

tive votes being that of a permanent member of the Council).

REPORT BY THE SECRETARY-GENERAL
RELATING TO LAOS

INITIAL PROCEEDINGS

By note ^{42/} dated 4 September 1959, the Permanent Mission of Laos transmitted to the Secretary-General a cablegram addressed to him by the Foreign Minister of Laos requesting the assistance of the United Nations under Article 1 (1) and Article 11 (2) of the Charter, in order to halt an aggression along the north-eastern frontier of Laos, attributed to elements from the Democratic Republic of Viet-Nam. In particular, the Government of Laos requested that an emergency force should be dispatched at a very early date to halt the aggression and prevent it from spreading. The Secretary-General was also asked "to take the appropriate procedural action on this request".

By letter ^{43/} dated 5 September 1959, the Secretary-General requested the President of the Security Council to convene urgently a meeting of the Council for the consideration of an item entitled "Report by the Secretary-General on the letter received from the Minister for Foreign Affairs of the Royal Government of Laos, transmitted on 4 September 1959 by a note from the Permanent Mission of Laos to the United Nations."

At the 847th meeting on 7 September 1959, the Security Council included the item in its agenda by 10 votes in favour to 1 against.^{44/} The Council considered the question at its 847th and 848th meetings on 7 September 1959.

After the adoption of the agenda, the Secretary-General recalled that various communications on the difficulties that had developed in Laos had in the course of the year been addressed to the United Nations, without the Organization, however, being formally seized of the matter. Informal studies and consultations had taken place regarding the possibility open to the Organization to be of assistance, without impairing the Geneva Agreements of 1954 or interfering with the arrangements based on them. The specific request for the dispatch of an emergency force, contained in the Laotian note of 4 September, however, confronted the United Nations and the Secretary-General with problems entirely different from those which had been faced so far in this case. That request fell within a field in which, in the first place, the Security Council carried the responsibility. Therefore, when asked by the Laotian Government in its note of 4 September to apply the appropriate procedure, he felt he had to report to the Security Council for such consideration and initiatives as the Council might call for. His request to address the Council had thus not been based on the Secretary-General's rights under Article 99.^{45/}

^{42/} S. 4212, O.R., 14th year, Suppl. for July-Sept. 1959, pp. 7-8.

^{43/} S. 4213, *ibid.*, p. 7.

^{44/} For discussion on the adoption of the agenda and the convening of the meeting, see chapter II, Case 1.

^{45/} 847th meeting: paras. 11-12, 43-55.

Decision of 7 September 1959 (848th meeting): Establishment of a sub-committee to conduct inquiries and to report to the Council

At the same meeting, the representative of the United States submitted a draft resolution,^{46/} co-sponsored by France and the United Kingdom, under which the Council would appoint a sub-committee composed of Argentina, Italy, Japan and Tunisia, to examine the statements made before the Security Council concerning Laos, to receive further statements and documents, and to conduct such inquiries as it might determine necessary, and to report to the Council as soon as possible.

The representative of the United States maintained that the draft resolution was "squarely within the provisions of Article 29 of the Charter" and that the proposed sub-committee would be a subsidiary organ of the Council which would in effect provide for the continuation of the Council's consideration of the question.^{47/}

After a procedural debate, initiated by the representative of the USSR on the question whether the proposed establishment of a sub-committee was a procedural or a substantive matter,^{48/} the three-Power draft resolution was voted upon at the 848th meeting on 7 September 1959. The President (Italy) stated ^{49/} that the draft resolution had been adopted by 10 votes in favour to 1 against. It read as follows:^{50/}

"The Security Council

"Decides to appoint a sub-committee consisting of Argentina, Italy, Japan and Tunisia, and instructs this sub-committee to examine the statements made before the Security Council concerning Laos, to receive further statements and documents and to conduct such inquiries as it may determine necessary, and to report to the Council as soon as possible."^{51/}

At the end of the period covered by this Supplement of the Repertoire, the Security Council remained seized of the item.^{52/}

COMPLAINT CONCERNING SOUTH AFRICA

INITIAL PROCEEDINGS

By letter ^{53/} dated 25 March 1960 addressed to the President of the Security Council, the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia,

^{46/} S. 4214, same text as S. 4216, see below.

^{47/} 847th meeting: paras. 56-64.

^{48/} For the procedural debate, see chapter IV, Cases 24 and 25: on the establishment of subsidiary organ, see chapter V, Case 1: in the same chapter, see also Case 9.

^{49/} 848th meeting, para. 132.

^{50/} S. 4215, O.R., 14th year, Suppl. for July-Sept. 1959, pp. 9-10.

^{51/} On 5 November 1959, the Sub-Committee established under the Security Council resolution of 7 September 1959 submitted its report to the President of the Council (S. 4236, O.R., 14th year, Suppl. for Oct.-Dec. 1959, pp. 10-73).

^{52/} S/4220, Summary Statement of 21 September 1959, item 40; S/5500, Summary Statement of 31 December 1963, item 40.

^{53/} S/4279 and Add.1, O.R., 15th year, Suppl. for Jan.-March 1960, pp. 53-54.