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26 June 1957

Lall, Arthur (Perm. Represent. of India to
the U.N.)

- 1 letter to D.H.
- 1 encl. (Draft Explanatory Memorandum)



PERMANENT MISSION OF INDIA
TO THE UNITED NATIONS
3 EAST 64TH STREET
NEW YORK 21, N. Y.

PERSONAL.

26 June 1957

India

Dear Dag,

Purely for your personal information at this stage

I am enclosing a copy of the draft Explanatory Memorandum
which would be discussed tomorrow by the Asian-African Group,
on the inscription of the Algerian item. I am very sorry
I have been unable to bring it over personally.

[Handwritten signatures and initials, including 'H.D.' and 'CR']

Yours sincerely
Arthur Lall

Mr Dag Hammarskjold,
Secretary-General,
United Nations,
New York.

EXPLANATORY MEMORANDUM

1. At its eleventh session the General Assembly had on its agenda an item entitled "The Question of Algeria". It will be recalled that there was a very full discussion on this item in which various points of view were expressed by Member States. Thereafter, there were genuine and strenuous efforts to formulate accurately the consensus of opinion in the General Assembly which was clearly in favour of a settlement of the Algerian issue being arrived at in accordance with the principles of the Charter and taking into account the basic needs for a peaceful, democratic and just solution. These efforts proved successful and the General Assembly adopted unanimously Resolution No. A/RES/463 of the 18th February 1957 with the following operative paragraph:

"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."

2. Since the General Assembly had made a unanimous recommendation in its resolution there was reasonable expectation that steps would be taken in pursuance of that resolution and that by now an equitable solution of the Algerian situation would be in sight. However, in the period which has elapsed since the adoption of the resolution of the eleventh session of the General Assembly there has been no indication to the United Nations from its Member States that any positive steps have been taken to achieve the purposes of the resolution.

3. On the contrary, the suffering and loss of human life in Algeria continues and increases. Thus, the course of events in Algeria has not moved toward a peaceful, democratic and just solution in conformity with the principles of the Charter; and should this course continue with its accompaniment of violence and mass repression, it is bound to make such a solution more remote than before.

4. There have been numerous reports of the deteriorating situation in Algeria and expressions of responsible opinion in France itself in recent months deploring the continued repression and violence there. This will be clear from the following few excerpts:

A letter dated 22 March from 357 eminent Frenchmen addressed to the President of the French Republic and including among its signatories eminent authors, professors and leaders of the Church has referred to actions under which the French armed forces are compelled to participate as follows:

"It is not a question of facts, which, however numerous, can be qualified as isolated instances; rather, it concerns a widespread practice: We refer to the torture of prisoners, captured with their weapons in hand, but who, because they are 'rebels' are refused both the guarantees given by the Geneva Convention to enemy soldiers, and the rights which our law confers upon French citizens. We refer also to the summary execution of innocent hostages, to brutalities, pillage, and the destruction of entire villages as measures of intimidation or reprisal."

The Assembly of French Cardinals and Archbishops made the following declaration on the Algerian situation on 16 March:

"As the Church has often affirmed, and proved by its interventions with the authorities responsible, all those whose duty is human life and property have the obligation to respect and ensure the universal respect for human dignity and to avoid scrupulously all excesses contrary to natural law and to the law of God. Such excesses have, moreover, been several times the object of public disapproval. During the present crisis, each and all must remember that it may never be permitted, even in the service of the highest cause, to employ means which are intrinsically bad."

Professor Rene Capitant, a former Minister of National Education, made the following remarks:

"As long as such methods (methods which were never employed against German prisoners during the most terrible years of the war) are prescribed or tolerated by the Government of my country, I do not feel that I can continue to teach in a French law school. Therefore, I must abandon my classes."

The message from the armed forces published on 20 March affirmed that:

"The officers fighting in Algeria 'of diverse origins and with a brilliant military history, have confided their moral despair when confronted by certain military operations of hunting down terrorism'. The message added, 'the moral elite of the officers is repulsed by this task, considered as both degrading and useless.' "

5. Thus, it is clear that far from any abatement of repression and the violation of human rights in Algeria, there is a continuance of a tragic situation which is in flagrant contradiction of the hope

expressed by the General Assembly in its resolution of the 18th February 1957. Since the General Assembly's own unanimous resolution has thus remained inoperative it cannot but be the wish of the Assembly to take up again the consideration of the Question of Algeria with a view to finding a peaceful, democratic and just solution. Accordingly, the General Assembly is requested to include the Question of Algeria in the agenda of its twelfth session.
