tunisian Government alleged that French troops from Algeria had crossed the frontier in the Kasserine area and kidnapped four Tunisians, while on Sept. 12 the French authorities alleged that an Algerian rebel band had raided a refugee centre near Souk-Ahras (on the frontier) and carried off 225 refugees into Tunisian territory. A similar incident occurred during the night of Sept. 30-Oct. 1, when some 400 Algerian refugees crossed the frontier (under constraint according to French sources, voluntarily according to the Tunisian Government) in the same area.

Allegations were made by Tunisian spokesmen on Sept. 14 and Oct. 1 that French artillery and aircraft had bombarded and machine-gunned a village in the Ala-Draham area, a Tunisian military post and a Customs post. A French communiqué of Oct. 2 alleged that French aircraft had been fired upon from Tunisian soil on 13 occasions during the last fortnight of September, and emphasized that there had been no retaliation from the French side. Between Oct. 3 and Oct. 8 the Tunisian Government made further allegations that French aircraft had bombed and machine-gunned a village in the Kef area; that French planes had also machine-gunned a caravan ten miles inside Tunisia, killing three people; that French artillery had fired on a frontier post; and that French troops had kidnapped eight Tunisian nationals. All these charges were completely denied by the French authorities, who in turn alleged that French aircraft had been fired on, that an Algerian citizen had been kidnapped by "armed Tunisian elements," and that 300 Algerians had been carried off during the night of Oct. 20-21 by Algerian rebel bands operating from Tunisian territory.

In a broadcast on Oct. 8 President Bourguiba announced that he had decided to "recall the Tunisian Ambassador in Paris (M. Masmoudi) as it is impossible for me to maintain friendly relations with France, especially after the communiqué [of Oct. 2] which virtually authorizes French aircraft to bomb Tunisian territory." After M. Masmoudi had had talks with M. Bourges-Maunoury and M. Pineau, however, it was announced on Oct. 5 that President Bourguiba had cancelled the order for M. Masmoudi's recall in view of the conciliatory attitude of the French authorities.

M. Maurice Faure (the French State Secretary for Foreign Affairs) visited Tunis from Feb. 14-17, 1957, for discussions with M. Bourguiba and other members of the Tunisian Government. Agreement was reached on a draft judicial convention and on a protocol defining the status of

French officials employed by the Tunisian Government, both of which were signed on March 9, 1957.

Judicial Convention. This convention, which came into force on July 1, 1957, replaced the convention concluded in 1955 (see 14289 A). Its main provisions were:

- (1) The French courts in Tunisia would be abolished, and their powers transferred to the Tunisian courts.
- (2) In cases involving the personal status of French citizens, French law would be applied.
- (3) In Civil and commercial cases where no appropriate Tunisian law existed, the courts would apply the French laws formerly in., force in Tunisia.
- (4) For a period of five years a French magistrate would share the Power of decision in civil suite in which one of the parties was of French nationality.
- (5) In criminal casos In which French defendants were involved, half the members of the Jury would be French, Half the assessors on conciliation boards hearing disputes between employers and employers would also be French. if any of the parties involved were French.
- (6) French magistrates would continue to be employed by the Tunisian Government until sufficient Tunisian magistrates were available.
- (7) French lawyers practising at the Tunisian Bar would be allowed to continue exercising their profession.
- (8) The use of the French language In court and in legal documents would continue to be permitted.

This protocol provided that all French Civil Servants employed by the Tunisian Government would be incorporated in the French Public Service from April 1, and that the Tunisian Government would offer a contract, valid for at least two years, to those whose services it wished to retain. M. Khlari (the Minister responsible for the Tunisian Public Service) stated on March 10 that contracts would be offered to about 3,500 French Civil Servants, including 1,800 teachers. A communiqué issued by the French Embassy in Tunis (April 10) gave an assurance that officials who remained in the Tunisian Government's service would retain the same rights of promotion and reintegration in the French Civil Service as those who returned to France.

Agreements on the status of Tunis Radio. on consular representation, and on the French *gendarmerie* in Tunisia had previously been signed during August–October 1956. Details of these agreements are given below:

The agreement on the future status of Tunis Radio, concluded on Aug. 29, 1950, replaced the convention of November, 1953, which had placed Tunis Radio under French control for 30 years. Its provisions were as follows:

- (1) All land, buildings, and installations in Tunisia belonging to the French Broadcasting Service (R.T.F.) would become the property of the Tunisian Government from March 31, 1957.
- (2) A Tunisian director of Tunis Radio would be appointed immediately.

- (3) The R.T.F. would continue to supply technical assistance if required.
- (4) Broadcasts by Tunis Radio would "respect the spirit of friendship and co-operation animating relations between France and Tunisia."
- (5) Two Joint standing committees would be appointed: one to deal with the questions of French technical assistance and the training of Tunisian technicians, the other, to act as a liaison committee between the French and Tunisian radio services in programme matters.

This agreement, concluded on Sept. 13, 1956, provided that Tunisia would set up two Consulates-General in France (in Paris and Marseilles), and that others would be set up later. The French Government would set up Consulates-General in Tunis, Bizerta, Stax, and Sousse, and Consulates at Gafsa, Gabès, Souk-el-Arba, and Medjez-el-Bab.

The Tunisian Government announced on Oct. 3, 1956, that an agreement had been concluded whereby the French *gendarmerie* poste in Tunisia would be transferred to the Tunisian National Guard, which had been formed under a decree of Sept, 10, 1956.

The Tunisian *Journal Officiel* published on Nov. 20 a law (dated Nov. 19) under which Tunisians who had willingly given either direct or indirect help to the "French Protectorate authorities before July 81, 1954," would be held guilty of national indignity" (*indignité nationale*). [July 81, 1954, was the date on which M. Mendès-France, then French Prime Minister, had announced in a speech at Carthage the new relationship between France and Tunisia based on Tunisian internal autonomy—see 18718 A.]

The law defined the crime of "notional indignity" as covering the following actions; (1) having been a member of the "pseude-Governments" which had been in office in Tunisia before July 31, 1954; (2) having held a post in the security, Press, or information

services; (3) having been a member of the Grand Council or the Regional or Municipal Councils; (4) having taken part in the organization of cultural, economic, political, or other manifestations in favour of the French authorities; (5) having acquired property "illegally" under the terms of a law of Aug. 17, 1957.

Cases of "national indignity" would be decided by the High Court of Justice (see 14989 A) and punished by "national degradation," entailing the loss of civil rights and of all public posts and employments: expulsion from all organizations, professional associations and trade unions; and forfeiture of the right to be a teacher or to become a director or manager of companies.

The promulgation of the law of Nov. 19 caused deep resentment in France, M. Maurice Faure expressing to M. Masmoudi the "indignation" of the French Government at the Tunisian Government's action.

In his statement to M. Masmoudi (Nov. 27) M. Faure recalled that the Protectorate regime, based throughout on treaties, had been internationally recognized; that it had been abrogated in 1955 and 1956 by agreements freely entered into by both sides; that no reservation had been made at the time which would have allowed Tunisia to question the legal and political status which had existed previously for about 70 years; and that French recognition of Tunisian independence had

been the logical fulfilment of the Protectorate regime. In the circumstances, the provisions of the law of Nov: 19 could only be regarded as a "hostile measure" against France.

President Bourguiba, in a statement to *Le Monde* on Dec. 2, described the French resentment as "exaggerated," though admitting that the law was worded "in very general terms." He pointed out, however, that it was in no way intended to have retrospective effect from the beginning of the Protectorate regime; that this was quite evident from the fact that the *Néo-Destour* itself had collaborated with the Protectorate authorities until Dec. 15, 1951; that he (President Bourguiba) had personally supported the decision of the National Council in August 1950 to take part in the Government [see 11860 A]; and that this co-operation had only been ended with M. Schuman's Note of Dec. 15, 1951 [see 11969 A], followed by the arrest of the *Néo-Destour* leaders on Jan. 18, 1952 [see 12181 A]. The last-named date was therefore the "beginning of hostilities" and the struggle had lasted until July 81, 1954 when France had agreed to Tunisia's internal autonomy. In consequence, the law of Nov. 19 would only apply to the above-mentioned period (i.e. Jan. 1952–July 1954) and would not affect more than a "few dozen" people—i.e. only those who had taken a more prominent part in the political sphere, but excluding all minor civil servants, etc.—(Le Monde,— Le Figaro – Times – Daily Telegraph – Manchester Guardian – New York Times – New York Herald Tribune)

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