

APPENDIX 'E'

"In the past we have been dealing with similar problems of violation of the frontiers of Cambodia and for the sake of unanimity we agreed with our colleagues to find a compromise. The compromise was not entirely satisfactory for us but we were happy to note that some action was unanimously agreed to by the Commission on many of these reports. I notice that we are now confronted with a problem which is 'whether or not the International Commission is competent to deal with such cases.'

"Last time, a few weeks ago, we had a letter from the Royal Government of Cambodia reporting some violation of frontiers and asking us for our views. We agreed at that time not to discuss the problem of competence but to send a letter to our sister Commission in Vietnam asking to request an explanation from South Vietnam Government and to inform the Royal Government of Cambodia that as soon as an answer will be given the Commission will take a point of view in the matter. All of us agreed to this procedure in the interest of unanimity. We have now more or less a similar case. We have the ad hoc team's report and my proposal is that we should send a copy of this report to the Vietnam Commission with a request to take it up with the South Vietnam Government and endorse a copy to the Royal Government informing at the same time that we will take our point of view when an answer will be given. There is no difference in the procedure the Commission had followed so far. The only difference is that this time our team has carried out a preliminary investigation in the case. This time the proposal is not acceptable to the Canadian Delegation. If there would be now no unanimous decision about what to do with the team's report, then we must send a minority and a majority report to the Co-Chairmen under Articles 21 and 22.

"I notice that on the stand taken by the Canadian Delegation there can be no unanimity of decision. Therefore, the only way open for us is to send the report to the Co-Chairmen and intimate the Royal Government that we have addressed our Co-Chairmen in the matter."

The Chairman stated that as the Canadian Commissioner held that the Commission was not competent to discuss this border incident, he would like to have the Polish Commissioner's views on the competence of the Commission to deal with cases of border incidents generally and particularly with the case under discussion before considering any action to be taken.

The Polish Commissioner said:

"Our Delegation considers that the International Commission is competent legally and morally to deal with the frontier incidents.

"If we are talking about the competence of the Commission I would say that our Delegation is of the view, that so long as the Commission exists in Cambodia it is fully competent to deal with all problems of violations of Cambodian territory and of threats to its security as envisaged by the Geneva Agreement.

"I would say more, the Commission is obliged to deal with the problems.