

found that in one case the ship had only carried fodder and in the other case no such ship had come to the port in question and hence no violation of Articles 16 or 17 had taken place in either case. With regard to the fourth complaint the Commission decided to carry out a reconnaissance of the airfield before coming to a final decision.

28. The Saigon Fixed Team reported to the Commission that military aircraft including US navy planes were visiting the Saigon airport regularly. No advance notification of these movements was being received by the team. The Commission informed the French Liaison Mission that these planes should have been included in the aircraft forecast normally given to the Team and that it should take necessary steps in future to see that the forecasts submitted to the Team are full and accurate.

29. The Commission also received one complaint from the French High Command about the introduction of war material into North Vietnam. The complaint was that in October 1955, 14 railway wagons had come to Hanoi from Moscow via Peking with armament and other articles, and that after unloading the freight the wagons were not going back to Moscow. On investigation the Commission found that the complaint was not supported by any evidence.

30. The P.A.V.N. High Command has sent in two more complaints regarding the failure of the French High Command to send necessary notifications under Articles 16(f) and 17(e) about the introduction of war materials, etc., into South Vietnam. The French Liaison Mission informed the Commission that they were providing the information to the Joint Commission during its meetings but were not obliged under Protocol 23 to give those documents to the P.A.V.N. Delegation. The Commission has recommended that notifications should be given in written form and is pursuing this matter with the two High Commands in order to reach a satisfactory solution of this question in accordance with Articles 16(f) and 17(e).

31. Certain problems regarding the control of shipping on the Mekong river arose during this period. The French High Command took the stand that it was not the duty of the Liaison Officer of the High Command with the Fixed Team at Tan Chau to stop the ships proceeding to or coming down from Phnom Penh, for purposes of exercising control on introduction of war material or military personnel. It also raised the question of the rights of ships on rivers open to international navigation.

32. The Commission informed the French High Command that the duties of the Liaison Officer arising out of Article 25 and of the local authorities arising out of Article 35 require them to assist and cooperate with the team in the performance of its tasks and therefore on a request from the team it would be incumbent on the Liaison Officer to arrange with the local civil or military authorities and the captains of the ships in order that the team may carry out its tasks under Articles 16 and 17.

33. Matters arising out of the second contention of the French High Command, viz., the rights of ships on rivers open to international navigation and their compatibility with the duties of the Commission under Articles 16, 17 and 36(d) are being studied by the Legal Committee of the Commission.