

External Affairs
Supplementary Paper
No. 58/8

INTERNATIONAL COMMISSION FOR SUPERVISION
AND CONTROL IN CAMBODIA

SIXTH INTERIM REPORT

(For the period 1st January 1957 to
31st December 1957)

PHNOM PENH, 8th July 1958.

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CHAPTER I

I_N_T_R_O_D_U_C_T_I_O_N.

This Report covers the activities of the International Commission for Supervision & Control in Cambodia for the period, the 1st of January 1957 to the 31st of December 1957. During this period, the International Commission held 33 regular meetings and 2 extraordinary meetings. There were 5 meetings of the Political Advisers' Committee and 7 meetings of the Military Advisers' Committee.

2. There were also three Co-ordination Conferences of all the three Secretaries-General, two at Hanoi in March and June 1957 and one at Siem Reap in November 1957 to discuss common administrative matters.

3. The Commission's residual responsibilities during the period under review arose out of articles 6, 7, 13(c) and 21 of the Geneva Agreement for Cambodia.

4. All the decisions of the Commission were unanimous except in one case cited in Chapter III.

CHAPTER II

PETITIONS MADE BY AND ON BEHALF OF FORMER MEMBERS OF THE KHMER RESISTANCE FORCES

At the beginning of 1957 there were 10 cases pending concerning certain former members of the Khmer Resistance Forces who were alleged to have been prosecuted by the Royal Government for various crimes. Of these, 5 were brought to the attention of the Commission during the period reviewed by the Fifth Interim Report and 5 were brought to the attention of the Commission in previous years.

2. Of the 5 pending cases reported to the Commission during the period covered by the Fifth Interim Report, two cases involving 3 persons were closed when the Royal Government informed the Commission that the persons involved had been prosecuted and sentenced for crimes under the Common Law. (MEM SON, PROUM LAO-OUNG DAM). Two cases were closed when the Royal Government stated that the 3 persons involved had been granted amnesty. (KHIM KHOUN, NGET BIN - OUNG MIECH). In one case involving 3 persons further information is awaited from the Royal Government. (MAM OURN, LENG KHEN and one other).

3. In regard to the remaining 5 pending cases, two cases were closed on receipt of information from the Royal Government that the persons involved were sentenced under the Common Law. (PURSAT case, DUONG CHIN). In one case involving 5 persons the Royal Government stated that these persons were never prosecuted. (SAM SUON, LEOUNG CHAM, MAK LANG, YU ROEUN and SAM RETH TIM). The remaining two cases are still pending. (i) PEAK CHHON (ii) KHIEU CHY).

4. During 1957 the Commission received and considered four other petitions. One of these, in which forty-eight inhabitants of a village in the province of Kampot stated that the local authorities accused them of "having spread troubles" in 1951, 1952 and 1953, was dismissed. The three remaining cases were closed: one on receipt of information from the Royal Government that the persons involved had been sentenced for crimes under the common law; the second, concerning the expulsion by a French Military Court during the period of hostilities of a Chinese serving with the French Forces, when the Commission agreed to advise the petitioner to approach the Royal Government; and the third, concerning the arrest in South Vietnam of a person traveling from Phnom Penh to Saigon, when the Commission agreed to forward the petition to the Royal Government for any action which it considered necessary (see appendix 'A').

The Commission considers that the Royal Government has fulfilled its obligations in respect of re-integration of the former members of the Khmer Resistance Force under Article 6 of the Cease-fire Agreement.

CHAPTER III

REPORTED MILITARY INSTALLATIONS AND REINFORCEMENTS
IN AREAS ADJACENT TO CAMBODIAN BORDERS AND REPORTED
VIOLATIONS OR THREATS OF VIOLATIONS OF CAMBODIAN
TERRITORY.

During the period under review, the Commission received no report from the Royal Government of Cambodia or threats of violations of Cambodian territory by forces of the Democratic Republic of Vietnam.

2. However, the Commission received several letters from the Royal Government informing it of the build-up of military forces and reinforcements of military installations in South Vietnam and in Thailand along the Cambodian borders as well as of reported violations or threats of violations of Cambodian territory. These letters are summarized in appendix 'B'.

3. Reported military build-up and reinforcements of military installations in South Vietnam near the Cambodian border

The Commission received 10 letters from the Royal Government reporting to the Commission the establishment and reinforcement of military posts, the presence of Vietnamese military personnel, the digging of trenches etc. in South Vietnam near the borders of Cambodia. The Commission decided to send copies of these letters to the International Commission in Vietnam for its information and comments, if any. In certain cases, the Vietnam Commission informed the Cambodia Commission that copies of the relevant correspondence had been forwarded to the Government of the Republic of Vietnam.

4. The Commission received 2 letters from the local inhabitants of Cambodian villages expressing their apprehensions regarding reported threats to the Cambodian frontier from South Vietnam and requesting the Commission to consider the problem, to work in cooperation with the Royal Government to control in a more efficient manner the question of the Cambodia-South Vietnam frontier and to maintain peace in the country. The Commission decided that no action should be taken on individual petitions from private parties on such subjects. The petitions were noted and filed.

5. Reported military build-up and reinforcement of military installations in Thailand near the Cambodian border.

The Commission received 9 letters from the Royal Government informing it of the presence of Thai troops at the frontier and the reinforcements of Thai military installations near the Cambodian border. The receipt of these communications was acknowledged and the letters noted.

6. Reported violations or threats of violations of Cambodian territory by South Vietnamese elements

The Commission received 23 letters from the Royal Government of Cambodia in which the latter reported 37 incidents of violation of Cambodian territory. Of these, 4 incidents were reported direct by the Royal Government of Cambodia to

the Commission. On ten occasions, the Royal Government wrote to the Secretary of State for Foreign Affairs, Government of the Republic of Vietnam and forwarded copies of these letters to the Commission. In the remaining cases, the Royal Government forwarded copies of the communications addressed by them to the Representative of the Republic of Vietnam in Phnom-Penh. The latter procedure was followed by the Royal Government from September 1957.

7. One incident, item 11 of Section III of appendix 'B' was investigated by an ad hoc team of the Commission. The Canadian Representative on the team which investigated the incident stated that he was authorised to participate in the preliminary investigation only, without prejudice to the Canadian Delegation's views with respect to the Commission's competence regarding border incidents. In its report the team stated that on May 2, 1957, eighteen Vietnamese Military personnel raided the Cambodian villages of Samrong and Bathu, approximately 2½ kilometers from the Vietnam-Cambodian border using fire arms and injuring persons and damaging property; one raider was killed and seven others were taken as prisoners including a Lieutenant who explained that the raid was carried out under the orders of his Battalion Commander; he stated that he was not sure of the frontier limits.

8. When this matter was considered differing views were advanced regarding the competence of the Commission to deal with the incident. The action taken by the Commission on the above incident is given in detail in appendix 'B'. The Commission decided by a majority vote (the Canadian Commissioner dissenting) that it was competent to deal with the incident. The Canadian Commissioner also disagreed with a subsequent proposal to send a copy of the Team's Report to the Vietnam Commission; it was therefore proposed by the Polish Commissioner that in view of the lack of the unanimity envisaged under Article 21 of the Cease-fire Agreement, action should be taken under Article 22 which provided for transmission of majority and minority reports. The Canadian Commissioner dissented on the grounds that the incident did not come within the purview of Article 21; however, the Commission decided by a majority vote that the incident should be considered under Article 21. Accordingly a majority report signed by the Indian and Polish Commissioners and a minority report signed by the Canadian Commissioner were forwarded to the Co-Chairmen. Copies of the Team's Report, Minutes of the Commission's meetings and the Majority and the Minority Reports are attached at Appendices D, E, F & G.

9. In the majority report signed by the Indian and Polish representatives it was stated that the Indian and Polish Delegations would be grateful for the Co-Chairmen's instructions on the subject. No reply was received from the Co-Chairmen.

10. In respect of the remaining letters from the Royal Government the Commission sent copies of relevant correspondence in 12 cases to the Vietnam Commission for information and comments, if any. Copies of 7 letters from the Royal Government were forwarded to the International Commission in Vietnam for information and one letter was noted. In one case of reported border violation the International Commission in Vietnam was requested to take up the matter with the South Vietnam authorities and communicate the result to the Cambodia Commission. The Cambodia Commission was later informed that the Vietnam Commission had sent a copy of the letter to the Government of the Republic of Vietnam. When acknowledging receipt

of this letter from the Royal Government, the Cambodia Commission informed the Royal Government that it had taken note of the regrettable incident and that a copy of the letter had been sent to the International Commission in Vietnam with a request to take the case up with the Government of the Republic of Vietnam; the Commission also stated that it hoped that such cases would be settled by peaceful means in a spirit of friendship and mutual understanding between the Kingdom of Cambodia and the Republic of Vietnam.

11. In September, 1957 the Agence Khmere de Presse and Cambodian newspapers published portions of the Fifth Interim Report and stated that the International Commission had come to the conclusion that it was not competent to deal with border incidents on the South-Vietnam-Cambodia border. The Commission decided to write to the Royal Government of Cambodia drawing attention to the inaccuracy of these statements since the Commission had not taken a decision regarding its competence or otherwise during the period covered by the Fifth Interim Report. In October the Royal Government issued a press note rectifying the earlier report in the local press and stated inter alia that "it was indicated nowhere in the Report that the frontier incidents were beyond the jurisdiction of the International Commission."

12. Reported violations or threats of violation by elements from Thailand

The Commission received 5 letters from the Royal Government in which the latter reported 9 incidents of violations of Cambodian territory by the Thai armed forces or police forces. The Commission decided to note and acknowledge receipt of these letters.

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CHAPTER IV

FOREIGN AID IN WAR MATERIALS,
MILITARY BASES AND ALLIANCES

Entry of war materials

Responsibility for the control of war materials entering Cambodia, during the period under review, continued to be exercised by the Fixed Team at Phnom Penh. In March 1957, the Royal Government of Cambodia sent to the Commission a Statement of Armaments received from 1954 onwards. When the Royal Government was requested to supply the Commission with a statement showing the assessment of armament requirements during 1957, it informed the Commission that no request for armaments had yet been presented to the American Military Aid Mission because the requirement of the Royal Armed Forces for 1957 to 1958 had not been drawn up and that when a general statement of the requirements had been drawn up, a copy would be forwarded to the Commission. No statement had been received by the close of the period under review.

2. In its task of checking the entry of war material into Cambodia, the Fixed Team at Phnom Penh received full co-operation from the Royal Government. The Commission was satisfied that the imports of war materials by the Royal Government were not in excess of requirements for its effective defence.

3. Foreign Military bases:

The International Commission has nothing to report on the establishment of military bases in Cambodian territory during the period under review.

4. Military Alliances

The International Commission has nothing to report regarding military alliances during the period under review.

5. The International Commission considers that the Royal Government of Cambodia has continued to fulfil most satisfactorily its responsibility under Articles 7 and 13(c) of the Geneva Agreement.

6. In this connection it is noted that in November 1957 the National Assembly of Cambodia passed a law which was duly promulgated, defining the country's external policy by stipulating that:

- (a) The Kingdom of Cambodia is a neutral country
- (b) It will abstain from all military or ideological alliances with foreign country
- (c) It will not attack any foreign country.
- (d) In case of aggression, the Kingdom reserves the right to:
 - (1) self-defence by arms
 - (2) call on the United Nations
 - (3) call on a friendly country.

CHAPTER V

REDUCTION IN ACTIVITIES

During 1957 the total strength of the Commission was reduced by 17 persons. The incidence of the reductions is shown in the following table which provides the relevant figures of Commission strength in December, 1956 and December, 1957:

	Strength in Dec '56	Strength on 31st Dec '57.	Remarks
1. International Secretariat	15	15 ^x	^x Includes two local Cambodian interpreters and three local clerks
2. Indian Military Component of the International Secretariat and the National Delegation of India	85	75	
3. Indian National Delegation	5	5	
4. Canadian Delegation	13	12	
5. Polish Delegation	14	8	
6. Locally recruited messengers	6	6 ^x	^x One each in Indian, Canadian and Polish Delegations and three in Secretariat.

2. In December, 1957, the Commission decided to reduce the strength of the Signals Component by 7 persons, effective from January, 1958 and reduce the operation of the signal links from 24 hours to 16 hours. The Phnom Penh-Hanoi link was closed.

3. Besides the reduction in strength of the National Delegations and the Secretariat and the decision to reduce the number of signal personnel, the Commission made a concerted effort during the year to reduce expenditure. As a result a number of vehicles were surrendered to the Royal Government, and the Commission agreed to the reduction of the tri-weekly courier service to a bi-weekly service to and from Phnom Penh.

CHAPTER VI

ARRIVALS AND DEPARTURES OF THE REPRESENTATIVES
OF INDIA, CANADA AND POLAND ON THE INTERNATIONAL
COMMISSION IN COMBODIA.

1. Major General Chand N. Das, Chairman of the Commission, concluded his tour of duty in Cambodia on the 16th May, 1957 and was succeeded by Major General D.S. BRAR. Major General D.S. Brar relinquished the Chairmanship of the Commission on the 10th December 1957; reference to the remarks (which were not discussed by the Commission) made by the President of the Council of Ministers at a farewell luncheon for the retiring Chairman will be found at appendix 'C'. Following the departure of General Brar, Mr. K.U. Menon, Alternate Delegate and Political Adviser of the Indian Delegation, served as Acting Chairman of the Commission.
2. Mr. Lorne H. LaVigne, Acting Canadian Commissioner, concluded his tour of duty in Cambodia on the 5th August, 1957. Col. A. Stocks, Alternate Delegate and Military Adviser of the Canadian Delegation, led the Canadian Delegation from the 5th August to the 1st September 1957 when Mr. E.H. Gilmour took up his duties as the Acting Canadian Commissioner.
3. Mr. Gustaw Alef Bolkowiak, Polish Commissioner concluded his tour of duty in Cambodia on the 10th June 1957. Lt. Col. F. Dziedzic, Alternate Delegate and Military Adviser of the Polish Delegation, acted as Commissioner from 10th June to 7th October 1957, when he left Cambodia and was succeeded by Col. W. Kowalik, the new Alternate Delegate and Military Adviser of the Polish Delegation. Col. Kowalik acted as Polish Commissioner from 7th October to 6th November when Mr. A. Zaruk Michalski took over as the Commissioner.

Major General
(Sgd.) GHANSHYAM SINGH
Representative of India,
Chairman of the International Commission

(Sgd.) E.H. Gilmour
Representative of Canada

(Sgd.) A. Zaruk Michalski
Representative of Poland.

CASES REPORTED TO THE COMMISSION REGARDING
FORMER MEMBERS OF THE KHMER RESISTANCE FORCE

I. Cases Reported to the Commission During
the Period covered by the Fifth Report

A. Cases Closed During 1957.

(i) In May 1956 the Commission received a petition (dated 10-5-56) concerning the alleged murder in the village of Phum Sre Trapeang in the Province of Kompong Speu of two men MEN SON and PROUM LAO, former members of the KRF. The petition also alleged that repressive measures had been taken by the local Mekhum against former members of the KRF. The Mobile Team investigating the petition established that the murders took place in October 1955 and that it was suspected they had been directed by the local Mekhum, CHEAP HOUT, and committed by six other persons. The Team also ascertained that the Mekhum had carried out repressive measures against former members of the KRF. This information was communicated to the Royal Government which in January 1957 informed the Commission that the persons concerned including the Mekhum had been arrested and that the case would be tried in March 1957. In September 1957 the Commission was informed by the Royal Government that KHAT HANG, one of the original six suspected of committing the murders had been sentenced to life imprisonment with hard labour. The Commission considered that the Royal Government had taken suitable action against those responsible for the harassment and murder of the two men and the case was closed.

(ii) In July 1956 the Commission received a petition which stated that two former members of the KRF, KHIM KHUON and NGET BIN had been arrested in June 1954 by the Provincial Police of Kampot. Following enquiries, the Royal Government informed the Commission that the persons had each been sentenced to twenty years imprisonment for wilful homicide. Late in 1956 the Commission was informed that the two men had been granted an amnesty and the petitioners were so informed in 1957.

(iii) A petition dated September 27, 1956 presented by Mrs. SEM, wife of OUNG DAM and 42 residents of PHUN, srok THOM, KHUM NHENG srok TRAM KOH, KHET TAKEO, stated that OUNG DAM had been arrested in August 1956, and sentenced to twenty years imprisonment on a charge of piracy alleged to have been committed during 1952. The petitioners stated that the accusation was baseless and that the accused had been a member of the KRF. On enquiry the Commission was informed by the Royal Government that the accused had been sentenced under common law for theft, wilful homicide and arson. When the Commission enquired whether OUNG DAM had, in fact, been a member of the KRF and if the crime had been committed as an act of resistance, it was informed by the Royal Government that the accused had not claimed to be an ex-member of the KRF and that the crime for which he was sentenced was in no way connected with the resistance movement. In view of this information the Commission decided that the case should be closed.

(iv) A petition dated September 6, 1956 by Mrs. OUK SANG stated that her husband Mr. OUK MIECH, an ex-member of the KRF had been arrested in August 1956, along with four others on a charge of piracy and murder. The Commission was informed by the Royal Government that the accused had been liberated on December 28, 1956 under the amnesty instituted under the Geneva Agreement.

B CASES PENDING AT THE CLOSE OF 1957

I. In October 1955 and in a further letter in March 1956, the Commission informed the Royal Government of a petition which alleged that the Provincial Guard of KHUM BANEAV, srok CHHUK, KAMPOT, had taken into custody six persons who were members of the Pracheachon Party and ex-members of the KRF. It was alleged that two of these persons, MAM-OURN and LENG-KHEM, were shot by the military.

After an investigation the Commission team reported that there was evidence that some ex-KRF members had been arrested and two of these persons shot; it was not possible to find conclusive proof of the fate of MAM-OURN although there was evidence that he had been taken into custody and while his companions had been released he had not been. He was no longer in detention and remained untraced.

The Commission suggested that the Royal Government might wish to institute a more thorough investigation. In November 1956 the Commission was informed that the Royal Government was collecting information on the case and would communicate again with the Commission. Since that time no further information has been received from the Royal Government.

II. Cases Pending From previous Years

A. Cases Closed during 1957.

(i) During the course of its investigations in December 1954, Fixed Team Kampot learned of the detention of five ex-members of the KRF and brought the matter to the attention of the Commission, which enquired of the Royal Government in September 1955, whether the men had been brought to trial and, if so, what the verdict had been. In November 1956 the Royal Government stated that of the five only DUONG-CHIN was eventually prosecuted and that on March 30, 1955, he had been sentenced for murder under the common law. After further enquiries concerning the circumstances in which the crime was committed, the Commission decided that the case did not come within the terms of the Cease-Fire Agreement, and that no further action was necessary.

(ii) A petition dated May 24, 1955 from the inhabitants of the Khum of Ansachambak, Srok of Krakor, Province of Pursat stated that 36 ex-members of the KRF had been imprisoned without trial since November 1954. Following an enquiry from the Commission, the Royal Government stated that these 36 persons had been sentenced for forming an association of malefactors, offences against the King and the spreading of false news, and that these were infringement of the common law perpetrated after the date of the Cease-Fire Agreement. In view of the information furnished by the Royal Government, the Commission decided to close the case.

(iii) In November 1956 the Royal Government informed the Commission that out of the list of persons recommended for pardon by the Commission in February 1956, five persons were unknown to the Royal Government (see para. 2, chapter III of Fifth Interim Report). The information available to the Commission on these five cases (SAM SUON, LEOUNG CHAM, MAK LANG, YU ROEUN and SAMRETH TIM) was forwarded to the Royal Government to assist in tracing these persons. In September 1957 the Royal Government informed the Commission that the five persons named had never been prosecuted.

B. Cases Pending at the Close of 1957.

(i) A petition of August 11, 1955 alleged that 11 persons were being harassed by the authorities of Svey Rieng province. The Commission brought the matter to the attention of the Royal Government which in February 1956, informed the Commission that ten of the eleven were either unknown or were not being prosecuted, but the eleventh, PEAK CHHON, was to be tried at the next criminal session for murder. The Commission was later informed that he had been sentenced to eighteen years hard labour for a murder which he admitted committing in June 1955. As the man was alleged to have been a former member of the KRF, the Chairman requested the Minister of Justice in April 1957 to supply further information. The Commission is awaiting a reply.

(ii) In August 1955, the Commission, following consideration of a petition from KHIEU CHY, requested that the Royal Government supply additional information on his case. The Commission was informed that the petitioner had been sentenced by default for qualified theft, arson and wilful homicide which were infringements of the common law and that the amnesty provided for in the Geneva Agreement was not applicable to him. As the crimes were committed during the period of hostilities and the accused was alleged to have been a member of the KRF, the Chairman requested the Minister of Justice in April 1957 to furnish additional information on the circumstances of the crime. The Commission as yet has received no reply.

III. NEW CASES REPORTED DURING 1957

A. DISMISSED

A petition was received in October 1957 from 48 inhabitants of Khum Beng Sra Nge, Srok Chhuk, Kampot, who claim to have been members of the Khmer Resistance Forces, stating that in September 1957, the local authorities accused them of "having spread troubles" in the years 1951, 1952 and 1953. The petitioners stated that the accusation was baseless but requested the Commission to take the steps necessary to halt such accusations. The Commission decided that it could not take action on apprehended reprisals but could only act when reprisals had been taken against persons for resistance activities prior to the Cease-Fire Agreement.

B. CLOSED

(i) In a petition dated March 20, 1957 Mr. EK-KHAI of PHUM RUSSEY DON, KHUM PRAPHNOM, srok BANTEAI MEAS, KHET KAMPOT stated that on March 19, 1957 his children and grandchildren Messrs AK-MUTH, NAO-NEL, NAO-BOM and LAY-NANN, had each been sentenced to one year's imprisonment each on a charge of having committed piracy. The petitioner stated that his children and grandchildren had been falsely accused through a personal grudge. The Commission forwarded the petition to the Royal Government with a request for certain additional information in order to satisfy itself that the case was not one of reprisals against ex-KRF members. In May 1957 the Royal Government informed the Commission that each of the persons in question had been sentenced to three-years' imprisonment each for qualified theft, committed after the date of the Geneva Agreement, which was a breach of the common law. In the light of this information the Commission decided to take no action on the petition.

(ii) In a petition dated May 24, 1957, NEANG SEANG requested the Commission to arrange for the repatriation of her brother Mr. HO-BOUN-HOAN, who was expelled from Cambodia in 1953 by a French Military Court on a charge of having had commercial relations with the Viet Minh. The petition was forwarded to the Royal Government with a request for additional information on the case. The Royal Government informed the Commission that the person in question was a Chinese citizen serving with the French Army as an interpreter and that he was condemned for an offence against the external security of the State. The Royal Government stated that it did not have the authority to revise a sentence of a military court of a foreign army carried out in war time against one of its members and that, furthermore, in view of the circumstances, the case could not be considered under the provisions of the Geneva Agreement. The Commission decided to advise the petitioner to approach the Royal Government to request permission for Mr. HO-BOUN-HOAN to return to Cambodia.

(iii) A petition dated June 18, 1957 from LETHI-SAU stated that her husband, Mr. LE-VAN-SANG of Phnom Penh had been arrested on June 9, 1957 in South Vietnam near the Cambodia-South Vietnamese border while travelling on business to Saigon. He was accused of being a member of the "Viet-Cong" organization. The petitioner requested that her petition be forwarded by the Cambodia Commission to the I.C.S.C. in Saigon with the request that that Commission intervene with the South Vietnamese Government to have her husband released. In the absence of proof of the allegations, the Commission forwarded the petition to the Royal Government for any action which it considered necessary.

A. DISMISSED

.....

B. CLOSED

APPENDIX 'B'

Reported Military build-up and reinforcements of military installations in areas adjacent to Cambodian borders and reported violations or threats of violation to Cambodian territory

I. Letters reporting Military build-up and reinforcement of Military installations in South Vietnam along the Cambodia-South Vietnam borders.

(i) Letter No. 61-DGP/X dated the 6th February, 1957.

The Royal Government brought to the Commission's notice the creation of military posts by the armed forces of the Republic of Vietnam at about 100 metres from the Cambodia-Vietnam borders, i.e. 1,200 metres from the bridge of Smach Khum Krek (province of Kompong Cham) and construction of straw roofing by 300 men of the Regular Vietnam Army under the command of a Lieutenant. The Royal Government stated that the intentions of these military men were not known, but that it was apprehensive about the occurrence of incidents in view of the fact that these posts had been set up in the proximity of the Cambodian borders.

The Commission agreed to acknowledge the receipt of the letter and to forward copies of the correspondence to the International Commission for Supervision and Control in Vietnam for their information and comments, if any. The Vietnam Commission sent a copy of the letter to the Government of the Republic of Vietnam for their information.

(ii) Letter No. 69/DGP/X dated the 12th February, 1957 from the Royal Government of Cambodia.

The Royal Government stated that according to information received from the Governor of Kampot, Vietnamese reinforcements had been sent to the post of Giang Thanh situated in front of the administrative post of Tonhon. The Royal Government said that the numerical strength of the Vietnamese Army stationed in various border posts would be about a Battalion, each border post being commanded by a 2nd Lieutenant under the direct control of a Captain assisted by a Lieutenant and two second Lieutenants; the Command Post was at Giang-Thanh. The object of these measures was not known to the Royal Government.

The Commission agreed that receipt of the letter should be formally acknowledged and copies of the communications sent to the International Commission for Supervision and Control in Vietnam.

The Vietnam Commission sent a copy of the letter to the Government of the Republic of Vietnam for their information.

(iii) Letter No. 109/DGP/X, dated the 27th February, 1957.

The Royal Government in this letter informed the Commission that Vietnamese military authorities were reported to have recruited coolies for digging trenches and building defensive posts near the post located on the border of Prek-Chak (Kampong-Trach, Province of Kampot) on the 15th January, 1957 and that a patrol consisting of Tonkinese or Central Vietnamese about 100 strong prohibited the inhabitants of Cambodian territory from drawing water at Kas-Chanlos pagoda in South Vietnam.

The Commission decided that the letter be formally acknowledged and that a copy of the communication be sent to the International Commission for Supervision and Control in Vietnam for information and comments, if any.

APPENDIX 'B'

(iv) Letter No. 142/DGP/X, dated the 18th March, 1957 from the Royal Government of Cambodia

The Royal Government informed the Commission of the reported presence of a Detachment of the Vietnamese Army on the Cambodia-South Vietnam border near Khum Kompong-Chamlang, Province of Svay Rieng. The Royal Government stated that the detachment was about 500 men strong of which two-thirds were Cambodians under the command of a Captain, two Lieutenants and four Second Lieutenants armed with 38 automatic rifles, two mortars, 66 carbines, individual rifles and two radio-sets. The Royal Government stated that according to reports from South Vietnam, the concentration of these military men was for the purpose of launching a "sweeping operation" against the Vietnamese rebels.

The Commission decided to acknowledge receipt of the letter and to send a copy thereof to the Vietnam Commission for information and comments, if any.

(v) Letter No. 152/DGP/X dated the 20th March, 1957.

The Royal Government informed the Commission "for any useful purpose whatsoever" that according to information gathered by the police, the Vietnamese Army had placed four or five cannons pointing towards the Cambodian territory near Hatien market in South Vietnam and that near Khum Beng Sala on the Cambodian-South Vietnamese border, the Vietnamese authorities had built a blockhouse large enough to hold 100 persons and numerous smaller blockhouses.

The Commission decided to acknowledge receipt of the Royal Government's letter and to forward a copy thereof to the International Commission for Supervision and Control in Vietnam for information and comments, if any.

(vi) Letter No. 280/DGP/X, dated the 17th May, 1957.

The Royal Government brought to the notice of the Commission "for any useful purpose whatsoever" that it had been informed by a reliable source that armed forces of the Republic of Vietnam had dug trenches at 8 different places in Vietnamese territory to the north of Veal Boeou airport about 300 kilometres away from the Cambodia-Vietnamese frontier bordering the Province of Kampot.

The Commission acknowledged receipt of this letter and forwarded a copy thereof to the International Commission for Supervision and Control in Vietnam, for information and comments, if any.

(vii) Letter No. 553/DGP/X, dated the 16th September, 1957.

The Royal Government forwarded to the Commission "for any useful purpose whatsoever" a "Statement of facts proving that the Government of South Vietnam has been reinforcing its military dispositions since 1956". A summary is given below:-

(a) Border of Svay Rieng:

Establishment of a large-scale Military post at Long Giang in the Province of Tay-Ninh to lodge 60,000 new recruits.

Establishment of five military posts at Ong Tan, Nga Tu, Trar Pang Bot Chauchean, Xom Ba Sen and Xom Cay Queo and creation of a new village.

(b) Kompong Cham border

Establishment of one Military post of a strength of 300 units at about 2 kilometres from the bridge of Smach (Kompong Cham) and construction of a military post in the area bordering upon the Khum of Sre Tanong.

(c) Border of Kampot:

Construction of two military posts on the South of Khum Thot Chong Sreong creation of a military post at Phnom Prar-Chiv, construction of a track from Phnom Kon Trom to Phnom Prar Chiv, despatch of 100 units to the post on the Phnom of Kon Trom and three FARVN aircraft to the aerodrome of Hatien and 70 units with modern armament to a place in front of the Cambodian Post of Prek Chak and increase of the strength of the military area of Hatien by 1000 men.

(d) Border of Kratie:

Establishment of three posts of control between Locninh and the Kratie frontier, setting up of one post between Le Rolland and the junction of the three frontiers at 200 metres from the Cambodian border, construction of another post at the place called Chey Meang, 200 metres from the Cambodian border and repair of three wooden bridges at about 4 kilometres from the Cambodian route National No. 13.

(e) Border of Prey Veng:

Creation of a new village at about 3 kilometres from the frontier of the Srok of Kompong Trabek and anchoring of 4 big war ships near the camp of Cau Giang at about 3 kilometres from the Cambodian frontier.

(f) Border of Kandal

An inspection tour carried out by a representative of Ngo Dinh Diem and United States Colonel in the area of Khanh Binh.

The Commission decided to acknowledge receipt of the letter and to send a copy of the communication to the International Commission for Supervision and Control in Vietnam for information and comments, if any.

(viii) A petition in Cambodian language dated the 14th September 1957 with thumb impression of 54 persons claimed to be the inhabitants of Srok of Banteai Meas (Province of Kampot) was received by the Commission. The petition was submitted for the consideration of the local authorities of the Cambodian Government. It stated that local and foreign newspapers indicated that Cambodian frontiers were being threatened by South Vietnam and that the South Vietnamese authorities continued to build up military posts and to dispatch military personnel equipped with modern armaments to the Cambodia-South Vietnamese frontiers along the border provinces of Kampot, Takeo, Svay Rieng, Preay Veng, Kratie and Stung Treng almost encircling the independent and neutral country of Cambodia. The petitioners considered these developments to be contrary to the Geneva Agreement and a threat to peace, independence and neutrality. They, therefore, requested the Royal Government to take efficient counter measures and the National Assembly to take efficient measures by marshalling the National Forces in order to meet any threat from the South Vietnam.

frontiers and to maintain peace in the country. In addition they requested the International Commission for Supervision and Control in Cambodia to work in combination with the Royal Government in order to control in a more efficient way the question of the Cambodia-South Vietnamese frontiers and to maintain peace in the country, in South East Asia and the world.

The Commission agreed to note and file the petition.

(ix) Letter No. 573/DGP/X, dated the 25th September 57.

The Royal Government forwarded with this letter 'for any useful purpose whatsoever' a copy of a report received from the Governor of Svay Rieng Province regarding South Vietnamese Military activities along the Cambodian frontiers. The report from the Governor stated that from information received from the inhabitants of the border areas, it appeared that Vietnamese Military installations were set up in one area on the Svay Rieng border, nine areas on the border at Svey Teap, one area near the border at Rumduol and three areas near the border at Romeas-Hek.

The Commission decided to acknowledge receipt of the letter to the Royal Government and to forward copies of correspondence to the International Commission for Supervision and Control in Vietnam for information and comments, if any.

(x) A representation dated the 1st October, 1957 purporting to have been signed by the inhabitants of Khum Krabao was received by the Commission. It stated that the signatories wished to bring the following points to the notice of the International Commission for Supervision and Control in Cambodia:

(1) The recent installation of Military posts near the border by the South Vietnam Government, serious damage to the properties of the inhabitants.

(2) The installations of military posts strengthening the military position and anchoring of war ships near the Cambodian borders.

The petition stated that the intention behind these activities was to make Cambodia relinquish its policy of neutrality. The petition requested the International Commission to give due consideration to the matter as the Cambodian people were worried about the South Vietnamese Government's threats to the Cambodian borders.

The Commission decided to note the petition as it was of the view that it could not take any action on petitions dealing with border incidents which were received from private parties.

II. Letters reporting military build-up and reinforcements of military installations in Thailand along the Cambodia-Thai border.

(i) Letter No. 39-DGP/X, dated 23-1-57.

The Royal Government brought to the Commission's notice the presence of a band of about 300 persons in PHNOM-KANG-KEO called MELAY, 50 kilometres south of the village of KAUP (Province of BATTAMBANG) in the Cambodian territory. It was reported in the letter that the band consisted of

Vietnamese (80% of the total strength) and Cambodians, was equipped with powerful arms and was said to be commanded by two unsundered Khmer-Viet Minh chiefs; it was stated to have for its purpose the protection of a Thai citizen by name MOPHIT residing at ARANYA (Thailand) who was practising clandestine forest exploitation in the Cambodian territory. The letter stated that the presence of this band in Cambodian territory was a violation of the Geneva Agreement and constituted a threat against the security of the Kingdom and that the Cambodian army would take immediate measures of repression if the band persisted on attempting to settle down in the region.

The Commission considered the letter and came to conclusion that the presence of the band was not a violation of the Geneva Agreement and that it was for the Royal Government to take whatever action they deemed necessary to deal with the band. Receipt of the letter was acknowledged to the Royal Government.

(ii) Letter No.63/DGP/X dated 6.2.57

It was stated that according to information gathered and cross-checked by the National Police from travellers coming from Thailand, the Thai Army was reported to have laid out a route leading to the village of ANGLONG-VENG situated on the Cambodian-Thai border north of Siem Reap. It was stated that this information appeared to confirm the information received from another source according to which Thai military men were reported to have been given to understand that within two months they would invade the bordering area of Cambodia.

Receipt of the letter was acknowledged. (iii)

(iii) Letter No.66/DGP/X dated 8-2-57 from the Royal Government

It was stated that a large band of Issarak consisting of Cambodians, Thais and Americans was reported to have installed itself at DAN in Thai territory, north of PHNOM DANGREK near Phum ROLEAY; the band was reported to be intending to seize the province of Siem Reap within a short time.

The Commission decided that the letter be formally acknowledged.

(iv) Letter No.104/DGP/X dated 27-2-57 from the Royal Government

The Royal Government informed the Commission that the Thai post of BENG CHHNANG on the border of Khum KAMRIENG had been strengthened with new buildings and new reinforcements.

The Commission decided that the letter be formally acknowledged.

(v) Letter No.125/DGP/X dated 13-3-57 from Royal Government

The Royal Government transmitted information received from the Royal Delegate of Battambang to the effect that on the night of 10th-11th Feb 57 units of Thai armoured corps consisting of 37 heavy tanks, coming

from SRABURY were reported to have arrived at Phnom Tor in PRACHIMBURY and that the elements of Thai army stationed at ARANYA were reported to have been sent on the 11th and 13th Feb 57 by road and by train to the place referred to. The letter stated that it was reported that the Thai Armed Forces were concentrated at Phnom Tor with a view to starting a general manoeuvre during the forthcoming dry season. It was also stated that the Thai authorities were reported to have ordered such gathering in expectation of troubles that might arise on the occasion of the next legislative elections which were to take place in Thailand on 26th February 1957. It was further reported that from 16th to 21st February 1957, 400 Thai "Damruots" had carried out a reconnaissance patrol along the Cambodia-Thai border in front of POIPET and that according to secret sources this patrol was reported to have hidden arms along the frontier.

The Commission decided to acknowledge receipt of the letter.

(vi) Letter No. 126/DGP/X dated 13-3-57 from Royal Government

The Royal Government forwarded for the information of the Commission information received from Siem Reap regarding the presence of 40 Cambodian Issaraks in the village of KAP-CHOEUNG, 60 Cambodian Issaraks in the province of BORIRAM and 50 others in SOREN. It was stated that the Cambodian Ambassador in Bangkok had been requested to verify this information and that the result of such verification would be communicated to the Commission.

The Commission decided to acknowledge receipt of this letter.

(vii) Letter No. 227/DGP/X dated 23-4-57 from Royal Government

The Royal Government, stated that after verification, the presence of 150 Cambodian Issaraks on the places enumerated in the letter at (vi) above was confirmed. The letter also stated that 300 men were driven away from Cambodia as a result of military operations launched recently by the Royal Armed Forces. These Cambodian Issaraks openly criticised the neutral policy of Cambodia and uttered threats against her security.

The Commission decided to acknowledge receipt of this letter.

(viii) Letter No. 193/DGP/X dated 8th April, 1957

The Royal Government informed the Commission that a military camp consisting of 8 straw huts and many others which were under construction was set up in Thai territory, 1500 metres to the South of the Cambodian post of Poipet and that this post at first occupied by Thai military men was now occupied by some five hundred guards who were patrolling along the Khmero-Thai border.

The Commission decided to acknowledge receipt of the letter.

(ix) Letter No.244/DGP/X dated 29th April, 1957

The Royal Government confirmed with reference to the information given to the Commission in the letter at item (ii) above, that the road under construction started from KOK-KHANN, in the village of SRA-NGAM (Thailand), which faced Phum ANGLONG-VENG on the Cambodia-Thai border, to the north of Siem Reap. It was also stated that the road was being made motorable and that there was a motorable metalled road up to PHNOM-DAN, on the Cambodia-Thai border.

III. VIOLATIONS OR THREATS OF VIOLATIONS OF CAMBODIAN TERRITORY BY SOUTH VIETNAMESE ELEMENTS(i) Letter No.51/DGP/X dated 29-1-57 from the Royal Government of Cambodia

The Royal Government brought to the Commission's attention that according to the information received from the Governor of KAMPOT, Vietnamese military men stationed at KOM-PHLEANH (South Vietnam) had indicated that the Republic of Vietnam was ready to enter in open struggle with Cambodia after the celebration of the 2500th anniversary of the birth of Buddha; that reinforcements to various Vietnamese frontier military posts had been reported; that there was rifle practice during three consecutive days beyond the Cambodian-Vietnamese border.

The Commission decided to acknowledge receipt of the letter and to send a copy thereof to the Vietnam Commission for its information and comments, if any.

(ii) Letter No.68/DGP/X dated 12.2.1957 from the Royal Government

The Royal Government informed the Commission that on 30th December 1956 Vietnamese military men posted at GIANG THANH opposite TON HON fired many shots in the direction of village PREK-KROEUS (KAMPOT) and that on 13th January 1957 military men from BAU-GOC fired several rifle shots on a Vietnamese fisherman who was in Khmer waters and also that on 16th January 1957 they fired towards the Cambodian territory with renewed ardour.

The Commission decided to acknowledge receipt of the letter and to forward a copy thereof to the Vietnam Commission for its information and comments, if any. The Vietnam Commission acknowledged receipt of this letter a copy of which was forwarded by them to the Government of the Republic of Vietnam.

(iii) Letter No.70/DGP/X dated 12-2-57 from Royal Government

The Royal Government informed the Commission that on the 16th January 1957, Quoc-Gia units of the army of the Republic of Vietnam fired rifle shots from Khum LONG-BINH, bordering area of the province of KANDAL causing material damages to 5 houses belonging to 5 persons whose names were given. The letter reported that one NGUYEN-THI-TU was wounded in the left hand by the rifle shots and stated that the Royal Government was unable to tolerate the recurrence of such incidents and that it would be obliged if the Commission could let them know its point of view in this matter.

The Commission acknowledged receipt of the letter it informed the Royal Government that it had taken note of the regrettable incident reported by the Royal Government and that a copy of the letter under reference had been sent to the International Commission in Vietnam with the request that they take up the case with the Government of the Republic of Vietnam. The Commission expressed the hope that such cases would be settled by peaceful means in the spirit of friendship and mutual understanding between the Kingdom of Cambodia and the Republic of Vietnam and stated that a further communication would be sent to the Royal Government on receipt of the reply from the Vietnam Commission. A copy of the Royal Government's letter was sent to the International Commission in Vietnam requesting it to take the case up with the Vietnam Government and to communicate the result to this Commission.

(iv) Letter No.88/DGP/X dated 20-2-57 from the Royal Government

The Royal Government brought to the Commission's notice that according to information collected by the Directorate of the Police, Vietnamese military men were reported to have asked the inhabitants of the frontier areas of VEAL-TAMEN region to stock a part of their food-stuffs and to keep their movable properties ready so that they could be easily carried away. The letter stated that these measures gave reason for presumption that the Government of the Republic of Vietnam were contemplating starting military action.

Receipt of the letter was acknowledged and a copy sent to the International Commission in Vietnam for their information and comments, if any.

(v) Letter No.153/DGP/X dated 22-3-57, from the Royal Government

With this letter the Royal Government forwarded "for any useful purpose whatsoever", a copy of their letter No.156/DGP/X dated 22-3-57 addressed by the Ministry of Foreign Affairs of the Royal Government to the Secretary of State of Foreign Affairs of the Republic of Vietnam. In the letter to the Government of the Republic of Vietnam, the undernoted incidents were reported:-

(a) On the 14th Dec. 56, while provincial guards, about 40 strong, were carrying out a patrol along the Cambodian-Vietnamese border, they found themselves facing a Vietnamese patrol about 200 strong who crossed the demarcation line and entered into Cambodian territory as far as 1 kilometer and then opened fire with automatic weapons and 60 mm. mortars. It was not until half an hour had passed that the Vietnamese army men undertook to withdraw to their side of the frontier.

(b) On 2nd January 1957, when the Cambodian peasants of Khum DAUNG (Svay Rieng) were reaping paddy, 300 elements of the Armed Forces of the Republic of Vietnam patrolling on the border opened fire on them and chased them inside Cambodian territory. No loss of human life was reported but a Cambodian SEK YEAN was arrested and released after a close interrogation.

(c) On 5th January 57, a group of 100 military men of the Armed Forces of the Republic of Vietnam penetrated into Cambodian territory up to Khum BANTEAY-KRANG,

Province of SVAY RIENG and tried to apprehend a Cambodian military man of the post of SAMYONG, who went to ask them for explanations. The latter managed to escape and alerted the post which sent a group to this area. There was shooting which lasted until the aggressors left Cambodian territory.

(d) On 8th January 1957, when Mekhum KHIEU YAN of KOH ROKAR (PREY-VENG) accompanied by a provincial guard gathered the inhabitants of the place in the house of the Cambodian SOK-MIN, to hold a conference, a soldier of the Armed Forces of the Republic of Vietnam appeared and as soon as he saw the speaker and the crowd he withdrew to return very soon with other military men. The Mekhum made the Vietnamese soldiers understand that they were peaceful Cambodians. The soldiers who were waiting nearby indulged in shooting which continued for 5 minutes frightening the inhabitants. The soldiers returned to their base but it appeared that 6 non-identified smugglers had taken advantage of the support of these elements of the Armed Forces of Vietnam to conceal their removal into Vietnamese territory of 30 to 40 heads of cattle brought from PREY-VENG.

(e) On 8th January 57, 7 military men of the Army of the Republic of Vietnam, dressed in black and armed with 3 Carbines, 3 Thompson sub-machine guns and one colt P.A. infiltrated into Cambodian territory as far as 200 meters from the frontier, upto Khum KOH-ROKAR, province of PREY-VENG and fired shots on the inhabitants. Frightened, the latter took refuge in the neighbouring forests. The Mekhum of KOH ROKAR who tried to pacify them was in his turn chased by the Vietnamese military men. A platoon of the Cambodian Army intervened and drove the invaders across the frontier. The authorities found 8 U.S. carbine covers marked WCC.52 and WCC.53, which were abandoned in Cambodian territory 130 meters from the frontier.

(f) On 22nd January 1957, 3 military men of the Vietnamese Army crossed the Bassac by sampan, entered Cambodian territory and seized the boats of the inhabitants of Khum PREK-CHREY, which were carrying rice. When the latter offered resistance, the Vietnamese military men withdrew after firing 3 shots.

(g) On 13th February 1957, about 500 Vietnamese military men encamping near the Cambodian-Vietnamese frontier, 4 kilometers to the south of the post of KOMPONG-RO, (SVAY RIENG) crossed the frontier to cut bamboos and palm leaves in Cambodian territory without the knowledge of the owners. They returned to their camp only when they were asked to do so by the Governor of Svay Rieng who went the next day to meet them.

The letter stated that violations of territory, generally followed by aggressions, were repeated at very close intervals, and denoted on the part of their authors a clear plan for creating incidents of which the consequences could be extremely serious. The Royal Government had therefore lodged the most energetic protests with the Government of the Republic of Vietnam and relied upon it to take measures to prevent such violations of Cambodian territory, the frequency and the magnitude of which were a valid source of concern to the Royal Government.

The Commission agreed to acknowledge receipt of the letter and to send a copy thereof to the Vietnam Commission for information.

(vi) Letter No.154/DGP/X dated the 22nd March, 1957 from the Royal Government of Cambodia.

With the above letter the Royal Government forwarded a copy of their letter No.155/DGP/X dated the 22nd March, 1957, to the Secretary of State for Foreign Affairs in Vietnam drawing attention to the following:-

(a) on 30th December, 1956, Vietnamese military men garrisoned at Giang-Thanh opened fire towards the village of Preak Kroeus (Kampot).

(b) on 13th January, 1957, military men of the Bau Goc post fired several shots at a Vietnamese fisherman who was in Cambodian waters and who saved his life by throwing himself into the water.

(c) on the 16th January, 1957, the above-mentioned military men repeatedly fired shots towards the Cambodian territory.

(d) on the 30th January, 1957, elements of Vietnamese Army fired shots towards the Khum of Preak Chrey (Province of Kandal).

In the above letter the Royal Government protested against the deliberate commission of these acts and requested intervention with the competent authority so as to put an end to such deeds which had become very frequent.

The Commission forwarded copies of the correspondence to the Vietnam Commission for that Commission's information. The Royal Government was informed accordingly.

(vii) Letter No.196/DGP/X dated the 8th April, 1957

The Royal Government with the above letter forwarded a copy of their letter No.195/DGP/X dated the 8th April, 1957, addressed to the Secretary of State of Foreign Affairs of the Republic of Vietnam, which stated that on the 20th January 1957 about a thousand Vietnamese military personnel stationed near the Cambodia-South Vietnam border to the south of Kompong-Ro (Province of Svay Rieng) opened fire on Cambodian cultivators who were reaping paddy in their rice fields; when they became afraid and ran away they left behind the produce of their crops, one bullock cart, one spade and one jug of water which along with a straw-built shelter were destroyed by the Vietnamese military men. It was also stated in the letter that four Military men from the same unit penetrated into Cambodian territory and cut bamboo.

The Royal Government stated that it was clear that these incidents and violations of frontiers were acts of regular elements of Vietnamese Army and that they hoped that the Government of Republic of Vietnam would not fail to take steps to avoid the recurrence of such incidents.

The Commission forwarded copies of the correspondence to the Vietnam Commission for its information. The Royal Government was informed accordingly.

(viii) Letter No. 218/DGP/X dated the 22nd April, 1957

The Royal Government with the above letter forwarded a copy of their letter No.217/DGP/X dated the 22nd April, 1957, to the Secretary of State for Foreign Affairs in Vietnam, wherein the following was brought to the latter's notice:-

(a) on 25th March, 1957, two Vietnamese penetrated into the Cambodian territory at the village of Keo Cheas (Svay Rieng) and tried to carry away a buffalo belonging to a Cambodian, who, armed with a rifle chased the thieves and recovered the animal.

(b) on the 25th March, 1957, about 50 Vietnamese military elements armed with rifles came to the village Keo Cheas and opened fire on the inhabitants with a view to raiding their cattle; the Cambodian Army Units intervened and drove the aggressors towards Vietnam.

In the letter to the Secretary of State, Foreign Affairs, the Royal Government made vigorous protest to the Republic of Vietnam against such violations of territory, committed by regular units of Vietnamese Armed Forces followed by aggression, and attempts to raid cattle belonging to Cambodian persons; it was stated that the Royal Government would be grateful if the Vietnamese Government took measures to prevent the recurrence of such acts which were of a nature to create serious friction in the good relations existing between the two countries.

Copies of the correspondence were forwarded by the Commission to the Vietnam Commission for information. The Royal Government was informed accordingly.

(ix) Letter No.232/DGP/X dated the 25th April, 1957

The Royal Government forwarded a copy of their letter No. 231/DGP/X dated the 25th April 1957, addressed to the Secretary of State for Foreign Affairs of the Republic of Vietnam, informing the latter of the following:-

On the 9th February 1957, about 60 Vietnamese Military men penetrated into the Cambodian territory in the village of Ban Lom Kim on the Cambodia-Vietnam border and after spending a night in that village which was inhabited by about 20 families, went away carrying with them 9 Cambodians (six men and three women) under the pretext that the latter maintained relations with the Viet Minh and rebels to the Government of Vietnam. They were sent to the Ya Dao Camp in South Vietnam. On the 13th February 1957 three men and three women got back to their homes and declared that all of them had been seriously mal-treated.

In its letter the Royal Government expressed its grief to record the facts which constituted an act of violation of territory followed by arbitrary arrest committed by regular units of army of Vietnam and it, therefore, lodged strong protest with the Government of the Republic of Vietnam requesting them to take necessary measures to order the immediate release of the three Cambodian persons irregularly detained and to inflict severe sanctions to the parties responsible for this operation. The Royal Government expressed the hope that such acts which were manifestly of a nature to trouble the good relations which existed between the two countries would not be repeated.

The Commission forwarded copies of the correspondence to the Vietnam Commission for information and comments, if any. The Royal Government was informed accordingly.

(x) Letter No.253/DGP/X dated the 2nd May, 1957

The Royal Government forwarded a copy of their letter No.252/DGP/X dated the 2nd May, 1957, addressed to the Secretary of State for Foreign Affairs of the Government of Republic of Vietnam, whose attention was drawn to the following:--

On the 20th November, 1956, two fighters of the Khmer Royal Army were attacked without any warning by a patrol consisting of four men from the Vietnamese Army, while the former were taking their meals at a house in the Vietnamese territory. One of the Cambodian fighters, Keo Nhar was killed and buried in the Vietnamese territory, the other one, Mam Khoun who was seriously hurt was carried to Tanchau whence he succeeded in escaping to rejoin his post at Koh Rokar on the 18th December, 1956.

Attention was also directed to another incident on the 8th December 1956, where three Vietnamese security agents fired several shots from a distance of 50 meters from the Cambodian National Police Station of Bavet (Svey Rieng). The letter stated that the Vietnamese military agents, asked about the reasons for the behaviour, pretended that they were pursuing one Tam Lien, an evil-doer. The Chief of the National Police of Bavet released the authors of the trouble. The letter drew attention to the contrast in treatment meted out to the Cambodians by the Vietnamese military men and that accorded to the Vietnamese by the Cambodian police, and observed that the incident of the 20th November 1956, defied the principles of humanity. The Royal Government expressed apprehension that the good relations existing between the two countries would in the long run be affected by the recurrence of such incidents.

The Commission forwarded copies of the correspondence to the Vietnam Commission for information and comments, if any. The Royal Government was informed accordingly. The letter was acknowledged by the Vietnam Commission.

(xi) On the 4th May, 1957, at about 1900 hrs, an Officer of the Royal Government of Cambodia, brought a message from the President of the Council of Ministers of Cambodia to the Chairman of the International Commission for Supervision and Control in Cambodia to the effect that the Royal Government had received information from their Governor at Svay Rieng that on the 2nd May, 1957, Vietnamese Armed personnel numbering about 60 had crossed into the Cambodian territory and had pillaged the village of SAM Rong near Bathu approximately 4 km from the Cambodian territory looting property and injuring people by the use of fire arms and other lethal weapons. As a result of resistance put up by the villagers and with the help of Cambodian military personnel of the Bathu border post, one of the raiders was killed and seven including one Officer, taken as prisoner. One Cambodian was injured. The Prime Minister desired the Commission to send its representatives to verify the facts on the spot and to interrogate the prisoners.

On the same evening the Leaders of the Delegations of India, Canada and Poland met at about 2000 hrs and after discussion decided that an ad hoc team consisting of three officers, one from each of the three Delegations should visit the scene of incident to carry out preliminary investigations. The Ad Hoc Team proceeded to the scene of incident on the 5th May, 1957, leaving Phnom Penh at 0700 hrs and returning on the same night at about 2300 hrs. The Ad Hoc Team submitted its report on the 8th May 1957. In signing the report of the Ad Hoc Team, the Canadian Representative on the Team pointed out that he was authorised to participate in the preliminary investigation only, without prejudice to the Canadian Delegation's view with respect to the Commission's competence regarding border incidents. A copy of the Ad Hoc Team report is given in Appendix 'D'.

A summary of the facts verified by the Team as a result of having visited the village and having questioned the victims as well as persons of the Khmer Border Post were as follows:

(a) 18 Vietnamese military personnel with headquarters at Thanan crossed the Vietnam-Cambodia frontier and raided the villages of Sam Rong and Bathu on the 2nd May, 1957.

(b) Fire Arms were used by raiders causing injury to persons and to the property of the Cambodian residents.

(c) The scene of the raid was approximately $2\frac{1}{2}$ km from the Vietnam-Cambodia border within the territory of Cambodia.

(d) One of the raiders was killed on the spot by the villagers.

(e) One Officer and four Other Ranks were captured by the Cambodian Armed Force and two Other Ranks were captured by the villagers taken as prisoners.

(f) According to Lieutenant Huyn Tan Tai of the Vietnamese Army, the raid was carried out under orders of a Battalion Commander. This Officer stated that he was not sure about the frontier.

The Report was considered by the Commission at an Extraordinary Meeting held on the 9th May, 1957. A copy of the minutes containing the statements of the Leaders of the three Delegations is annexed as Appendix 'B'.

The Canadian Delegate stated that the Commission was not competent to deal with such border incidents involving the Government of the Republic of Vietnam. The Indian Delegate and the Polish Delegate held that the International Commission in Cambodia was competent to take action on reports from the Royal Government regarding border incidents involving the Government of the Republic of Vietnam.

The under-noted resolution was proposed by the Indian Delegation:

"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".

In view of the lack of unanimity, the Polish Delegate suggested transmission of majority and minority report to the Co-Chairmen. The Indian Delegation agreed to this proposal.

The Canadian Delegate then stated that he would have to send a minority report. This was agreed to by the Indian and the Polish Delegations.

Copies of the majority report signed by the Indian Delegate and the Polish Delegate and of the minority report signed by the Canadian Delegate are given in Appendices 'F' and 'G'.

In the majority report it was stated that the Indian and Polish Delegations would be grateful for the Co-Chairmen's instructions on the subject. No reply was received from the Co-Chairmen.

(xii) Letter No.275/DGP/X dated the 10th May, 1957

The Royal Government with the above letter forwarded a copy of their letter No. 273/DGP/X dated the 10th May, 1957, addressed to the Secretary of State for Foreign Affairs of the Government of the Republic of South Vietnam whose notice was drawn to an incident on the 10th April, 1957, when a motor boat driven by four civilians and boarded by 22 military men from the army of the Republic of Vietnam, including a chief of Battalion, four Lieutenants, five non-commissioned Officers and 12 privates crossed the Cambodia-Vietnam border and penetrated far into Cambodian territory; it was stated that these military men were armed with one automatic rifle, three machine pistols, two rifles, 10 U.S. Carbines and four automatic pistols. The Royal Government's letter pointed out that 47 cases, of which 22 had been the subject of protests lodged with the Government of the Republic of South Vietnam had been reported since January 1956.

The Commission acknowledged receipt of the Royal Government's letter and copies of the correspondence were sent to the Vietnam Commission for information and comments, if any.

The Vietnam Commission acknowledged receipt of the letter.

(xiii) Letter No.282/DGP/X dated the 17th May, 1957

The Royal Government with the above letter forwarded to the Commission "for any useful purpose whatsoever" a copy of their letter No.281/DGP/X dated the 17th May, 1957, addressed by them to the Secretary of State for Foreign Affairs of Vietnam informing him that on 15th March 1957, a war ship flying Vietnamese flag cast anchor at the limits of the Cambodian territorial waters near the island called "Koh Ses" and that a motor boat loaded with goods and belonging to a Cambodian ship-owner from Kampot which was passing by the Koh Ses island without any intention of quitting the Cambodian territorial waters was called upon to stop and fully searched by the crew of the Vietnamese war ship;

the Royal Government thought it was its duty to emphasise that the Vietnamese warship had violated Cambodian territorial waters and wrongfully inspected the above-mentioned Cambodian ship.

The Commission acknowledged receipt of the letter. Copies of the correspondence were sent to the Vietnam Commission for information and comments, if any. The Vietnam Commission acknowledged receipt of the letter.

(xiv) Letter No. 284/DGP/X dated the 17th May, 1957 from the Royal Government of Cambodia

The Royal Government with the above letter forwarded a copy of its letter No. 283/DGP/X dated the 17th May, 1957, addressed to the Secretary of State of Foreign Affairs of the Government of the Republic of Vietnam whose notice was drawn to eight occasions in January, February and March, on which elements of armed forces of the Republic of Vietnam crossed the Cambodian border to have hunting game in the province of Kratie. The letter pointed out that such incursions by military men of the Vietnamese armed forces were bound to occasion the most serious misunderstanding.

The Commission acknowledged receipt of this letter. Copies were forwarded to the Vietnam Commission for information and comments, if any.

The Vietnam Commission acknowledged receipt of the letter.

(xv) Letter No. 314/DGP/X dated the 4th June, 1957

The Royal Government with the above letter forwarded a copy of its letter No. 313/DGP/X dated the 30th May, 1957, addressed to the Representative of the Republic of Vietnam in Phnom Penh which was in reply to his letter No. 162-DP/M/X dated the 22nd April, 1957 in connection with the incident reported at item (xii) above. In this connection the Royal Government stated that as it was anxious to maintain the friendly relations existing between the two countries it was prepared to hand over the Vietnamese military men and their arms to the authorities of the Republic of Vietnam.

Receipt of the letter was acknowledged. Copies were sent to the Vietnam Commission for its information.

The Vietnam Commission acknowledged receipt of the letter.

(xvi) Letter No. 381/DGP/X dated the 26th June, 1957

The Royal Government with the above letter forwarded a copy of their letter No. 380/DGP/X dated the 26th June, 1957, addressed to the Secretary of State for Foreign Affairs, Republic of Vietnam informing the latter that on 23rd April, 1957, three armed elements of the Regular Force of the Republic of Vietnam disguised as pirates, penetrated into Cambodian territory and arrested Mr. Yon Yin, a Cambodian residing in village Koh Thnot (province of Kampot) who was severely ill-treated and detained at Hatien; the Royal Government protested against this violation of territory followed by arbitrary arrest and requested the Vietnam Government to issue instructions to the responsible units so as to secure an immediate release.

The Commission acknowledged receipt of the letter.

Copies of the correspondence were sent to the Vietnam Commission for information.

(xvii) Letter No. 527/DGP/X dated the 6th September, 1957 from the Royal Government.

The Royal Government with the above letter sent to the Commission for information, forwarded a copy of their letter No. 526/DGP/X dated the 5th September, 1957, addressed to the Representative of the Republic of Vietnam in Phnom Penh, informing him that in June 1957 elements of the Vietnamese Regular Army penetrated into Cambodian territory, arrested several inhabitants of Khum Khtum (province of Kompong-Cham) ill-treated them and took six of them away. After detention for four days all of them were released except one, Mr. Hem Thien. The Royal Government's letter stated that it appeared that the Vietnamese military men by means of threats and violence endeavoured to make the life of the inhabitants impossible in order to compel them to quit their villages. The Royal Government requested the Government of the Republic of Vietnam to take steps to secure the immediate release of those detained and to prevent the recurrence of such incidents.

The Commission decided to note the letter and to acknowledge receipt thereof to the Royal Government.

(xviii) Letter No. 724/DGP/X dated the 27th November, 1957

The Royal Government with the above letter sent to the Commission for information, forwarded a copy of a Note of Protest No. 720/DGP/X dated the 26th November, 1957 addressed to the Representative of the Republic of Vietnam bringing to his notice violation of Cambodian territory by elements of FARVN in the province of Kandal. The letter stated that on 17th October, 1957, a group of 100 heavily armed Vietnamese soldiers who might have been pursuing the Hoa Hao sect, penetrated into Cambodian territory, came to Phum Prek Sbauv Province of Kandal and thoroughly searched the pagoda of the village called Veang Keo; not having found what they had searched for, they withdrew into Vietnamese territories where a defence installation was set up. Twelve men were detailed to go back to Prek Sbauv in order to seize three boats suspected of carrying smuggled goods; later the boats were released.

Receipt of the letter was acknowledged. Copies were sent to the Vietnam Commission for information and comments, if any.

The Vietnam Commission acknowledged receipt of this letter.

(xix) Letter No. 739/DGP/X dated the 2nd December, 1957

The Royal Government with the above letter sent to the Commission for information, forwarded a copy of their verbal Note No. 737/DGP/X dated the 30th November, 1957, addressed to the Representative of the Republic of Vietnam in Phnom Penh informing him of the arrest of four Cambodian fishermen by the Vietnamese Navy in the Cambodian territorial waters on the 16th October, 1957.

The letter stated that they were taken to Vietnamese territory and were released only on 1st November and that the boat and equipment of fishing were confiscated by the Vietnamese

authorities. The Royal Government requested that orders be issued to return the confiscated property and to prevent recurrence of such acts which impaired the good relations existing between the two countries.

The Commission acknowledged receipt of the letter and forwarded copies to the Vietnam Commission for information and comments, if any.

The Vietnam Commission acknowledged receipt of this letter.

(xx) Letter No. 749/DGP/X dated the 9th December, 1957

The Royal Government with the above letter sent to the Commission for information, forwarded a copy of their Verbal Note No. 741/DGP/X dated the 7th December, 1957, addressed to the Office of the Representative of the Republic of Vietnam drawing attention to violations of Cambodian territory committed in Bavet area (province of Svay Rieng) by agents of the Vietnamese Public Force. It was stated in the letter that on the 21st November 1957, a patrol consisting of FARVN military men armed with rifles and grenades after having chased some Vietnamese smugglers into Cambodian territory over a distance of over 600 meters arrested them and brought them to Vietnam. On the night of 23rd November 1957, Vietnamese Police Agents were stated to have chased the smugglers up to the same spot and to have been driven back by a patrol of Cambodian Provincial Guards.

The Commission acknowledged receipt of the letter and forwarded copies of the correspondence to the Vietnam Commission for information and comments, if any.

(xxi) Letter No. 759/DGP/X dated the 12th December, 1957 from the Royal Government of Cambodia.

The Royal Government with the above letter sent to the Commission for its information, forwarded a copy of their Note of Protest No. 752/DGP/X dated the 11th December 1957, addressed to the Office of the Representative of the Republic of Vietnam in Phnom Penh informing it of two cases of violation of Cambodian territory by Vietnam military and policemen near Svay Rieng. It was stated in the letter that on the 26th November 1957, armed Vietnamese soldiers crossed the demarcation line into Cambodian territory and returned to Vietnam without causing other incidents. It was also stated that on 27th November 1957 Vietnamese policemen violated Cambodian territory and spread panic among peaceful Cambodian fishermen, who were attending to their work and that eight inhabitants of Khum Bavet who were fishing at about 100 meters from the demarcation line were chased by 30 Vietnamese policemen and soldiers; it was pointed out that this incident actually occurred soon after a Cambodian patrol had passed through that place and that nobody could anticipate what would have happened had this patrol unexpectedly encountered the Vietnamese policemen and soldiers who were busy chasing the Cambodian fishermen. The letter expressed the hope that the Government of the Republic of Vietnam would take strict measures so as to prevent the recurrence of such incidents which could have serious and unexpected consequences prejudicial to the existing good relations between the two countries.

The Commission acknowledged receipt of the letter and sent copies of the correspondence to the Vietnam Commission for information and comments, if any.

(xxii) Letter No. 762/DGP/X dated the 16th December 1957 from the Royal Government of Cambodia

The Royal Government with the above letter sent to the Commission for information, forwarded a copy of a Note of Protest No.761/DGP/X dated the 17th December 1957, addressed to the Office of the Representative of the Republic of Vietnam in Phnom Penh informing it of the kidnapping of a Cambodian military man on the 12th December 1957 in Cambodian territory by soldiers of the Vietnam Regular Army. It was stated in the letter that 20 FARVN soldiers arrived by car in the new village of Bosmon (province of Svay Rieng), a place situated at over a kilometer from the frontier and that after having searched the village they arrested and molested the Cambodian military man who was on leave and finally took him with them to South Vietnam; the letter requested that the captive be released and that exemplary action be taken against the authors of the incidents; it was pointed out that previous protests from the Royal Government not only remained a "dead letter", but also appeared to have resulted in provoking more numerous and serious incidents; such a situation could not prevail for a long time without having an adverse effect on the existing good relations between the two countries.

The Commission acknowledged receipt of the letter and forwarded copies of the correspondence to the Vietnam Commission for information and comments, if any.

(xxiii) Letter No. 790/DGP/X dated the 24th December 1957 from the Royal Government.

The Royal Government with the above letter which was sent to the Commission for information, forwarded a copy of their Verbal Note No.789/DGP/X dated the 24th December, 1957, addressed to the Office of the Representative of the Republic of Vietnam informing it of an act of violation of Cambodian territory in the Province of Prey Veng committed on the 3rd December 1957, by Vietnamese Military men. It was stated that on the 3rd December 1957, some Vietnamese soldiers in a light boat came up to a point located in the Cambodian territory over 200 meters away from the frontier, landing on one of the banks and opened fire; they arrested three Vietnamese who were natives of Cambodia and took them to South Vietnam. The letter stated that although these people were of Vietnamese origin, the fact that the Royal Government had authorized them to reside in its territory rendered it liable to provide aid and protection to them as for its own nationals. It was requested that action be taken by the competent authorities to have them released as early as possible to enable them to join their families; if the Vietnamese authorities had anything against these persons, they should contact the Cambodian authorities who might agree to expel the evil-doers from Cambodia.

The Commission decided to forward copies of correspondence to the Vietnam Commission for information and comments, if any and to acknowledge receipt of the Royal Government's letter.

IV. VIOLATIONS OR THREATS OF VIOLATIONS ALONG CAMBODIA-THAILAND BORDER

(1) Letter No. 226/DGP/X dated the 23rd April 1957 from the Royal Government of Cambodia.

The Royal Government forwarded, with the above letter, a copy of their verbal note No.225/DGP/X dated the 23rd April 1957, addressed to the Royal Thai Embassy at Phnom Penh informing it

that on April 8, 1957, two Damruots of the Thai Police armed with rifles, crossed the Cambodian frontier and hunted in the Khum of Tatrao (Kampong Thom); they returned to Thailand after two days. The Royal Government lodged a protest with the Thai Government and requested it to take measures to prevent recurrence of such incidents.

The Commission noted the letter and acknowledged receipt thereof to the Royal Government.

(ii) Letter No. 237/DGP/X dated 26th April, 1957

The Royal Government with the above letter, forwarded a copy of their verbal note No. 230/DGP/X dated the 25th April, 1957 addressed to Royal Thai Embassy regarding an incident already discussed verbally with the Thai Representative. On the 26th March, 1957, Thai Damruots armed with automatic weapons and carbines, penetrated into Cambodian territory, arrested ten members of the forest department staff who were carrying out certain items of work, seized their implements and materials; took them to a Thai Office in Thailand and subjected them to interrogation concerning such matters as military strength in Cambodia etc. The arrested persons were stated to have been liberated and the material returned through the intervention of the Chief of post of POIPET. When they resumed their work on the 27th March 1957, ten Damruots came to the wood yard threatened the forest staff with arms and ordered them to discontinue their work. The Royal Government in its letter indicated that renewal of such violations of territory would impair the good neighbourly relations existing between the two countries, and requested the Royal Government of Thailand to issue necessary instructions to the Thai authorities concerned.

The Commission decided to note the Royal Government's letter and acknowledge receipt thereof.

(iii) Letter No. 271/DGP/X dated the 10th May, 1957

The Royal Government, with the above letter, forwarded a copy of their Verbal Note No. 270/DGP/X dated the 10th May, 1957 addressed to the Royal Thai Embassy informing it of the under-noted four incidents:-

(a) Twenty-five Thai Damruots were permanently occupying the Temple of Preah Vihear in Cambodian territory. Three other Damruots daily mounted guard at about 500 meters from the Temple, on the track built by the Royal Government of Cambodia.

(b) On 21st February, 1957, a Thai plane flew over Preah Vihear six times.

(c) On 21st February, 1957, five Thai Damruots entered the village of RUSSEY, in the province of KOMPONG-THOM.

(d) A Thai flag was flying on the top of the hill of Preah Vihear.

In the verbal note, the Royal Government protested against such violations of territory deliberately committed by the Thai army and police forces and requested the Royal Thai Government to take necessary steps for the prevention of such incidents; the Royal Government which desired to maintain good relations with its neighbours and especially with Thailand was pleased to believe that the Royal Government of Thailand

which on many occasions had shown the same desire would not fail to prevent the recurrence of incidents of this kind, which endangered the friendly relations existing between the two countries.

The Commission decided to note the petition and to acknowledge receipt thereof.

- (iv) Letter No. 342/DGP/X dated the 7th June, 1957 from the Royal Government of Cambodia.

The Royal Government with the above letter forwarded a copy of letter No. 341/DGP/X dated the 7th June, 1957, addressed to the Royal Thai Embassy in Phnom Penh informing it that on 15th April 1957, five military trucks carried Thai Damruots to Preah Vihear, where the latter for three days practised rifle and gun firing, some time for as long as 18 to 20 hours. The Royal Government expressed its regret that it should be necessary to record another incident of this kind when the talks with the Royal Government of Thailand for a friendly settlement of the Preah Vihear question had been already started.

The Commission decided to note the letter and to acknowledge receipt thereof.

- (v) (a) Letter No. 722/DGP/X dated the 26th November, 1957 from the Royal Government of Cambodia.

The above letter was sent directly to the Royal Thai Embassy, a copy being forwarded to the Commission. It informed the Thai Embassy of two acts of violation of Cambodian territorial waters committed by Thai authorities on the 19th June 1957 when two groups of Thais, accompanied by some Americans on board a motor launch, carried out a hydrographical survey in Cambodian territorial waters. The Royal Government protested strongly against the violations of its territorial waters and requested the Thai Government to issue necessary instructions with a view to preventing the recurrence of such incidents.

- (v) (b) Letter No. 721/DGP/X dated the 26th November, 1957

The Royal Government forwarded to the Commission for information a copy of note addressed to the United States Embassy at Phnom Penh, drawing attention to the two acts of violation of Cambodian territorial waters which formed the subject of the letter cited above. The letter stated that the facts were being brought to the notice of the U.S. Embassy in the hope that American citizens would be prevented from participating in trips which were viewed with disfavour by the Royal Government and might entail difficulties in case of intervention by Cambodian Security Forces.

The Commission decided to note both the above letters and acknowledge receipt of them to the Royal Government.

REMARKS MADE BY THE PRESIDENT OF THE COUNCIL
OF MINISTERS OF CAMBODIA ON THE OCCASION
OF THE DEPARTURE OF MAJOR GENERAL D.S. BRAR,
REPRESENTATIVE OF INDIA AND CHAIRMAN OF THE
INTERNATIONAL COMMISSION FOR SUPERVISION &
CONTROL IN CAMBODIA.

On December 9, 1957, the Prime Minister of Cambodia, while formally bidding farewell to Major General D.S. Brar, the outgoing Chairman of the Commission at a luncheon given in the latter's honour, stated that while admitting the legitimacy of the Canadian Delegation's desire to dissolve the International Commission for Cambodia, since the Kingdom had carried out with great willingness the obligations deriving from the Geneva Agreement he felt that "at the present juncture its presence in our country is still necessary." These remarks were published by Agence Khmère de Presse on December 10, 1957.

PRELIMINARY INVESTIGATION REPORT BY AD HOC
TEAM REGARDING BORDER INCIDENT IN THE
VILLAGES, SAMRONG AND BATHU, DISTRICT
SVAY RIENG.

1. In compliance with orders of the Commission to conduct preliminary investigation, the Ad Hoc Team composed as follows:-

(a) Lt Col H.S. SIDHU, India

(b) Col H.J. LAKE, Canada

(c) Lt Col DZIEDZIC, Poland

proceeded to Svay Rieng on 6 May at 0700 hrs, to verify the facts of the report received by the Chairman from the Royal Government through a special messenger of the Prime Minister of Cambodia. The report had alleged that armed Vietnamese persons numbering 50 to 60 after crossing the Cambodian frontier had raided villages of SAMRONG and BATHU, causing loot of property and injury to people by use of fire arms and other lethal weapons. As a result of resistance put up by the villagers and with the help of Khmer military personnel of the BATHU post one of the raiders had been killed and seven including one officer taken prisoner.

2. The Ad Hoc Team on arrival at Svay Rieng contacted the Governor of the Province of Svay Rieng who conducted the Team to the villages of SAMRONG and BATHU approximately 50 K.M. from Svay Rieng. Gen. Lon Nol, Chief of Army Staff and Commandant Littaye Suon of the Cambodian Army and other officers of the Khmer Armed Forces who were present at Governor's residence at Svay Rieng also accompanied the team to the scene of occurrence. On arrival at BATHU a general view of the border area was taken from Khmer military post. The direction of approach of the raiders and the villages raided were shown on the map as well as on the ground by the Sector Commander in charge BATHU post (Adjt SOC KHY). The officer briefly narrated details of the raid and the resistance put up by the villagers and his men resulting in capture of the seven prisoners and killing one of the raiders.

3. The team then proceeded to village SAMRONG (this village is approx 2½ K.M. from the frontier) and the other neighbouring villages situated near the Khmer-Vietnamese border as marked on the attached sketch map. Victims of the raid were interviewed and questioned to verify the facts. In all 15 residents of the village who had suffered at the hands of the raiders appeared before the team. The following seven were questioned:-

Names

Property Looted

1. VINH VAN MY
(49 years)

This individual had received a bullet wound on the left thigh as a result of rifle fire by the raiders.

2. LE VAN THIET
(69 years)

Alleged that one pig was killed as a result of fire by the raiders.

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3. TROUNG VAN QUE & his daughter | Alleged loot of valuables of 2 ear rings, 1 silver chain, 200 riels and 1 Cambodian flag from their house. The girl identified the ornaments out of the lot produced before the team as her property which was robbed from her by the raiders and subsequently recovered from the prisoners.
4. TROUNG THY HYNH |

5. HUYNH THI NHI (51 years) | Alleged loot of drugs of value of 800 riels, 10 eggs and some of the valuables including Cambodian flag.

6. PHAN VAN DUOC (49 years) | Alleged loot of 20 match-boxes 6 tooth-paste, 6 toilet soaps, 10 cakes Vietnamese toilet soap, 4 packets of drugs, 8 small bundles of tobacco, 3 bottles of local alcohol and 730 riels.

7. NY THI LOI (38 years) | Alleged loot of 700 riels, one wrist watch and identity papers. She was threatened to be shot dead by raiders for working for Cambodians being of Vietnamese origin.

37 shells of cartridges of different calibres alleged to have been left behind by the raiders were produced before the team by villagers. Identity cards and documents recovered from the person of dead body of one of the raiders and prisoners were also produced..

4. The team went round the village and inspected houses alleged to have been looted by the raiders. The site where dead body of one of the raiders was buried was also visited. The villagers explained in general the frontier line following the water channel which was approx $1\frac{1}{2}$ K.M. from last village towards the border.

5. The following three persons - residents of the village who were responsible for killing one of the raiders and capturing two as prisoner were questioned by the team:-

- (i) LE VAN CUNG (37 years)

Had thrown two grenades thereby killing a raider and seizing his rifle.

- (ii) NGU YAN VAN

Encountered the raiders and was responsible for the capture of one of the raiders.

- (iii) BHU VAN VOI (25 years)

-do-

6. On return the team halted at BATHU post to question the Post Commander and his men who were responsible for capturing prisoners. Adjutant SOC KHY and Sgt PHOEUN in charge of Khmer military personnel manning the BATHU post were questioned and details regarding capture of prisoners were ascertained.

7. After completion of questioning of personnel connected with the raid the team returned to Svay Rieng to question the prisoners who were detained at Provincial HQ. Seven prisoners were produced before the team. One of the prisoners, an officer of the South Vietnam Army Lieut HUYN TAN TAI when questioned stated that he belongs to 1st Battalion of the 38th Regiment of FAVN. He was in charge of a company of 43 men which was part of a Battalion more than 200 strong. Their Battalion was patrolling the border territory near the Vietnam-Khmer frontier for the past few days. They had started their operations on 29 Apr from village BINH THUN in Vietnam approx 20 K.M. from the frontier. On 30 Apr they marched towards MAT CAT. They spent two days, (30 Apr and 1 May) in GUNG DINH. On 2 May under orders of his Commanding Officer (Capt) they moved to MI THANG DONG and crossed the frontier into Khmer territory and started search of villages BATHU and SAMRONG. He had 15 men, volunteers from various section of the battalion, under his command besides the 3 scouts. For this operation all were armed with personal carbines and one Machine Gun. At 8 A.M. when his party entered the villages SAMRONG & BATHU they saw some villagers trying to escape. At this he ordered to open fire because he took them as rebels. Some of his men searched various houses. After firing a number of shots his men exhausted their ammunition and between 10 and 11 A.M. villagers and personnel of the Khmer border post surrounded them in the village. Since all their ammunition had been finished seven of them were captured by the villagers and Khmer military personnel and taken as prisoners.

His Commanding Officer (Capt) who was in possession of a map of the area did not accompany the search party into the villages of BATHU and SAMRONG. At the time of surrender their arms were taken over by Khmer military personnel. They did not open fire on inhabitants of any other village within Vietnam territory. In their own country people did not run on seeing troops approaching villages. He was not sure about the location of the boundary line.

8. Another prisoner by name PRUM XAY was also questioned who stated that:-

He was Cambodian by origin and belonged to Svay Rieng Province. He was an ex soldier of the French Colonial Army and at present was serving with the Vietnam Army 1st Battalion 38th Regiment. He was a member of the party which was ordered by Battalion Commander (Capt) to search villages SAMRONG and BATHU in the Khmer territory. Lieut HUYN TAN TAI was in command of this party. On hearing the shots being fired and seeing villagers running away he opened fire with his Machine Gun. One complete belt of ammunition (the total ammunition available with him) was fired. Some of his companions searched houses. Later on they were surrounded by Khmer military personnel and as they had no ammunition left they surrendered to Khmer troops and were taken prisoner. In all one officer and six soldiers were taken as prisoner. Battalion Commander (Capt) did not accompany the party in this operation. Capt had some maps in his possession which he took with him.

9. The Governor of Svay Rieng informed the team that Capt KIM, Governor of THANAN, South Vietnam Province had called on him on the day of occurrence at approx 1800 hrs and requested for the release of prisoners.

10. Summary of the facts verified by the Team after having visited the villages and having questioned the victims as well as personnel of the Khmer border post are as follows:-

- (a) Vietnam military personnel with HQ at THANAN 18 in number crossed the Vietnam-Khmer frontier and raided the villages SAMRONG and BATHU on 2 May 57;
- (b) Fire arms were used by raiders causing injury to personnel and property of the Cambodian residents;
- (c) The scene of the raid is approx 2½ K.M. from the Vietnam-Khmer border within the territory of Cambodia;
- (d) One of the raiders was killed on the spot by the villagers;
- (e) One officer and four other ranks were captured by the Khmer armed forces personnel and two other ranks were captured by the villagers and taken as prisoners;
- (f) According to Lieut HUYN TAN TAI the raid was carried out under order of his Battalion Commander. The officer stated that he was not sure about the frontier.

Sd/- H.S. Sidhu
Lt. Col.
(India)
8 May 1957

Sd/- Dziedzic
Lt Col
(Poland)
8 May 1957

In signing this report the Canadian representative points out that he was authorized to participate in a preliminary investigation only without prejudice to the Canadian Delegation's view with respect to the Commission's competence regarding border incidents.

Sd/- H.J. Lake
Col
(Canada)
8 May 1957

t
20 — 15

Scale : 1/100,000

x
Sok Nok

x
Ap Phuoc My

x
Phuoc Chi

x
My Quy

x
Coc Ring

CAMBODIA

VIETNAM

x
Bathu
(2-5-57)

(x)
My Thanh Dong
(2-5-57)

x
Samrong
(2-5-57)

x
Giong Dinh
(30-4-57 & 1.5.57)

x
Chantrea

CAMBODIA

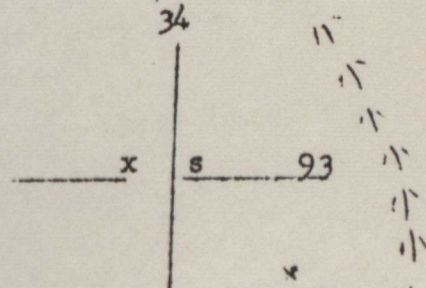
VIETNAM

x
Giang Mat Cat
(30-4-57)

x
Binh Thun
(29-4-57)

34

93



Scale : 1/100,000

15

Sok Nok

Ap Phouc Wv

Phouc Chl

V I E T N A M

C A M B O D I A

Mv Gva

Goc Ring

Mv Thanh Dong
(2-2-27)

Bathu X
(2-2-27)

Giong Binh
(30-4-27 & 1.2.27)

Semrong
(2-2-27)

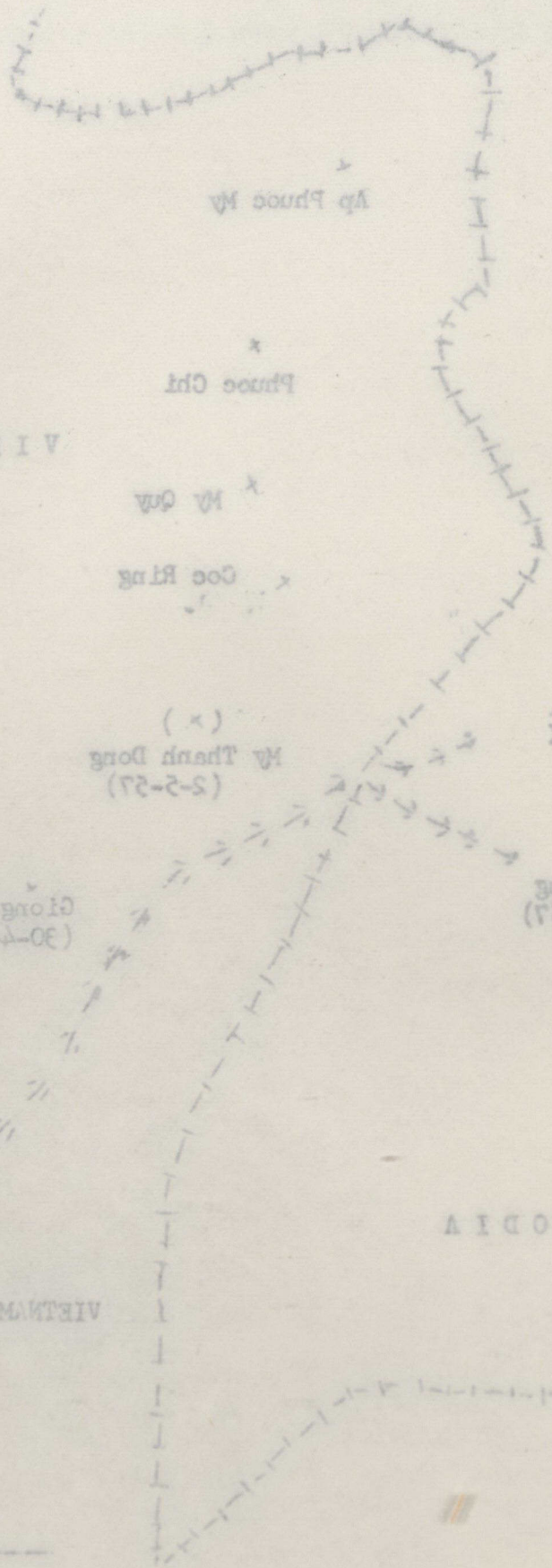
C A M B O D I A

V I E T N A M

Giang Mat Cot
(30-4-27)

23

Binh Thun
(29-4-27)



APPENDIX 'E'INTERNATIONAL COMMISSION FOR SUPERVISION
AND CONTROL IN CAMBODIA

Minutes of the Extraordinary meeting held on
Thursday, the 9th May, 1957 at 12.00 hours.

PRESENT:

Major General Chand N. Das, Chairman, India
Mr. L.H. LaVigne, Acting Commissioner, Canada
Mr. Gustaw Alaf Bolkowiak, Commissioner, Poland.

The Chairman stated that this meeting was convened in accordance with the decision taken at the meeting held on 8th May, 1957 to consider the report of the ad hoc team regarding preliminary investigation into the border incident at BATHU, reported by the Royal Government on Saturday the 4th May, 1957. Since the report has been received by the Commissioners, he would like this to be considered and suitable action taken.

The Canadian Commissioner stated as follows:-

"Mr. Chairman: You and my Polish colleague will recall that at the informal meeting held on the evening of the 4th May to deal with a message received from the Royal Government concerning the report of an incident in the Svay Rieng area, I expressed my concern regarding Canadian Delegation participating in any enquiry. I agreed to send a Canadian representative for the following reasons:-

- (a) There was uncertainty regarding the identity of the invaders.
- (b) It was possible that they were Viet Minh directed or inspired, or members of sects or bandits.
- (c) In the absence of more details, the incident could not be prejudged.

Accordingly I agreed that my Military Adviser could proceed to the scene of the incident as a member of an ad hoc team together with the Indian and Polish Military Advisers, to participate in a preliminary investigation only, without prejudice to the Canadian Delegation's views on Commission's competence regarding Border Incidents.

"The report which has now been submitted by the ad hoc team makes it clear that the incursion was carried out by regular troops of South Vietnamese Army. In the view of the Canadian Delegation the Commission is not competent, in accordance with the terms of the Cease-Fire Agreement for Cambodia, to take any further action regarding this incident as it is not within the terms of reference of the Agreement."

The Polish Commissioner stated:

APPENDIX 'E'

"In the past we have been dealing with similar problems of violation of the frontiers of Cambodia and for the sake of unanimity we agreed with our colleagues to find a compromise. The compromise was not entirely satisfactory for us but we were happy to note that some action was unanimously agreed to by the Commission on many of these reports. I notice that we are now confronted with a problem which is 'whether or not the International Commission is competent to deal with such cases.'

"Last time, a few weeks ago, we had a letter from the Royal Government of Cambodia reporting some violation of frontiers and asking us for our views. We agreed at that time not to discuss the problem of competence but to send a letter to our sister Commission in Vietnam asking to request an explanation from South Vietnam Government and to inform the Royal Government of Cambodia that as soon as an answer will be given the Commission will take a point of view in the matter. All of us agreed to this procedure in the interest of unanimity. We have now more or less a similar case. We have the ad hoc team's report and my proposal is that we should send a copy of this report to the Vietnam Commission with a request to take it up with the South Vietnam Government and endorse a copy to the Royal Government informing at the same time that we will take our point of view when an answer will be given. There is no difference in the procedure the Commission had followed so far. The only difference is that this time our team has carried out a preliminary investigation in the case. This time the proposal is not acceptable to the Canadian Delegation. If there would be now no unanimous decision about what to do with the team's report, then we must send a minority and a majority report to the Co-Chairmen under Articles 21 and 22.

"I notice that on the stand taken by the Canadian Delegation there can be no unanimity of decision. Therefore, the only way open for us is to send the report to the Co-Chairmen and intimate the Royal Government that we have addressed our Co-Chairmen in the matter."

The Chairman stated that as the Canadian Commissioner held that the Commission was not competent to discuss this border incident, he would like to have the Polish Commissioner's views on the competence of the Commission to deal with cases of border incidents generally and particularly with the case under discussion before considering any action to be taken.

The Polish Commissioner said:

"Our Delegation considers that the International Commission is competent legally and morally to deal with the frontier incidents.

"If we are talking about the competence of the Commission I would say that our Delegation is of the view, that so long as the Commission exists in Cambodia it is fully competent to deal with all problems of violations of Cambodian territory and of threats to its security as envisaged by the Geneva Agreement.

"I would say more, the Commission is obliged to deal with the problems.

"Before justifying our views I would like to refer to the opinion of the famous expert on International Law - L. OPPENHEIM about the mood of interpreting the prescriptions of international agreements when prescriptions separately taken are doubtful by some reason or another.

"And so:

"The whole of the treaty must be taken into consideration if the meaning of any one of its stipulations is doubtful and not only the wording of the treaty but also its purpose and motives which led to its conclusion and the conditions prevailing at the time."

/L. Oppenheim - International Law - page 702 - edition 3/.

and:

"All treaties must be interpreted according to their reasonable, in contradistinction of their literal sense."

/L. Oppenheim - page 701 - edition 3/

"From this it is very clearly meant that if we are talking about the agreement we must look into all the documents connected with it and also into their political, logical and legal aspects at the time of their conclusion.

"Therefore, the final declaration, the declaration of the Royal Government of Cambodia must be also carefully studied and borne in mind. But we should have in mind before all, the fixed purpose when signing this agreement.

"The Geneva Agreement for Cambodia, signed three years ago had as its main aim restoration and maintenance of the peace in this part of the world and the assurance of independence of Cambodia. Each interpretation should be done from this initial point of view.

"I would not like to stress my point of view on referring the spirit of Geneva Agreement only. The Agreement implicates many immediate instructions which clearly define the competence of our Commission in order to act in case of violation of territorial integrity in Cambodia.

"I understand that the Canadian Delegation considers, that the Agreement on the cessation of the hostilities in Cambodia entitles the Commission to look only after the Cease-Fire arrangements between the Democratic Republic of Vietnam and the Royal Government of Cambodia.

"If it is so how can we understand that the cease-fire agreement has so many political and other considerations given therein, which significantly enlarge the question of the cessation of hostilities and looks far ahead? Let us carefully read article 7.

"If the agreement pertained in principle only to cease-fire it means the period of withdrawal of armed forces from Cambodia which was 90 days, why does this article specify about the future? I think that the only explanation is that the signatories of the agreement regarded the Commission as entitled to examine all problems concerning the assurance of the territorial integrity and the independence of Cambodia.

"The possibility of the Cambodian Government in case of repeated frontiers incidents resorting to dispensation from the obligation under Article 7 with a view to entering into a military alliance with any foreign power for security of its territory cannot be precluded.

"In these circumstances the Commission, due to absence of exact evidence may not be able to verify these incidents and to affirm if really the degree of threatening Cambodia security was such that Cambodia had to ask for military aid from foreign countries in order to assure its security. I think that beside article 7 of the agreement article 13a clearly indicates that among the Commission activities as far of course as the Commission is acting is to see that the frontiers are respected.

"Here is the content of article 13(a) "Control the withdrawal of foreign forces in accordance with the provisions of the Agreement on the cessation of hostilities and see that frontiers are respected."

"Article 21 even fixes the proceedings how to take decisions in case of violation of the country's integrity by foreign forces. It seems to me that the Canadian Delegation understands by the term "foreign armed forces" only the armed forces of the Democratic Republic of Vietnam.

"I think that article 4, chapter 2 of the Agreement clearly defines who should be considered as foreign armed forces. And so Article 4, para (b) unequivocally states that foreign armed forces are: "the combatant formations of all types which have entered the territory of Cambodia from other countries or regions of the peninsula."

"That is to say, that it involves not only the armed forces of the Democratic Republic of Vietnam but also the armed forces of countries neighbouring with Cambodia and situated on the Indo-Chinese peninsula.

"In addition to that, I would like to draw the attention on a characteristic and certainly not a fortuitous facts, that contrarily to agreements on the cessation of hostilities in Laos and in Vietnam, which were signed by TA-QUANG-BUU for the Commander-in-Chief of the Peoples' Army of Vietnam, the agreement on the Cease-Fire in Cambodia was signed by Mr. TA-QUANG-BUU for the Commander-in-Chief of the Vietnamese Military Units.

"This fact seems to refute the arguments of our Canadian colleagues about the question: "in whose name the agreement on the cessation of hostilities has been signed."

"As I have remarked on the beginning, any interpretation of agreement may not be done separately from other documents connected with the Geneva Conference. And so Article 12 of the final declaration signed by the representatives of Cambodia, Democratic Republic of Vietnam, the State of Vietnam, France, Laos, the Peoples' Republic of China, the Union of Soviet Socialist Republic, the United Kingdom and the United States of America, says: "In these relations with Cambodia, Laos and Vietnam each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the unity and the territorial integrity of the above-mentioned States and to refrain from any interference in their internal affairs."

"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.

"As for the Commission becoming involved in the investigation of actual border incidents which may constitute a threat to the security of the country, the Canadian Delegation considers that the Commission is competent to deal with frontier violations only when it is the Democratic Republic of Vietnam forces which violate the borders, then the Commission could not investigate unless there was some evidence that the Democratic Republic of Vietnam were involved. In cases involving other forces, it is only if the Cambodian authorities actually decided to establish foreign military bases (assuming for the sake of argument that the Commission is obliged to determine whether a threat to the security of the country existed), that the Commission would have to assess whether a threat existed to Cambodian territory which justified the establishment of foreign military bases.

"Furthermore the Canadian Delegation considers that the greatest assurance against any apprehensive interpretation of Article 7 lies in the definition of Cambodian neutrality as proposed by Prince Sihanouk and adopted by the Sangkum Congress,

"According to points 2 and 4 of that definition:

"(2) Cambodia abstains from any military or ideological alliance with foreign countries;

.... "but (4) in the event that it suffers foreign aggression, it reserves the right:

(a) to defend itself by arms;

(b) to call upon the United Nations;

(c) to call upon a friendly power."

"Thus apart from jurisdictional considerations, the Canadian Delegation does not consider that minor border incidents are in any way compatible with the term "suffers foreign aggression" as used by Prince Sihanouk. Also Prince Sihanouk is careful to reserve the right to take action only after Cambodia "suffers aggression."

"Article 13(a) stipulates that the Commission shall in particular:

"control the withdrawal of foreign forces in accordance with the provisions of the Agreement on the cessation of hostilities and see that frontiers are respected."

"The Canadian Delegation believes that this clause must be read as a whole and in conjunction with Article 4(1), and that it is meant to refer only to the paramount question of the withdrawal of foreign forces as defined in Article 4(1). We have little doubt that it is intended to mean that the Commission should see that the frontiers are respected in connection with the withdrawal operations. Article 13 deals with the general duties of the Commission and in three paragraphs it specifically mentions three of the more important tasks of the Commission which are really at the core of the Cease-Fire Agreement. It is unlikely that when referring to the particular task of supervising the withdrawal of foreign forces, paragraph (a) would also refer to a general supervision of the frontiers. The basic responsibilities of the

International Commission under Article 13 are to supervise the execution by the parties of the provisions of the Agreement. It is for this purpose that - as specified in subparagraph (a) - the International Commission is assigned the important task of controlling "the withdrawal of foreign forces" and instructed, at the same time, to see that the withdrawing forces respect the frontiers of Cambodia; in other words, that they really withdraw and that they do not come back, so as to avoid a "resumption of hostilities" as referred to in Article 21 of the Cease-Fire Agreement.

"Article 21(b) stipulates that the decisions of the International Commission must be unanimous on questions concerning violations which might lead:

"to a resumption of hostilities and in particular:
(b) violation or threat of violation of
 the country's integrity by foreign armed forces."

Read in conjunction with Article 4(1), this provision is clearly intended to refer to cases of resumption of hostilities between the two parties to the Cease-Fire Agreement proper, i.e. the cessation of hostilities in Cambodia as dealt with during the Geneva Conference.

"In general, it is difficult to see how an interpretation of the International Commission's competence, different from that given above, could be consistent with the aims and purposes of the Agreements on the cessation of hostilities. The Geneva negotiators were dealing exclusively with the problem of the hostilities in Indo-China as it stood in 1954, and it is unlikely that they wished to entrust the International Commission with supervising and controlling frontiers in general. Therefore, the Canadian Delegation cannot accept the view that they intended that the Commission should "see" that the borders were respected with regard to disputes involving the frontiers except in the limited case in which the foreign forces involved in these disputes were capable of inclusion in the definition of withdrawing forces contained in Article 4(1) of the Agreement, which phase of the Commission's activities has been completed.

"In support of this argument, I might point out that the sovereignty of Cambodia has always been recognised at Geneva. The Agreement should, therefore, always be interpreted so as to limit as little as possible the exercise of its sovereignty. It is the opinion of this Delegation that the Royal Government of Cambodia is fully competent to deal with violations of its frontiers as an internal matter in the same way as any other sovereign nation, and in fact has done so even when keeping the International Commission informed of past incidents.

"My colleagues are aware that the Royal Government in exercise of its sovereignty has been dealing directly with neighbouring Governments on matters concerning border incidents in accordance with usual diplomatic practice. To cite only a few instances, I might point out

(a) the Royal Government's letter NO 6-DGP/X of January 4, 1956 forwarding to the Commission a copy of the letter which was addressed by the Minister of Foreign Affairs of Cambodia to the Minister of Foreign Affairs of South Vietnam regarding alleged violations of Cambodian territory and territorial waters by South Vietnam armed forces;

(b) the Royal Government's letter No 27-DGP/X of January 19, 1956 informing the Commission of further alleged violations of Cambodian territory and of the Royal Government's protests to the Vietnamese Government.

(c) the Royal Government's letter No 245/DGP/X of May 15, 1956 informing the Commission of two cases of alleged border violations, aggression and piracy by Vietnamese National Army Forces, and of the protest lodged with the Secretary of State for Foreign Affairs of the Government of the Republic of Vietnam.

I might also refer to a letter from Mr. Ngo-Trong-Hieu, the South Vietnam representative in Phnom Penh, which was published in the July 19, 1956 issue of Agence Khmere de Presse. This letter was in reply to an article entitled "Violations of Cambodian Territory" which appeared in the July 15 issue of A.K.P. In the letter, the South Vietnam representative informed AKP that the Royal Government's protests about the violations had been delivered to him and had been transmitted to the Government of the Republic of Vietnam.

It should also be noted that the Cambodian Government has followed the same procedure in dealing with border disputes with Thailand. I noticed in the April 6, 1956 issue of A.K.P. that a communique was issued stating that the Royal Government had made a "solemn protest" to the Thai Government against the arrest of two Cambodian military personnel by elements of the Thai army.

"In addition to these cases in 1956, my colleagues are aware that following a meeting at Siem Reap in March between H.R.H. Prince Sihanouk and Mr. Chau, the South Vietnam Minister of State, during which frontier problems were discussed a number of letters regarding border complaints have been sent by Prince Sihanouk directly to Mr. Mau, the South Vietnam Foreign Minister. During the same period letters regarding border complaints have been sent by Prince Sihanouk directly to the Royal Thai Embassy in Phnom Penh.

"From the above, it is abundantly clear that the Royal Government of Cambodia has shown a willingness, a competence and a disposition to deal with disputes of the type under consideration according to the normal diplomatic practices reserved to sovereign nations.

In the event that these methods fail, Cambodia, as a member of the United Nations, has the right to appeal to that organization. As you know, machinery exists whereby the United Nations can, with the consent of the states directly concerned, call upon its own observation agency to proceed to a danger area and to report on the facts as it finds them. I refer, of course, to the Peace Observation Commission which was established upon the adoption of the "Uniting for Peace" resolution by the General Assembly on November 3, 1950. This resolution reads in part as follows:

"(The General Assembly) 3. Establishes a Peace Observation Commission which for the calendar years 1951 and 1952, shall be composed of fourteen Members, namely: China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom

of Great Britain and Northern Ireland, the United States of America and Uruguay, and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made on the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter;

"4. The Commission shall have authority in its discretion to appoint sub-commissions and to utilize the services of observers to assist it in the performance of its functions."

It is the opinion of the Canadian Delegation that to have the International Commission for Supervision and Control in Cambodia insert itself between the authorities of Cambodia and those of its neighbours would be quite inappropriate as well as legally beyond its jurisdiction. It would involve an abuse of this Commission's position and authority in Cambodia, and an usurpation of power beyond the purpose for which the Commission was established, which could not but have undesirable implications. The implications would be either grave or ridiculous, depending on whether such pretensions of authority and such abuse of power by the Commission were taken seriously, or whether the result was merely to bring the Commission into contempt and ridicule. In either case, the effect must be to weaken the whole device of international commissions, and to lessen their value for troubled situations in the future.

The Chairman then stated:

"The question of the competence of the International Commission in Cambodia to entertain complaints regarding border incidents and to investigate the same for taking suitable decisions has to be considered in the background of the Geneva Agreement.

"The responsibilities of the International Commission in Cambodia are laid down in Articles 11 and 13 of the Agreement for cessation of hostilities in Cambodia. The Commission is responsible for control and supervision and the application of the provisions of the Agreement on the cessation of hostilities in Cambodia and supervision of the execution by the parties of the provisions of this Agreement. Under Article 13 of the Geneva Agreement on Cambodia, the International Commission is responsible for supervision and execution of that Agreement and its functions include in particular (i) Control in respect of withdrawal of foreign troops and (ii) to seeing that the frontiers of the country are respected. These two functions are combined in clause (a) of Article 13 from which it has been argued by the Canadian Commissioner that the frontiers of the International Commission in seeing that the frontiers

are respected relate only to the period and in respect of withdrawal of foreign forces which were in the territory of Cambodia at the time of the Cease-Fire Agreement. It will, however, be clear on a perusal of the Agreement as a whole that these two functions which are mandatory are separate and independent of one another, that is to say that the International Commission has two specific functions to perform under Article 13(a), firstly to control the withdrawal of foreign forces in accordance with the provisions of the Agreement and secondly to see that the frontiers are respected. This view finds support from the procedural provision of Article 21 of the Agreement where these matters are specified in two separate clauses. In our view the second function is not limited to the period of withdrawal of foreign forces but is a continuing function which remains for the duration of the term of the International Commission. It will also be noticed that whilst the provision as regards the withdrawal of foreign forces is limited to such forces as were in the Cambodian territory at the time of the Cease-Fire, the supervisory functions as to the integrity of the frontiers extends to violations or threat of violation of Cambodian territory from whatever quarter it may come. Attention may, in this connection, be drawn to paragraph 12 of the Final Declaration of the Geneva Conference, in which each member of that Conference had undertaken to respect the territorial integrity of the States of Cambodia, Laos and Vietnam. The intrusion into Cambodian territory by foreign armed forces is definitely a violation of the integrity of Cambodia's frontiers and is, therefore, a violation of the Geneva Agreement. It is mandatory on the Commission that it should see that Cambodia's frontiers are respected. Failure on its part to take suitable action will be tantamount to a failure in its duties.

"While Article 13(a) prescribes the responsibility of the Commission in ensuring that Cambodia's frontiers are respected, Article 21(b) details the procedure. The definition of foreign armed forces is given in the text of Chapter II, Article 4 para 1(a), (b) and (c).

"We have been getting a series of reports from the Royal Government of Cambodia regarding aggression of its territory by armed forces of South Vietnam. The action which we have been taking so far was to forward copies of such reports to the Vietnam Commission for information and some times for comments. In one case we have even asked the Vietnam Commission to take the matter up with the South Vietnam Government and inform us of the results. The Vietnam Commission has been forwarding these complaints to the South Vietnam Government for the latter's information.

"It may be premature at this stage to predict the accumulated effect and repercussions of such border incidents on the future course of action by Cambodia. If these incidents continue to occur the situation may aggravate and develop into a major conflict between the neighbouring States. The possibility of the Cambodian Government in that event resorting to dispensation from her obligation under Article 7, with a view to entering into alliance with any foreign power for securing military aid for the safety and security of her territory cannot be precluded. In that eventuality, investigation of facts, leading up to an alliance between Cambodia and any other power to determine whether or not the grant of dispensation is justified will have to be carried out. Due to time lag and absence of relevant evidence it may not be feasible to verify these incidents at a later date.

"In addition to the foregoing, I am sure all of us agree that the intention of the Geneva Powers was to restore and maintain peace in this part of the world. The responsibility of the Commission should, therefore, be broadly interpreted in the context of the Geneva Agreement as a whole including the final declaration, para 12, of which enjoins respect of all members of the Geneva Conference for territorial integrity of Cambodia, Laos and Vietnam.

"As regards the Canadian Commission's argument to respect Cambodian sovereignty and allow them to deal with such border incidents independently through diplomatic channels with the neighbouring States as one of their internal matters or alternatively, being a member of the United Nations Organisation, approach that Organisation to deal with these cases, I fully associate myself with this view of my Canadian colleague on this point. I would, however, like to point out that the cases of border incidents have been referred to the Commission by the Royal Government in spite of the fact that some of these cases had been taken up direct with the States concerned.

"As regards the Canadian Commissioner's suggestion about the Peace Observation Commission under the auspices of the United Nations Organisation, I consider it would be somewhat out of proportion to have another Commission set up in Cambodia.

"If the Commission is to fulfil its responsibilities to see that Cambodian frontiers are respected as required under various articles of the Geneva Agreement, then it has to entertain and deal with complaints, or reports of violation of Cambodian frontiers. Therefore in the opinion of the Indian Delegation the Commission is fully competent to take note and deal with all complaints of violation of Cambodian frontiers whichever quarter it may come from."

The Chairman then proposed the following resolution:

"THE INTERNATIONAL COMMISSION FOR SUPERVISION & CONTROL IN CAMBODIA IS COMPETENT TO ENTERTAIN & DEAL WITH REPORTS AND COMPLAINTS OF AGGRESSION OR THREAT OF AGGRESSION OF CAMBODIAN TERRITORY AND INCIDENTS OF VIOLATION OF CAMBODIAN FRONTIERS."

The Canadian Commissioner 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 Chairman then stated:

"We have now a case of a violation of Cambodian frontier reported to us by the Royal Government. We quite correctly sent our team to verify and investigate this incident. The team's report has now been finalised and is before the Commission. From the report received from the Ad hoc team it is evident that the personnel of the Vietnamese Military units have violated the Cambodian frontier and have indulged in pillaging the Cambodian villages and indiscriminate shooting of civilian population. Therefore, the fact of the violation of Cambodian frontier has been established.

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.

It was decided by a majority vote of 2 : 1 that decisions on the case of the border incident under discussion will be taken under Article 21.

The Polish Commissioner stated that now that it has been decided that the decision of the Commission on the incident will have to be under Article 21, he proposed that action should be taken under Article 22 in view of the Canadian Commissioner's disagreement and the case be sent to the Co-Chairmen of the Geneva Powers' Conference and a copy of the team's report to the Royal Government for information. The Indian Delegation agreed to this proposal.

The Canadian Commissioner then stated that in that case he will have to send a minority report.

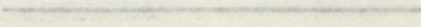
This was agreed to by the Indian and Polish Delegations.

It was decided by a majority vote of 2 : 1 that decisions on the case of the border incident under discussion will be taken under Article 21.

The Polish Commissioner stated that now that it has been decided that the decision of the Commission on the incident will have to be under Article 21, he proposed that action should be taken under Article 22 in view of the Canadian Commissioner's disagreement and the case be sent to the Chairman of the Geneva Powers' Conference and a copy of the team's report to the Royal Government for information. The Indian Delegation agreed to this proposal.

The Canadian Commissioner then stated that in that case he will have to send a minority report.

This was agreed to by the Indian and Polish Delegations.



APPENDIX 'F'INTERNATIONAL COMMISSION FOR SUPERVISION
AND CONTROL IN CAMBODIAMajority Report as per decision in the
Commission's meeting held on 9.5.1957.

On the evening of Saturday, the 4th May, 1957, an urgent message was received by the Chairman of the International Commission in Cambodia from the Prime Minister of the Royal Government of Cambodia. The message was to the effect that on 2nd May, 1957, Vietnamese armed personnel violated the frontiers on the Cambodia-South Vietnam border at a place called BATHU and indulged in indiscriminate shooting at the Cambodian villagers and in pillaging the villages. The message also stated that the Royal Khmer forces assisted by villagers had encounters with the invaders resulting in the killing of one invader and in the capture of six soldiers including one officer. The Prime Minister desired that the Commission's representatives should visit the site of the incident and conduct preliminary investigations.

2. On the night of the 4th May, the Chairman had consultations with the Commissioners for Canada and Poland. While the Polish Commissioner and the Indian Commissioner proposed sending an ad hoc team of the Commission to conduct the preliminary investigations, the Canadian Commissioner expressed concern in taking such an action in case the foreign armed personnel were from South Vietnam, as, according to him the Commission had no responsibility in cases of border incidents caused by South Vietnam forces. However, as the identification of the invaders was not yet established, it was unanimously agreed that the Commission should send an ad hoc team to the scene of action on the following day to conduct preliminary investigation. Accordingly a team consisting of representatives of the three Delegations, was detailed on the morning of the 5th May, 1957. The team returned the same night.

3. While there was unanimity in the team's preliminary investigation report regarding the facts of the case, the Canadian representative has signed the report with a reservation that this was without any prejudice to the stand taken by the Canadian Delegation on the subject of the Commission's competency to deal with border incidents involving South Vietnamese forces.

4. From the team's report it will be seen that elements of South Vietnam armed personnel had violated Cambodian frontiers and had indulged in acts of indiscriminate shooting at unarmed civilians and pillage. According to the statement of the Lieutenant (one of the prisoners) leading the raiders, he was acting under instructions of his Battalion Commander.

5. In this connection, it is relevant to point out that the Royal Government of Cambodia had during the past 18 months reported a series of violations of Cambodian territory and fortification of frontiers by the South Vietnamese and Thai armed forces.

(i) In 1956, the Commission received seven letters from the Royal Government reporting 18 border incidents involving South Vietnamese armed forces and other South Vietnamese persons which included violation of Cambodian frontiers, incursion into the Cambodian territory, fighting on the Cambodian territory between the Royal Khmer forces and South Vietnamese troops, piracy, cattle lifting, abduction and harassment of Cambodians, pillage, murder and fortification of South Vietnam frontiers, etc. Copies of six letters involving 17 incidents were sent to the International Commission in Vietnam and in certain cases requesting it to forward them to the South Vietnam Government.

(ii) In 1957, the Commission received 17 letters from the Royal Government reporting thirty border incidents involving South Vietnamese armed forces and others. Some of these cases were also taken up directly by the Royal Government with the South Vietnam Government. The Commission forwarded copies of these letters to the South Vietnam Commission for information and comments. In one letter, the Royal Government having become increasingly apprehensive over the mounting number of border incidents had asked the Commission for its views to which the Commission replied that the report had been sent to the Vietnam Commission requesting them to take it up with the South Vietnam Government and that a further communication would follow on receipt of a reply.

(iii) On the Thai-Cambodian border, the Commission received one letter reporting one border incident and eight letters reporting nine border incidents in 1956 and 1957 respectively. The Commission acknowledged receipt of these letters.

6. The Commission met on the 9th May, 1957, to discuss the course of action to be taken on the team's report. The Canadian Commissioner stated that no action should be taken on the report as the Commission was not competent to deal with the border incidents involving South Vietnamese forces as in his opinion, violation of Cambodian frontiers by South Vietnamese forces does not constitute violation of frontiers in terms of the Geneva Agreement. This raised a discussion on the competency of the Commission to deal with the border incidents in general and the specific incident in particular.

7. It was decided by a majority vote of two to one that the Commission was competent to deal with the border incident under discussion. There was, however, no unanimity of decision as required under Article 21 of the Geneva Agreement on Cambodia since the Canadian Commissioner held that violation of Cambodian frontiers did not constitute violation in terms of the Geneva Agreement.

8. The proposal made by the Polish Delegation and agreed to by the Indian Delegation to send a copy of the team's report to the International Commission, Vietnam, requesting them to take the matter up with the South Vietnam Government as well as to send a copy thereof to the Royal Government of Cambodia was not agreed to by the Canadian Delegation. This suggestion was in accordance with the previous practice hitherto followed except that in this case the team's report was suggested to be forwarded while in the previous cases such a report was not available since the incidents were not verified by the Commission's team and the Royal Government letters reporting incidents were forwarded without verification by International Commission's representatives.

9. As there was no unanimity as specified in Article 21, further action could be taken only under provisions of Article 22 of the Geneva Agreement on Cambodia. Article 22 provides that in cases of differences, a majority and minority report are to be submitted to the Co-Chairmen of the Geneva Powers' Conference.

10. The position in brief is that while the Indian and Polish Delegations feel that the International Commission in Cambodia is competent to entertain complaints and reports regarding border incidents involving violation of Cambodian frontiers and to take action thereon, the Canadian Delegation feels that the Commission is competent to deal with cases of violations of frontiers only if these are caused or inspired by the personnel of the Democratic Republic of Vietnam. There is thus a fundamental difference of opinion. The number of border incidents reported by the Royal Government of Cambodia to the International Commission is increasing. The Indian and Polish Delegations would be grateful for the Co-Chairmen's instructions in the matter.

Maj Gen
sd/ (Chand N. Das)
India
Chairman.

sd/ (Gustaw Alef Bolkowiak)
Poland
Commissioner.

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sd\ (Gustaw Alai Polkowski)
Poland
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INTERNATIONAL COMMISSION FOR SUPERVISION
AND CONTROL IN CAMBODIAMinority Report by the Canadian Delegation
as per decision in the Commission's meeting
held on the 9th May, 1957.

In agreeing to participate in the preliminary investigation on May 5, 1957, into the border incident at Bathu, Svay Rieng, the Canadian Delegation, because of its views with respect to the competence of the Commission to deal with border incidents of this type, reserved its position in the event that the persons reported to have entered Cambodian territory proved to be members of the South Vietnam Armed Forces. When it was ascertained that the marauders were in fact members of the South Vietnam Army, the Canadian representative on the Ad Hoc team signed the team report with a notation that he did so without prejudice to the views of the Canadian Delegation regarding the competence of the Commission to deal with border incidents.

2. During 1956 and 1957, the Commission received a number of letters from the Royal Government of Cambodia stating that South Vietnam or Thailand were responsible for incursions into the Cambodian territory or were strengthening garrisons and building military posts in areas adjacent to the common frontier. While these alleged incidents could lead to a deterioration in the relations between the countries concerned, the Canadian Delegation considers that this is a problem which should be settled by direct means and is not the responsibility of the Commission under the terms of the Cease-Fire Agreement for Cambodia.

3. Upon receiving letters concerning Cambodian-South Vietnam border problems from the Royal Government, the Commission, by unanimous decision, forwarded copies of these letters to the International Commission in Vietnam for their information and comments, if any. In one instance, where the Royal Government requested the views of the Commission on a border incident, the Cambodian Commission forwarded the letter to the Commission in Vietnam and requested it to take the matter up with the Government of South Vietnam. The Canadian Delegation is of the opinion that there is an important difference between the procedures followed in the past and the proposal to forward a report of an Ad Hoc team investigation to the Royal Government and the Vietnam Commission with a request that the Vietnam Commission take the matter up with the Government of South Vietnam. The Canadian Delegation objected to this course of action on the ground that it constituted a clear acknowledgment that the Commission considered itself competent to deal with this border incident.

4. The Canadian Delegation does not consider that the Commission is competent under the terms of the Cease-Fire Agreement for Cambodia to take action with respect to any border incursions which could be attributed to members of the South Vietnam Armed Forces. It considers that the Commission is competent to deal with cases of violations or threats of violations of Cambodian territory only if these actions can be attributed directly or indirectly to the

Democratic Republic of Vietnam, the other party to the Cease-Fire Agreement. The views of the Canadian Delegation, in this respect, are set forth fully in the Minutes of the Extraordinary Meeting which took place on May 9.

5. The Canadian Delegation does not agree that Article 21 is applicable to the Svay Rieng case since this is a minor border incident between two sovereign countries and cannot be considered "a resumption of hostilities". In the opinion of the Canadian Delegation, hostilities can only be "resumed" if the two parties to the Agreement (which was designed to bring about a Cease-Fire in Cambodia between two opposing forces) were to take any action which could be considered a violation or threat of violation upon one or the other's territory.

(L.H. LaVigne)
Acting Commissioner, Canada

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