

"The International Commission for Supervision and Control in Cambodia is competent to entertain and deal with reports and complaints of aggression or threat of aggression of Cambodian territory and incidents of violation of Cambodian frontier".

The Canadian Delegate stated that, in his opinion, the Commission was not competent to deal with all complaints, although the Canadian Delegation had always taken the view that the Commission was competent to deal with some complaints.

The Indian Delegate stated that since the fact of violation of the Cambodian frontier in this instance was established by the Ad Hoc Team which was sent to verify and investigate the case, he proposed the following resolution in place of the previous one:-

"The International Commission in Cambodia is competent to deal with the border incident and violation of Cambodian territory near Bathu in Svay Rieng Province by South Vietnamese Armed Forces personnel on 2nd May, 1957".

The Canadian Delegate stated that his Delegation was of the opinion that the International Commission was competent only to deal with cases of aggression of Cambodian territory directed or inspired by the Democratic Republic of Vietnam. The resolution was then put to vote and carried by a majority vote, the Indian and Polish Delegates voting in favour and the Canadian Delegate voting against.

It was proposed by the Polish Delegate that a copy of the Report of the Ad Hoc Team should be sent to the International Commission for Supervision and Control in Vietnam with a request to take the matter up with the South Vietnam Government. It was also proposed by him to send a copy of the report to the Royal Government informing them of the action taken. The Canadian Delegate did not agree with these proposals. The Polish Delegate then proposed that in view of the fact that a unanimous decision as envisaged under Article 21 of the Geneva Agreement was not possible, action would have to be taken under Article 22 of the Geneva Agreement.

The Canadian Delegate stated that action could not be taken under Article 22 as Article 21 was not applicable in the case under reference, because Article 21 related to border violations leading to "resumption of hostilities" and because the incident under reference did not pertain to violation of the border which could be attributed to the Democratic Republic of Vietnamese forces.

The Polish Delegate moved the following resolution:

"Decision on the border incident under reference should be considered under Article 21."

It was decided by a majority vote of two to one, the Indian and Polish Delegates voting in favour and the Canadian Delegate voting against that "decision on the case of the border incident under discussion would be taken under Article 21".