

## BOOK REVIEW

5 **Une révolution algérienne à hauteur d'homme**, by Mohammed Bedjaoui, preface by Jacques Frémieux, Paris, Riveneuve, 2018, iv+372+10 iconographic pp., €22 (softcover), ISBN 978-2-36013-479-3

10 Dr. Mohammed Bedjaoui (b. 1929) is a distinguished Algerian judge and diplomat who subsequently became the first Arab to join, and eventually preside over, the International Court of Justice at The Hague.<sup>1</sup> His recollections of the Algerian revolution (1954–62) have astonishing, if unintended, relevance to the Algerian people's efforts of regime change begun on 22 February 2019, just five months after this book was published. Bedjaoui served as legal advisor to the Gouvernement Provisoire de la République Algérienne (GPRA) from 1958 to 1961. These memoirs relive the author's original classic, *La Révolution algérienne et le droit* (Brussels, 1961), and show how a small number of exemplary, dedicated patriots erected a new legal system while engaged in a war of national liberation.

20 The very idea of 'war', connoting a contest between two sovereign entities, was indeed suppressed by Algeria's French colonial masters despite their mobilising hundreds of thousands of conscripts to snuff out the 'troubles' and punish 'terrorism' in French Algeria. Against its toxic legal logic the Algerians devised a new legal system and gained new forms of international recognition even as the war raged on. Not only did numerous states recognise the GPRA, Dr. Bedjaoui relates how he, armed with a Libyan passport and accompanied by the young Libyan diplomat Mansour Rashid El-Kikhia, officially registered the GPRA's accession to all four Geneva Conventions of 1949 in their Swiss depository.<sup>2</sup> This put the Swiss government in a dilemma. In its passive role as a depository, the Swiss were obliged, lest they offend Libya, to accept the GPRA's registration, while informing France that it did not recognise the GPRA. And even today, as of this writing, Algeria's accession to the conventions is dated 20 June 1960.<sup>3</sup> After independence, Bedjaoui, who became secretary-general of the government, declined the Swiss ambassador's request to reconfirm the treaty commitments in writing, on the grounds that the registration was in perfect legal order. Algeria had achieved a permanent presence in an important part of the international legal system more than two years before France recognised its independence on 3 July 1962. Another of Bedjaoui's state building projects was to collect archives, beginning with the four parchments with big red seals flown in from Beijing, proclaiming the People's Republic of China's recognition of the GPRA within three days of its founding. Bedjaoui also established Algeria's *Journal officiel* of the GPRA's legal texts.

40 Bedjaoui was just 25-years-old at the outbreak of the revolution but had traveled far since being orphaned at the age of three and growing up in poverty, assisting his uncle manning a fruit stand in a Tlemcen market while working his way through school, helped by slightly better-off friends to travel for qualifying

45 exams and scholarships. For health reasons he went to Grenoble at age 19 to enter university, switching from science to save an extra year of study. He did so well that his professors recommended him to the French elite École Nationale d'Administration (ENA), but which turned him down by order of the French government in 1953. By this time he had already gained a local reputation as a defender of the  
50 immigrant community of North African workers. Although admitted on appeal to the ENA the following year, he instead completed a doctorate in law while serving as an associate for the Conseil National de la Recherche Scientifique (1953–56), and as a journalist writing under various pseudonyms for the independent Tunisian weekly, *L'Action*. He did not take his *agrégation* exam for a teaching position, however, because the Union Générale des Étudiants Musulmans Algériens (UGEMA) had meanwhile called a general strike in May 1956. At this point he was working secretly for the FLN while defending workers and others from his law office in Grenoble, where he resided officially until late 1957, albeit constantly on the move, even within the city, to avoid arrest, commuting to Geneva for its rich libraries as well as political contacts, and on one occasion representing UGEMA at the United Nations in New York. Among other prisoners, he successfully defended the communist and FLN militant Abdelkader Guerroudj and his wife, Jacqueline, from death row by writing almost four hundred letters appealing to law professors throughout France, and even getting a cardinal to plead to President René Coty for a pardon.

60 In the spirit of UGEMA's general strike, Bedjaoui volunteered his legal services to the FLN's external delegation and sought out Dr. Ahmed Francis in Switzerland for a job interview in August 1956. By the end of 1957, once settled in Geneva, Bedjaoui worked full time for Dr. Francis, who had joined the FLN's external delegation in Cairo, along with Francis' brother-in-law and close political ally, Ferhat Abbas. Francis finally summoned Bedjaoui to Cairo to complete letters and legal paperwork ten days before the official proclamation of the GPRA in September 1958. His memoir then becomes almost as much about his new mentor and eventual uncle-in-law as about himself. He introduces Francis as '*l'intelligence* [the brains] *de la Révolution*' (95). This  
70 medical doctor, who briefly practiced in Setif, where Abbas was a pharmacist, had joined the latter's party, the UDMA, in 1946 and was elected that year to France's Second Constituent Assembly. Subsequently elected to the Algerian Assembly in 1948, he infuriated the French settlers by 'admirably dissecting' (96) colonial budgets. In rallying with Abbas to the FLN, Francis contributed his financial and political acumen to its external delegation in Cairo and then to the GPRA – without ever accepting any salary, thanks to support from his landowning family. He served as the GPRA's minister of finance from 1958 to 1961 and proactively prepared position papers, sometimes with Bedjaoui's assistance, for the eventual negotiations with France.

80 Francis' principal preoccupation in Cairo was, of course, raising funds for the GPRA. Assisting him, Bedjaoui explored various schemes such as a 'lend lease', modeled on US assistance to the UK in 1940, for mobilising Arab support, but the results were modest and sporadic, often the fruit of public campaigns. He observes that Arab peoples were more enthusiastic about the Algerian revolution

than were their leaders, notably the wealthy Gulf monarchs, and does not spare any of the Arab countries or leaders, with the exception of Prime Minister Abd al-Karim Qasim of Iraq (1958–63), for their feckless promises of financial and military assistance. Even Tunisia, which bore the brunt of hosting Algeria's external army, also taxed it with import duties, duly reimbursed after independence. Bedjaoui discovered a decree of Habib Bourguiba exempting an American NGO, but to no avail as a precedent for the GPRA. In the course of their travels, Francis and Bedjaoui learned in a meeting with Soviet Prime Minister Alexei Kosygin the details of a Soviet military equipment delivered in Alexandria for Algeria that the GPRA never received.<sup>4</sup> Neither Ahmed Ben Bella nor his successors were aware of this considerable arms shipment until 1967, when Bedjaoui informed Houari Boumediene and Abdelaziz Bouteflika of the 'Egyptian extortion of material essential for the pursuit of the armed revolution' (208) in response to Egyptian press attacks. After the Six Day War, Egypt accused Algeria of ingratitude for its earlier support when Algeria cut off diplomatic relations (as well as with the United States and the United Kingdom) for Egypt's quick surrender to Israel.

Francis claimed in 1961 that the Algerian community in France contributed 80 percent of the GPRA's revenues. But some followers of Messali Hadj refused to pay taxes to the FLN and were liquidated. One victim of the FLN was 'El-Fares', a worker Bedjaoui had befriended earlier in Grenoble and to whom he dedicates this volume, along with various French professors. After retiring as Chief Justice of the International Court he returned to head Algeria's Constitutional Council (2002–05) and then serve as foreign minister (2005–07). Hopefully he will continue his memoirs and perhaps contribute more to this book's epilogue, 'The birth and death of juridical systems'.

## Notes

1. From 1994 to 1997. A complete vita, including Bedjaoui's many publications, is available at: [https://fr.wikipedia.org/wiki/Mohammed\\_Bedjaoui](https://fr.wikipedia.org/wiki/Mohammed_Bedjaoui) (accessed 14 May 2019). Bedjaoui's memoir of his years as Algeria's ambassador to Paris, *En mission extraordinaire: carnets d'un ambassadeur d'Algérie en France, 1970–1979* (Paris: L'Harmattan, 2016), was reviewed by Robert Mortimer in *The Journal of North African Studies* (published online: 8 August 2018).
2. El-Kikhia later became Libya's foreign affairs minister (1972–73) and held other high-level diplomatic posts, before becoming an opponent of the Muammar Qadhafi regime and a human rights activist. He mysteriously vanished in Cairo in 1993, with his body found in Tripoli in 2012.
3. See the official list of states and when they acceded to each of the four conventions: [https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/eda\\_1949\\_conv\\_1.pdf](https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/eda_1949_conv_1.pdf) [https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/eda\\_1949\\_conv\\_2.pdf](https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/eda_1949_conv_2.pdf) [https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/eda\\_1949\\_conv\\_3.pdf](https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/eda_1949_conv_3.pdf) [https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/1949-conv-4-parties\\_fr.pdf](https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/1949-conv-4-parties_fr.pdf) (accessed 15 May 2019 from the Swiss Federal Department of Foreign Affairs).

4. Bedjaoui also contradicts the *'fantaisiste'* claims of generous Egyptian aid, including arms, found in Fathi Al Dib's memoir, *Abdel Nasser et la Révolution algérienne* (Paris: L'Harmattan, 1985), and acidly observes that Al Dib, Nasser's intelligence intermediary with the Algerians, omitted mention in his book of the Soviet arms delivered for Algeria (208–209).

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<https://doi.org/10.1080/13629387.2019.1622255>

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