

are respected relate only to the period and in respect of withdrawal of foreign forces which were in the territory of Cambodia at the time of the Cease-Fire Agreement. It will, however, be clear on a perusal of the Agreement as a whole that these two functions which are mandatory are separate and independent of one another, that is to say that the International Commission has two specific functions to perform under Article 13(a), firstly to control the withdrawal of foreign forces in accordance with the provisions of the Agreement and secondly to see that the frontiers are respected. This view finds support from the procedural provision of Article 21 of the Agreement where these matters are specified in two separate clauses. In our view the second function is not limited to the period of withdrawal of foreign forces but is a continuing function which remains for the duration of the term of the International Commission. It will also be noticed that whilst the provision as regards the withdrawal of foreign forces is limited to such forces as were in the Cambodian territory at the time of the Cease-Fire, the supervisory functions as to the integrity of the frontiers extends to violations or threat of violation of Cambodian territory from whatever quarter it may come. Attention may, in this connection, be drawn to paragraph 12 of the Final Declaration of the Geneva Conference, in which each member of that Conference had undertaken to respect the territorial integrity of the States of Cambodia, Laos and Vietnam. The intrusion into Cambodian territory by foreign armed forces is definitely a violation of the integrity of Cambodia's frontiers and is, therefore, a violation of the Geneva Agreement. It is mandatory on the Commission that it should see that Cambodia's frontiers are respected. Failure on its part to take suitable action will be tantamount to a failure in its duties.

"While Article 13(a) prescribes the responsibility of the Commission in ensuring that Cambodia's frontiers are respected, Article 21(b) details the procedure. The definition of foreign armed forces is given in the text of Chapter II, Article 4 para 1(a), (b) and (c).

"We have been getting a series of reports from the Royal Government of Cambodia regarding aggression of its territory by armed forces of South Vietnam. The action which we have been taking so far was to forward copies of such reports to the Vietnam Commission for information and some times for comments. In one case we have even asked the Vietnam Commission to take the matter up with the South Vietnam Government and inform us of the results. The Vietnam Commission has been forwarding these complaints to the South Vietnam Government for the latter's information.

"It may be premature at this stage to predict the accumulated effect and repercussions of such border incidents on the future course of action by Cambodia. If these incidents continue to occur the situation may aggravate and develop into a major conflict between the neighbouring States. The possibility of the Cambodian Government in that event resorting to dispensation from her obligation under Article 7, with a view to entering into alliance with any foreign power for securing military aid for the safety and security of her territory cannot be precluded. In that eventuality, investigation of facts, leading up to an alliance between Cambodia and any other power to determine whether or not the grant of dispensation is justified will have to be carried out. Due to time lag and absence of relevant evidence it may not be feasible to verify these incidents at a later date.