

PHONG SALY AND SAM NEUA

44. The insufficient clarity of Article 14 of the Geneva Agreement has continued to be the main source of difficulty for the Commission as well as for the Parties, with regard to the provinces of Phong Saly and Sam Neua.
45. While it may be assumed that the 'Pathet Lao' have actual military control over most of the area, they claim both administrative and military control over the totality of the two provinces. The Royal Laotian Government assert that their sovereign authority implies the right to the effective administration of these provinces; and that, as regards the military aspect, the Fighting Units of 'Pathet Lao' should have been limited to the regroupment zones envisaged in Article 12, together with the right of circulation in the corridor described in Article 14.
46. Broadly speaking, the 'Pathet Lao' and the Royal Laotian Government interpretations of Article 14 were shared by the Polish and the Canadian Delegations respectively. The Polish Delegation felt, moreover, that since unanimity on this issue was not possible it would be best for the Commission not to discuss it. The Indian Delegation took the view that unless the decision of the Commission on this important subject was acceptable to both the Parties, no purpose would be served by a legal interpretation by the Commission. The Indian Delegation did not, however, rule out the possibility of discussing it at a suitable opportunity. In the circumstances the Commission has not yet given its own interpretation of Article 14.
47. It will, however, be remembered that the Commission, with a view to implementing Article 19, decided in October, 1954 to investigate the strength and position of the Laotian National Army units in Phong Saly and Sam Neua at the time of the Cease-Fire. This was necessary in view of the Vietnamese People's Volunteers/'Pathet Lao' Delegation's contention that all Franco-Laotian forces had been expelled from there in March 1953 and that those now present had been paradropped after 6th August, 1954. While these investigations went on, the Commission in January, 1955 directed a Sub-Committee of its Military Committee to examine documents, maps, nominal rolls, load manifests and personal diaries submitted by the Franco-Laotian Delegation in support of their above claim.
48. In the opinion of the Indian and the Canadian members of the Sub-Committee, "the documents produced are valid and substantiate the statement of the French Liaison Mission as reiterated in their brief, that Commando units were operating in the province of Sam Neua from 21st July to 6th August, 1954 inclusive, and that such Commandos and their affiliated 'auto defence' troops occupied posts in the area indicated by the map attached as Appendix 'B' to their report. It is not within the power of the two Delegates to indicate that such Commandos were in possession or control of any definite area or place."