

**Laos 1959-1961 -
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Dag Hammarskjöld's send.

Laos - 1959

24 Sept.

Note addressed by H.M. Government in the U.K. to the Government of the U.S.S.R. in reply to their statement of 14 Sept. about the situation in Laos.

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LETTER DATED 24 SEPTEMBER 1959 FROM THE PERMANENT REPRESENTATIVE
OF THE UNITED KINGDOM ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose the text of a Note which was delivered to the Soviet Government on behalf of Her Majesty's Government in the United Kingdom on 22 September, in reply to a statement by the Soviet Government of 14 September about the question of Laos.

Since this Soviet statement has been issued as an official United Nations document (S/4222), I should be grateful if this letter and its enclosure could also be circulated to all Members of the United Nations.

I have the honour to be, etc.

(Signed) Pierson Dixon

22 Sept.

Note addressed by Her Majesty's Government in the United Kingdom to the Government of the Union of Soviet Socialist Republics in reply to their statement of 14 September about the situation in Laos

The United Kingdom Government have carefully considered the Soviet Government's statement of 14 September about the situation in Laos. In that statement the Soviet Government made certain proposals for dealing with the situation which has developed in Laos. As regards those proposals the United Kingdom Government do not propose to comment in substance at the present time.

The Security Council of the United Nations is seized of the question and has established a Sub-Committee to make inquiries and to report to it. Once that report has been received it will be easier to decide how the matter should be dealt with and the Security Council will no doubt at that stage consider any proposals which may be put forward.

Meanwhile, however, the United Kingdom Government cannot let pass without comment some of the statements made by the Soviet Government which are both legally and factually incorrect.

(a) Article 29 of the United Nations Charter, which is in the section headed "procedure", lays down that the Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions. The decision to set up a Sub-Committee of the Security Council was taken under this Article. The Soviet Government are therefore incorrect in saying that the unanimity rule ought to apply in this case. As regards the San Francisco Declaration, part 1, paragraph 2, of the Declaration states that the Council will, by the vote of any seven of its members, "establish such bodies and agencies as it deems necessary for the performance of its functions". There can consequently be no doubt that the Sub-Committee, with terms of reference as defined in the resolution of the Security Council of which the Soviet Union complain, was correctly established by a procedural decision. A study of the record of what was said in the Security Council by the United Kingdom representative during the consideration of the Corfu Channel case in 1947 and the Czechoslovak question in 1948 will show that the United Kingdom representative has in the past cogently and consistently argued on the same lines as those followed by Sir Pierson Dixon in the Security Council on 7 September. Her Majesty's Government greatly regret that the Soviet representative found it necessary to cast the only dissenting vote.

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(b) The United Kingdom Government's decision to join in proposing the establishment of a Sub-Committee to make inquiries into the facts in regard to Laos was entirely consistent with the views expressed to the Soviet Government in discussion between the two Governments, as representatives of the co-chairmen of the Geneva Conference of 1954, during the period immediately before the Laotian Government's decision to appeal to the United Nations. As the Soviet Government will recall, the United Kingdom Government had proposed that the two Governments should request the Secretary-General of the United Nations to send a fact-finder to Laos. They had hoped that this would be in accordance with the wishes of the Soviet Government who had been maintaining, as one of the principal reasons why the International Commission should return to Laos, that it was necessary for the co-chairmen to receive an impartial statement of the facts. Unfortunately, however, the Soviet Government did not accept this proposal. It is also to be regretted that they should have opposed the Security Council's desire to establish the facts by the appointment of a Sub-Committee. The United Kingdom Government do not understand how the Soviet Government can maintain that the Laotian Government had no right to appeal to the United Nations or that a discussion of the question in the Security Council was a violation of the United Nations Charter. Every Member of the United Nations has the right to refer its case to the Security Council, if it considers that its independence and territorial integrity are threatened by the interference outside.

(c) The United Kingdom Government take exception to the Soviet Government's suggestion that their action in putting forward the resolution of the Security Council is an attempt to poison the international atmosphere at the present time. In the view of Her Majesty's Government the Laotian Government in their communications to the United Nations made out a prima facie case that North Vietnam is interfering in their affairs in contravention of paragraph 12 of the final declaration of the Geneva Conference. In the United Kingdom Government's view they would have been failing in their duty as members of the Security Council if they had not supported the inclusion of an item on the agenda. Having taken this position the Security Council could hardly have done less, as a first step, than to assure itself that it was in possession of the necessary facts.

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(d) The United Kingdom Government have always shared the Soviet Government's desire to see that the Geneva settlement is fully observed. In their notes of 7 April and 9 June the United Kingdom Government have set out at length the facts of what occurred in Laos during that period and have shown in detail how the Soviet accusations against the Laotian Government of violations of the Geneva agreements were unjustified. Since then the situation has grown worse. At the end of June and at the beginning of July the propaganda of the North Vietnamese authorities began to speak of the existence of civil war in Laos. No fighting, however, was taking place. Between 16 July and the end of the month however it became clear that the Pathet Lao, with the support and assistance of the North Vietnamese authorities, had decided to try to create the "civil war" of which they had been talking. It is these actions on the part of the Pathet Lao and the North Vietnamese authorities which have created the present situation in Laos and not the Laotian Government, who as they have repeatedly stated, only desire to be left alone in peace.
