

**Laos 1959-1961 -  
correspondence, official  
documents, press clippings,  
chrono...**

*HS L 179:85*



National Library  
of Sweden

Dag Hammarskjöld's saml.

Laos. 1959

5 Sept.

Text of Statements issued by the State  
Department on the situation in Laos

SECRET

1. The US believes it is urgent that the SC take prompt action on Laos. We believe the SC can do this, in a manner which precludes the veto, by establishing a "subsidiary organization" under Article 29 of the Charter. If the USSR attempts to apply the double veto to such a resolution we are prepared to ask the President to apply the Presidential ruling procedure which can overcome it.

2. Our proposal is that the SC adopt the resolution annexed to this paper.

3. The operative paragraph of this resolution is in substance a verbatim copy of the SC resolution on the Spanish question adopted on April 29, 1946. The sponsor of that resolution (Australia) said that the draft had "cut out the idea of a formal investigation under Article 34 of the Charter so as to enable the proposed body to be brought in under Article 29 as a subsidiary organ". The previous draft had contained explicit mention of Article 34. Removal of this mention and redrafting of the resolution high lighted the difference between the two drafts and the fact that the revised resolution was under Article 29.

SECRET

SECRET

-2-

4. The element, according to the Australian Representative, which made this resolution come under Article 29 was: "The subcommittee should not and could not itself make the finding ... or make recommendations on it but should present the facts so that the Council itself could decide and make its own decision on the facts ascertained and submitted by the subcommittee."

He repeated this later as follows: "The main substance of this resolution is that it is for this Council, and not the subcommittee to determine what practical measures the UN might take on the finding that it has led to international friction and does endanger international peace and security."

Furthermore, the resolution calls for "inquires" rather than an "investigation."

5. No member of the Security Council (including the USSR) objected to the Australian statement that the resolution was under Article 29. Just before the vote Gromyko (USSR) said he was against the resolution but as a negative vote would cause it to fail, he would abstain. While this implied either that he thought he could use the veto on an Article 29 resolution, or that he regarded the resolution as under Article 34, both the Netherlands and the

SECRET

SECRET

-3-

United States publicly reserved their positions on his statement.

6. The "Repertoire of the Practice of the Security Council" lists the committee established in the Spanish resolution under the heading of the establishment of subsidiary organs. We believe that the decision of the Council in that case clearly was under Article 29 and that it therefore established definitively that a subcommittee created under the language of that resolution is under Article 29. Therefore, in accordance with the 4-power Declaration, such action is not subject to the veto. We were prepared in 1946, as well as now, to use the device of a Presidential ruling to overcome an attempted veto on the issue.

7. The fact that the creation of subsidiary organs is not subject to the veto is not questioned. Article 29 on the establishment of subsidiary organs is in the chapter on "Procedure" in the Charter. The comparable portions of the provisional rules of procedure which say that the Council may appoint a committee for a "specified question" (Rule 28) and that the Security Council can refer "any matter to a committee" (Rule 33) are under the chapter

SECRET

SECRET

-4-

on "Conduct of Business", which contains procedural rules. Rule 33, in fact, concerns itself with the precedence of strictly procedural motions. Furthermore, the appointment of subsidiary organs was explicitly included in the 4-power statement at San Francisco as not subject to the veto. Finally it was included in Resolution 267(III) of the General Assembly as a procedural question.

8. It will also be recalled that in 1950 the Council overrode an attempted veto through use of the Presidential ruling procedure on the invitation to the Chinese Communists to appear before the Council. In that case also members of the Council took the position that the veto could not, under the Declaration itself, be used on issues which were listed in the Declaration as not being subject to the veto.

9. It is our intent that the subcommittee called for in the attached Resolution should proceed to Laos as soon as possible. In the light of the Spanish case precedent, however, this decision should be left formally to the subcommittee itself. (In explaining his resolution, the Australian Representative at that time stated: "In the fourth paragraph it will be

SECRET

SECRET

-5-

seen that very wide powers of discretion are given to the subcommittee to conduct such inquiries as it may deem necessary; that is, it will itself decide how and when and where the inquiry is to be made." (underscoring added))

10. The US Government hopes that this proposed action on Laos will be acceptable and that members of the Council will be prepared to support a Presidential ruling that the resolution is under Article 29 (i.e. is procedural) when it is challenged.

SECRET

(TEXT)

FOLLOWING IS THE TEXT OF THE STATEMENT ISSUED BY THE STATE DEPARTMENT TODAY ON THE SITUATION IN LAOS:

THE UNITED STATES AS A MEMBER OF THE UNITED NATIONS WILL FULFILL IN GOOD FAITH THE OBLIGATIONS ASSUMED BY IT UNDER THE CHARTER. ONE OF THESE OBLIGATIONS IS TO TAKE APPROPRIATE MEASURES IN SUPPORT OF THE CHARTER. TO THIS END THE UNITED STATES WILL SUPPORT UNITED NATIONS CONSIDERATION OF THE ROYAL LAO (CORRECT) GOVERNMENT'S APPEAL.

THE UNITED STATES GOVERNMENT HAS REPEATEDLY ANNOUNCED ITS STRONG SUPPORT OF THE ROYAL LAO GOVERNMENT IN ITS DETERMINATION TO RESIST COMMUNIST EFFORTS TO UNDERMINE THE SECURITY AND STABILITY OF LAOS. ON AUG. 26, 1959, THE UNITED STATES ANNOUNCED THAT, IN RESPONSE TO SPECIFIC AND URGENT REQUESTS FROM THE LAO GOVERNMENT FOR IMPROVING ITS DEFENSE POSITION, ADDITIONAL AID WAS BEING AUTHORIZED TO PERMIT EMERGENCY INCREASES IN THE LAO ARMY AND MILITIA TO COPE WITH THE THREAT POSED TO THAT GOVERNMENT BY THE COMMUNISTS. THE UNITED STATES ANNOUNCED AT THE SAME TIME THAT IT WOULD CONTINUE TO SUPPORT REASONABLE APPROACHES TO ACHIEVE A PEACEFUL SOLUTION OF THE CURRENT SITUATION IN LAOS.

ON AUG. 30 A STRONG ATTACK FROM THE NORTHEAST WAS LAUNCHED AGAINST ROYAL LAO ARMY UNITS IN THE NORTHEASTERN BORDER AREA OF SAN NEUA PROVINCE. THE SMALL LAO FORCES IN THIS PROVINCE HAD BEEN REINFORCED AND HAD BEGUN TO PUSH BACK AN EARLIER COMMUNIST SALIENT WHICH HAD EXTENDED ABOUT 30 MILES FROM THE NORTH VIET NAM BORDER IN AN AREA NORTHWEST OF THE TOWN OF SAN NEUA. THE AUG. 30 ATTACK AGAINST THE NORTHEASTERN BORDER AREA PROVIDES FURTHER EVIDENCE OF THE ACTIVE SUPPORT OF COMMUNIST REBEL FORCES WITHIN LAOS FROM COMMUNIST NORTH VIET NAM. THE ATTACK COULD NOT HAVE BEEN SUPPORTED NOR COORDINATED WITHOUT SUCH OUTSIDE COLLABORATION.

IT IS NOW CLEAR THAT THE COMMUNIST BLOC DOES NOT INTEND TO PERMIT THE SOVEREIGN LAO GOVERNMENT TO REMAIN AT PEACE. THE COMMUNIST BLOC APPARENTLY INTENDS TO FOMENT AND DIRECT A REBELLION WITHIN LAOS AND TO GIVE EXTENSIVE SUPPORT TO THE ATTEMPT TO SEIZE IMPORTANT AREAS AND OTHERWISE TO PREVENT THE ESTABLISHMENT OF THOSE PEACEFUL CONDITIONS NECESSARY TO IMPLEMENT BASIC ECONOMIC AND SOCIAL PROGRAMS. IN SHORT, THE COMMUNIST INTERVENTION IS APPARENTLY AIMED AT PREVENTING THE LAO PEOPLE FROM REALIZING THEIR JUST HOPES FOR A BETTER LIFE.

THAT OUTSIDE COMMUNIST INTERVENTION EXISTS IS DEMONSTRATED BY (1) THE ASSISTANCE EVIDENTLY BEING RECEIVED BY THE COMMUNIST FORCES WITHIN LAOS, INCLUDING SUPPLIES AND MILITARY WEAPONS THAT COULD BE PROVIDED ONLY FROM COMMUNIST TERRITORY; (2) THE FALSE -- AND RIDICULOUS -- COMMUNIST PROPAGANDA EMANATING SIMULTANEOUSLY FROM HANOI, PEIPING AND MOSCOW TO THE EFFECT THAT THE LAO GOVERNMENT HAS BEEN INSTIGATED BY THE UNITED STATES TO "STIR UP A CIVIL WAR" WITHIN ITS BOUNDARIES; (3) THE CONTINUING FLOW FROM MOSCOW, PEIPING AND HANOI OF PROPAGANDA AND FALSE INFORMATION ABOUT THE SITUATION IN LAOS AIMED AT CONFUSING WORLD OPINION AND STATING THAT THE U.S. IS USING LAOS AS A MILITARY BASE; AND (4) THE FACT THAT THE MILITARY OUTBREAK IN LAOS HAS FOLLOWED CONFERENCES IN MOSCOW AND PEIPING BETWEEN HO CHI-MINH AND SOVIET AND CHINESE COMMUNIST LEADERS AND ALSO CONFERENCES IN MOSCOW BETWEEN TWO MEMBERS OF THE NORTH VIET NAM POLITBURO AND DEPUTY PRIME MINISTER ANASTAS MIKOYAN.

THE LATEST ATTACK UPON THE LAO ARMY IN SAN NEUA PROVINCE HAS RESULTED IN AN APPEAL BY THE ROYAL LAO GOVERNMENT FOR UNITED NATIONS ASSISTANCE. IT IS APPROPRIATE THAT THIS MATTER BE BROUGHT TO THE WORLD'S ATTENTION. IT IS OBVIOUS THAT ANY FURTHER AUGMENTATION OF THE INVADING FORCE OR CONTINUED MATERIAL SUPPORT THEREOF BY COMMUNISTS IN NORTH VIET NAM WILL REQUIRE A MAJOR CHANGE IN THE NATURE AND MAGNITUDE OF THE ROYAL LAO GOVERNMENT'S NEED FOR SUPPORT. THE UNITED STATES IS CONFIDENT THAT THE FREE WORLD WOULD RECOGNIZE SUCH A NEW DANGER TO PEACE AND WOULD TAKE THE ACTION NECESSARY. FOR ITS PART THE U.S. SUPPORTS THAT VIEW.

-0-

(END TEXT)

T9/5--N1419P