

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

*HS L 179:85*



Dag Hammarskjöld's saml.

Laos - 1959

29 Sept.

- 1) Herter, Ch. H., (Secy of State, USA)  
- 1 letter from D.M.
- 2) 1 cable from Blickenstaff, Vientiane to Cordier, N. York
- 3) 1 cable from Bunche to Cordier, N. York.

29 September 1959

You will remember that when we last met I said that I would like to get back to the question of Laos once I had had an opportunity to talk matters over with the four Foreign Ministers of the region. I have now done so and this may also in other respects be the appropriate time to look a bit more closely at the situation facing us.

May I first review the legal situation. Without any substantive item inscribed on the agenda, the Security Council decided to set up a Sub-committee in order to make an "inquiry" into the claims of the Government of Laos. It was maintained by the sponsors that this was a procedural measure outside the unanimity rule as the decision was taken under Art. 29 which, under the general heading of "procedure", describes the way in which the Security Council may carry out its "functions". It should, however, be remembered that in a previous article, 24, under the heading "functions and powers", it is said explicitly, and exhaustively, that the "powers" of the Security Council are those laid down in Chapter VI, VII, VIII and XII. The Soviet representative, basing himself on Art. 24, has said roughly that the Committee, set up by a procedural decision under 29, in view of this cannot exercise any "powers" unless this is done under one of those chapters, which obviously all require a substantive decision by the Council. As a lawyer, I find it very difficult to quarrel with this stand.

Now, the collection of facts regarding the Laos claim and the checking of those facts, even though it be on the spot, in my view involves the exercise of a "function" of the Council, but not an exercise of any "power". Therefore, I consider the Security Council decision as formally correct also when Art. 24 is taken into account. However, as I know we agree, the borderline must be upheld, and this strikes me as of special significance when we approach the next phase.

I have noted the growing tendency among some people to say that the salutary effect of the presence of the Sub-committee in Laos has been obvious, that everybody — probably including the Soviet representatives — would like to avoid a new show in the Council, with a veto or renewed legal equilibristics, and that, in these circumstances, the right thing to do would be, under some pretext, to let the Sub-committee stay on — presumably on the spot — without the Council taking any further action. I can

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The situation is likely to be as follows. There will be a report on the table of the Security Council which may not warrant any drastic steps but clearly indicates, on the one side, that something might usefully be done by the United Nations about the Laos situation, on the other side, that the Sub-committee is not likely to be in a position to present anything beyond what they will have already put in their report.

It seems to me that were the Council, in these circumstances, not to meet in order to consider the report, on the tacit assumption of a majority that the Sub-committee would simply continue its presence in Vientiane, it would be open to the most serious objections, as the line followed would represent a by-passing of prescribed procedures in order to inject de facto into the previous decision a substantive policy content, which definitely involves an exercise of powers and would run counter to the explicit assurances given in the Security Council meeting; the establishment of a continuous United Nations "presence" has in all other cases been regarded as substantive policy action of a most serious kind.

This situation would be somewhat improved if the Council were to meet and register a wish to keep the Sub-committee in existence in order to, so to say, keep watch over further developments in Laos (this might still be considered a procedural stand). However, the fact that, in this case, it would be understood that the Sub-committee should function in Laos, and that the real purpose would be the establishment of a continued United Nations presence there, would turn the formal position taken into somewhat of a mockery. I feel that the next stand of the Security Council, if it will be that a United Nations civilian presence in Laos should be established, must be a stand, established in an open decision, based on the report; thus the stand should not claim to be covered by the previous decision.

I know there may be quite a few who regard my position as sheer formalism and as taking something away from the value of the precedent of September 7th. It is my personal conviction that they are wrong. There is in my view no more dangerous way for a majority to undermine the United Nations than to flout the rules and to be less than straight in its actions when that suits its interests. The precedent is good as long as it stands firm on a bona fide basis, but it will break down under the pressure of any abuse — and, as such, I feel that one has to consider the injection of a clearly substantive element into a decision repeatedly stated to have been only procedural. I am worried at the thought of how many Afro-Asians — not to speak of Latin Americans — in the depth of their hearts, whether

they say so openly or not, may come to ask themselves at what stage in the development, what has now become obvious, may have been the tacit intention of the sponsors. As you well know, most recently from the experiences in Santiago, the sending of teams establishing a presence and with reporting duties difficult to define, is something that is watched with the utmost care.

Thus my conclusion is that in case we receive a report which does not warrant drastic action but justifies continued United Nations presence, the Security Council should be convened, the question of Laos inscribed on the agenda and a draft proposal submitted to the effect that a United Nations presence be established in Vientiane in consultation with the Government of Laos (I would revert to the other details of such a decision in a moment).

I would try personally to sell such an idea to the Russians without too much hope of success, but not in a mood of despair about the possibility to get them to abstain. However, I think it is realistic to anticipate a veto. If the resolution is properly drafted, I am sure that the necessary two-third majority in the General Assembly can be achieved within a day or so. I hasten to add that such a veto, in my view, would consolidate and not ~~abstract~~ <sup>ant-</sup> from the procedures of the 7th September, with the gain that it represented, simply because of the fact that the declared stand of the majority at that meeting has been carried through to its logical conclusion and that the suspicion of a smart trick has been brushed aside.

I would like in this context to draw your attention to a practical consideration of some importance. In the short life of the Sub-committee, it has already proved rather awkward to live and work on such a subtle legal basis as the one it has got. I am quite used to operations based on resolutions couched in the most vague terms, but I have never before been facing one where the very way in which the resolution has been approved adds a further element of considerable difficulty at the interpretation. It would, indeed, be a relief to get over to a more clear-cut legal basis, at least in this last-mentioned respect.

If you then permit me to turn to the type of resolution, which I would like to see emerge from the consideration in the Security Council of the report of the Sub-committee, as it is likely to look, I said above that I feel that it is probable that the proper formula would be a decision on a continued civilian "presence", established in consultation with the Government of Laos. I have, however, to fill out the picture. It is my feeling that a civilian presence should not take the form of a committee. There is a built-in difficulty as soon as decisions have to be taken -- or contacts established, or discussions conducted -- by a many-headed group. Diplomatically,

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our best operation has been the one in Jordan. Lebanon — with three hand-picked members of the group — worked alright, but I am afraid that we managed to liquidate the operation at about the stage when otherwise the difficulty to which I referred would have become very obvious. What I know about the group in Vientiane does not contradict my experience of the superior strength of an organisation where one man is ultimately responsible. I, therefore, conclude that a civilian presence in Vientiane preferably should have a hierarchical organisation with one experienced man as the chief in the field.

We further have the question of the lines of responsibility. I hold that, in the long run, the only possible line of responsibility in an executive operation of a political character is from the man in the field to the Secretary-General, who, in turn, is responsible to the General Assembly, or the Security Council. To subordinate a field operation under a committee at Headquarters, under the General Assembly or the Security Council, is an arrangement fraught with difficulties. I have the highest regard for the group of four here in New York, which now serve as a kind of "boss" for the four in Vientiane, but I feel that the experiences so far fully warrant my view — which, by the way, you may recall that I found reason to repeat as recently as in the discussions about some kind of United Nations presence in Berlin.

An arrangement where the field operation is subordinated to the Secretary-General has the further advantage that reports will go to him, so that it will depend on his judgment to what extent matters would be thrown into the public debate. It may sound preposterous, but I believe that the Secretary-General is safer as a buffer in this respect than a group in which the collective responsibility may lead to a tendency to pass the bucket to the General Assembly or the Security Council. There is one further argument in favour of this position for the Secretary-General, and that is that, in all circumstances, for practical reasons, he will have to shoulder a considerable part of the responsibility, whether it formally belongs to him or not; also this has been confirmed in the Laos story in which for that reason I have come to find myself in a position of unusually embarrassing ambiguity.

The conclusion that can be drawn from these various observations is, in my view, that the Security Council — or the General Assembly — if they were finally to come out in favour of a United Nations presence, should take a decision requesting the Secretary-General to arrange, in consultation with the Government of Laos, for a United Nations representation in Vientiane and to report to the General Assembly, or the

Security Council, as appropriate on the activities of the representative. On the basis of such a decision I would negotiate the terms under which a Special Representative of the Secretary-General could be accredited to the Government in Laos and provide him with all the necessary staff for a flexible operation, including appropriate observation.

Two more points should be mentioned regarding a possible decision to the effect I just indicated. The first one is that I consider it essential that in the preamble a proper reference is made to the Geneva Agreements so as to make it clear that the special arrangement does not compete with or push aside whatever machinery and whatever legal rules may still exist for the region under those Agreements.

The second point is that a request for the appointment of a representative should be so phrased as to make it clear that, while the representative is accredited to Vientiane, he would not be barred from assisting other United Nations Member Governments in the region if they were to request such assistance from the Secretary-General; in this respect the representative would be concerned with the whole region, although with a personal right to initiative and automatic reporting only regarding Laos (this is a direct parallel to the arrangement made for the Special Representative in Amman).

In talks I have had with the four Foreign Ministers of the region there has, if I understand them correctly, been complete agreement on a formula like the one I have outlined here. Khoman would probably like to have such a representative accredited to all four Governments, while on the other hand Aung of Burma and Son Sann are very sensitive on the same point and would not consider it possible to go beyond the arrangement I have indicated. It is of special interest that Panya did not find any difficulty in accepting a reference to the Geneva Agreements as suggested; my general feeling about his stand is that what he now wants is a civilian United Nations presence, while he does not care too much in what form it has come about.

Finally, let me add that all this of course is highly hypothetical, pending a report from the Sub-committee. I repeat what I said to you, that I feel that the Sub-committee should run the full course of its mandate, as it sees it, and should be neither rushed nor withdrawn in an untimely way. My concern, as you know, is on another line and linked entirely to possible attempts at artificial respiration in order to keep a body alive beyond the term of natural life established by its parents at the conception.

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Dag Hammarskjöld.

INFO COPY

SEP 29 1959

FILE NO.

ACTION

TO

*Cordier*

*S. G.*

54 SSS VIENTIANE 37 29 1403

UNATIONS NY

39 SECGEN BOURGIBA ON URGENT INSTRUCTIONS FROM HIS GOVERNMENT  
DEPARTED TODAY TO RESUME HIS DUTIES IN PARIS STOP ACCORDING TO  
THE MESSAGE RECEIVED FROM NEWYORK HIS REPLACEMENT IS BEING SENT WITHIN  
NEXT FEW DAYS

BLICKENSTAFF

CFM 39

UNITED NATIONS  
1959 SEP 29 AM 10:09  
TELEGRAPH UNIT

16 VIENNA 52 29 1145 =

UNATIONS NEWYORK

ATOM 271 CORDIER NEWYORK FROM BUNCHE STOP REFERENCE YOUR 193  
STOP PRIOR TO RECEIPT YOUR MESSAGE HAD ARRANGED TO RETURN  
EARLIER THAN ORIGINALLY PLANNED SINCE NOTHING URGENT REQUIRING  
ME TO REMAIN HERE STOP CONSEQUENTLY AM ARRIVING NEWYORK  
WEDNESDAY THIRTIETH AT 2300 HOURS ON PAA JET FLIGHT 115  
FROM PARIS STOP =

CFM 271 193 2300 115 =

TELEGRAPH UNIT

1959 SEP 29 PM 6:35

UNITED NATIONS