

The Chairman then proposed the following resolution in the place of the previous one:

"THE INTERNATIONAL COMMISSION IN CAMBODIA IS COMPETENT TO DEAL WITH THE BORDER INCIDENT AND VIOLATIONS OF CAMBODIAN TERRITORY NEAR BATHU IN SVAY RIENG PROVINCE BY SOUTH VIETNAM ARMED FORCES PERSONNEL ON 2 MAY 1957."

The Canadian Commissioner 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 put to vote and the Indian and Polish Commissioners voted in favour of the resolution.

The Canadian Commissioner voted against this resolution.

By a majority vote of 2 : 1 it was decided that this Commission was competent to deal with the case of border incident near BATHU in the province of Svay Rieng which was investigated by the Ad hoc team on the 5th May 1957.

The Chairman stated that as the Commission was competent to deal with the incident in question he would ask his colleagues as to what action should be taken on the report from the ad hoc team.

The Polish Commissioner proposed that a copy of the report 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 and also send a copy of the report to the Royal Government informing them of the action taken.

The Canadian Commissioner repeated his earlier statement that he did not agree with this proposal.

The Polish Commissioner then stated that in view of the Canadian Commissioner's disagreement, a unanimous decision as envisaged under article 21 was not possible and therefore action would have to be taken under article 22 of the Geneva Agreement.

The Canadian Commissioner remarked that action cannot be taken under article 22 as article 21 was not applicable in this case. He had already argued that it refers only to border violations which may lead to a "resumption of hostilities" and the present incident in his opinion did not pertain to a violation of the border which could be attributed to the Democratic Republic of Vietnam forces.

The Polish Commissioner then moved the following resolution:

"DECISION ON THE BORDER INCIDENT UNDER REFERENCE SHOULD BE CONSIDERED UNDER ARTICLE 21."

The Canadian Commissioner voted against and the Indian and Polish Commissioners voted in favour of it as the violation of the Cambodian frontier had been established beyond doubt.