

operated in the two provinces were for "spying, scouting and diversional activities" and could not be given the status of troops. It also insisted that the presence of regular troops before 6th August, 1954 could not be proved from documents.

57. On 7th April, the Canadian Delegation submitted a second resolution declaring that the "map, documents and reports taken as a whole, establish that Royal Government forces did operate in areas of the provinces of Phong Saly and Sam Neua before and up to 6th August, 1954 and that the territory which they militarily controlled on that date should, therefore, be respected by the other Party under Article 19 of the Geneva Agreement."

58. At this stage, the Indian Delegation pointed out that the question of the right of the Laotian National Army troops to remain in the northern provinces depended on the interpretation of Article 14 and should be kept separate from the immediate aim of removing chances of conflict between the two forces actually in position in the two provinces. It therefore, proposed a demarcation of the area under the military control of the troops of both Parties with the proviso that their positions would not be strengthened.

59. Referring to the Indian proposals for removing the chances of an immediate conflict, the Polish Delegation stated that "the proposal concerning the demarcation of the position of the Laotian National Army troops in the two northern provinces is incorrect and restricts the rights of one of the Parties, rights which are guaranteed by the Geneva Agreement". The Polish Delegation was, therefore, of the opinion that under these conditions the most appropriate course would be to repeat to both the Parties the recommendation of 3rd December, 1954, (see First Interim Report pp. 94-96) and stress especially the necessity for a full implementation of the common declaration of the Parties dated 9th March (vide Appendix 'A').

60. The Polish Delegation was emphatic that no attempt should be made either to give legal recognition to the presence of Laotian National Army troops or to divide the provinces between the opposing forces. In its view a settlement of this problem should be left to the Parties. Any attempt to define zones of occupation by different forces in these provinces would be contrary to Article 19 which in the original French version referred to mutual respect of territory 'placed' under military control of Parties. The Laotian National Army had, therefore, no legal right to be in the two provinces which had been 'placed' under the 'Pathet Lao' under Article 14. The Polish Delegation was, however, willing to accept a purely provisional determination of the positions occupied by the Laotian National Army troops and to create around each of these positions an appropriate no-man's-land.

61. In view of the dangerous situation existing in these two provinces, the Commission made the following recommendation on 20th April, 1955:-