

"As long as the Commission is acting in Cambodia its task must be to help in fulfilling the provisions of this article, which is an evident basis of maintaining peace in this part of the world what was the main aim of Geneva Conference."

The Chairman then requested the Canadian Commissioner for his reasons in support of his statement that the Commission was not competent to entertain and deal with such cases of border incidents.

The Canadian Commissioner stated:

"To start first with the question of sending letters to the Vietnam Commission and the Royal Government. In the interests of unanimity, the Canadian Delegation would like to agree to the procedure suggested by the Polish Commissioner, but it considers there is an important difference between acting as a transmission agency for Royal Government letters of complaint, as done in the past, and the action now proposed. To send a copy of the ad hoc team's report to the Royal Government and to send another copy to the Vietnam Commission requesting them to take the matter up with the South Vietnamese Government would, in the opinion of the Canadian Delegation, constitute an acknowledgment that this Commission considers itself competent to deal with border incidents of this type. Accordingly the Canadian Delegation cannot agree to the action proposed by my Polish colleague and wishes to place on record its views regarding the competence of the Commission under the terms of the Cease-Fire Agreement to deal with border incidents.

"I need hardly remind my colleagues that any action which the Commission may wish to take in any matter must be related to the implementation of the Geneva Agreement for Cambodia which was designed to bring about peace between two opposing forces. This agreement was signed by the two parties to the Agreement by the representative of the Commander-in-Chief of the Khmer National Armed Forces, on one hand and by the Democratic Republic of Vietnam's representative of the Commander-in-Chief of the units of the Khmer Resistance Forces and the Commander-in-Chief of the Vietnamese Military Units on the other. There were two parties to the agreement corresponding to the two opposing forces during the period of hostilities. It seems logical to me that Mr. TA-QUANG-BUU, as the representative of the Democratic Republic of Vietnam, the other party to the cease-fire agreements, should sign in Vietnam, Laos and Cambodia. Thus in the case of Cambodia he signed only for units directly or indirectly under the control of the Democratic Republic of Vietnam. The Commission is limited to the terms of the Agreement, and its competence does not go beyond the "control and supervision of the application of the provisions" thereof as provided for in Article 11 of the Cease-Fire Agreement."

"Articles 7, 13(a) and 21(b) appear to be the only provisions in the Agreement which might have some bearing on this question and which might, perhaps, have been construed as providing a legal basis for any Commission action.

"That part of Article 7 which concerns us applies only in the case when Cambodia joins a military alliance carrying with it the obligation to establish bases on Cambodian territory for military forces of foreign powers. This could be done only if Cambodian security is threatened.