

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.

Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Republic and Yemen requested, in accordance with Article 35 (1) of the Charter, an urgent meeting of the Security Council to consider the situation arising out of the large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa. In their opinion, that was a situation with grave potentialities for international friction, which endangered the maintenance of international peace and security.

At the 851st meeting on 30 March 1960, the Council decided to include the question in the agenda.

The Council considered the question at its 851st to 856th meetings, from 30 March to 1 April 1960. The representatives of Ethiopia, Ghana, Guinea, India, Liberia, Pakistan and the Union of South Africa, and later of Jordan, were invited to take part in the discussion.^{54/}

After the adoption of the agenda, the representative of the Union of South Africa* protested against the inclusion of the item in the agenda, a decision which his Government considered to be a violation of Article 2 (7) of the Charter, and in conflict with the unanimous decision taken at the San Francisco Conference of 1945 to the effect that nothing contained in Chapter IX of the Charter could be construed as giving authority to the United Nations to intervene in the domestic affairs of Member States. It was contended in the letter of submission that recent events in South Africa constituted a situation which could lead to international friction or give rise to a dispute likely to endanger international peace and security. However, Article 34 of the Charter made it clear that there had to be more than one party to a dispute, and there was no doubt that the other relevant Articles of the Charter envisaged disputes or situations arising between sovereign and independent States, and not purely internal situations.^{55/}

The representatives of Tunisia, Ceylon, India,* Ethiopia,* Pakistan,* Liberia,* Ghana,* Guinea* and Jordan,* speaking at the 851st to 853rd meetings, stated that Article 2 (7) could not be invoked in a situation in which the violation of human rights was so serious that the United Nations organs could not disregard it without failing in their duties as defined in Articles 1, 55 and 56. For many years the General Assembly had attempted to put an end to the situation created by the apartheid policy of the Union Government, but the South African authorities had persisted in their policy of racial discrimination, completely disregarding the Assembly resolutions which had declared this policy to be contrary to the Charter. The situation in South Africa had greatly deteriorated, and the repressive measures undertaken by the South African Government, especially since 21 March 1960, posed a serious threat to international peace and

security. A situation which had led to international friction and was likely to endanger international peace and security could never be construed as falling within the domestic jurisdiction of any one nation. Moreover, the South African Government's pursuit of the apartheid policy had resulted in the Sharpeville massacre—by its armed police force—of an unarmed multitude of African people. Similar incidents had occurred at Johannesburg and other places in the Union territory. The official figures admitted that on 21 March 1960 there had been 74 persons killed and 184 wounded, but the actual casualty figures were believed to be higher. These tragic events could start a chain reaction which would seriously endanger international peace and security. Therefore, the Council could not shirk its responsibility under Article 24 (1), which authorized it to act on behalf of all Member States, particularly since more than one-third of the United Nations Members had drawn the Council's attention to the situation in South Africa as one likely to endanger international peace and security, and since there had been numerous General Assembly resolutions recommending measures designed to prevent precisely such a dangerous situation as the one being considered by the Council. Moreover, there was an actual dispute between the Union of South Africa and the African-Asian States, and especially the African nations, and there was a danger that this state of affairs might, in the near future, give rise to a serious conflict which could be a threat to peace and order in the African continent.^{56/}

Decision of 1 April 1960 (856th meeting):

- (i) *Recognizing the situation in the Union of South Africa as one which had led to international friction and which, if continued, might endanger international peace and security;*
- (ii) *Deploring the loss of life of many Africans in recent disturbances, and the policies and actions of the Government of South Africa;*
- (iii) *Calling upon the Government of the Union of South Africa to initiate measures to bring about racial harmony, and to abandon its policies of apartheid and racial discrimination;*
- (iv) *Requesting the Secretary-General, in consultation with the South African Government, to make such arrangements as would adequately help in upholding the purposes and principles of the Charter, and to report to the Council whenever necessary and appropriate*

At the 854th meeting on 31 March 1960, the representative of Ecuador stated that the Council should reaffirm the opposition of the United Nations to apartheid and place on record its view that continuance of that policy might endanger international peace and security, and should once again invite the Union of South Africa to comply with the General Assembly's recommendations. Accordingly, the Ecuadorean representative introduced a draft resolution.^{57/}

^{54/} 851st meeting: para. 31; 853rd meeting: para. 1.

^{55/} 851st meeting: paras. 43-66, 68-81. After making this statement the representative of the Union of South Africa withdrew from the Council table. A proposal by Tunisia at the 852nd meeting on 30 March 1960 that the Security Council, through the President, should ask the representative of the Union of South Africa whether or not he intended to take part in the Council's proceedings, was put to the vote and rejected (852nd meeting, paras. 16^a, 17^a).

^{56/} For texts of relevant statements, see:

851st meeting: Tunisia, paras. 83-126;
852nd meeting: Ceylon, paras. 1-36; Ethiopia*, paras. 101-115; India*, paras. 37-100; Liberia*, paras. 143-163; Pakistan*, paras. 116-142;
853rd meeting: Ghana*, paras. 2-35; Guinea*, paras. 36-95; Jordan*, paras. 96-107.

^{57/} 854th meeting: paras. 98, 101; S/4299, O.R., 15th year, Suppl. for Jan.-March 1960, pp. 64-65.

At the 855th meeting on 1 April 1960, the representative of the Union of South Africa,* who had taken again his place at the Council table as from the 854th meeting, reiterated the protest of his Government over the disregard to Article 2 (7) by the Council. He also stated that the Union Government would regard in a serious light any resolution adopted by the Council in connexion with the local disturbances that had taken place in South Africa. Should any further bloodshed in South Africa result from a decision of the Council, the latter would have to accept its full share of responsibility.^{55/}

At the 856th meeting on 1 April 1960, the Security Council adopted^{59/} the Ecuadorean draft resolution by 9 votes in favour, none against, with 2 abstentions. The resolution^{60/} read as follows:

"The Security Council,

"Having considered the complaint of twenty-nine Member States contained in document S/4279 and Add.1 concerning 'the situation arising out of the large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa',

"Recognizing that such a situation has been brought about by the racial policies of the Government of the Union of South Africa and the continued disregard by that Government of the resolutions of the General Assembly calling upon it to revise its policies and bring them into conformity with its obligations and responsibilities under the Charter of the United Nations,

"Taking into account the strong feelings and grave concern aroused among Governments and peoples of the world by the happenings in the Union of South Africa,

"1. Recognizes that the situation in the Union of South Africa is one that has led to international friction and, if continued, might endanger international peace and security;

"2. Deplores that the recent disturbances in the Union of South Africa should have led to the loss of life of so many Africans and extends to the families of the victims its deepest sympathies;

"3. Deplores the policies and actions of the Government of the Union of South Africa which have given rise to the present situation;

"4. Calls upon the Government of the Union of South Africa to initiate measures aimed at bringing about racial harmony based on equality in order to ensure that the present situation does not continue or recur, and to abandon its policies of apartheid and racial discrimination;

"5. Requests the Secretary-General, in consultation with the Government of the Union of South Africa, to make such arrangements as would adequately help in upholding the purposes and principles of the Charter and to report to the Security Council whenever necessary and appropriate."

^{55/} 855th meeting: paras. 15, 23, 26.

^{59/} 856th meeting: para. 56.

^{60/} S/4310, O.R., 15th year, Suppl. for April-June 1960, pp. 1-2.

COMPLAINT BY THE USSR (U-2 INCIDENT)

INITIAL PROCEEDINGS

By cable^{61/} dated 18 May 1960, the Minister for Foreign Affairs of the USSR requested an urgent meeting of the Security Council to consider the question of aggressive acts by the United States Air Force against the Soviet Union, which created a threat to universal peace. The need for immediate examination of this question arose from the fact that United States military aircraft had repeatedly encroached upon the airspace of the USSR and the United States Government had declared these actions to be its policy. Under the United Nations Charter the Security Council bore the main responsibility for the maintenance of international peace and security; consequently, the USSR Government expected that it would take the necessary measures to halt the provocative actions which threatened the peace.

In an explanatory memorandum^{62/} dated 19 May 1960, the USSR Government gave the dates of the alleged incursions, the kinds of aircraft used, the distance they penetrated into the USSR and the bases from which they had flown. Such premeditated acts, it was stated, constituted a grave threat to universal peace. The USSR Government had hoped that at the meeting of the Heads of State in Paris, the United States would condemn the aggressive acts of its Air Force, punish the perpetrators, renounce that policy, and give assurances against recurrence. However, the United States refused to take such measures. Instead, it tried to evade responsibility and even sought to justify its policy in the name of its own security. Thus the threat of incursions by United States aircraft had not been removed, nor had the danger that such acts might lead to military clashes and the unleashing of a nuclear-rocket war. It was, therefore, the duty of the United Nations to condemn these acts. Failure to do so would only injure the prestige of the Organization and create a threat to the peace.

At the 857th meeting on 23 May 1960, the Council included the question in its agenda.^{63/} It was considered at the 857th to 860th meetings held between 23 and 26 May 1960.

Decision of 26 May 1960 (860th meeting): Rejection of the USSR draft resolution

At the 857th meeting on 23 May 1960, the representative of the USSR submitted a draft resolution^{64/} under which the Security Council would have condemned the incursions by the United States aircraft into the territory of other States as aggressive acts and requested that the United States Government adopt immediate measures to halt such acts and prevent their recurrence. In introducing his proposal, the representative of the USSR reviewed the incident and recalled previous protests and warnings about them. Until the current crisis, the USSR Government had conceded the possibility that these provocative acts represented irresponsible behaviour by military cir-

^{61/} S/4314, *ibid.*, p. 7.

^{62/} S/4315, *ibid.*, pp. 7-10.

^{63/} 857th meeting: para. 9.

^{64/} S/4321, 857th meeting: para. 99.