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24 July 1973
SC-05828/73

MEMORANDUM

SUBJECT: Considerations and Options Relating to Possible Negotiations on Cambodia

Key Judgments

(1) The timing and outcome of any preliminary talks with Sihanouk and Khmer Communist representatives will depend heavily on Peking and Hanoi's intervention with their Khmer clients.

--Both appear ready to push the Khmer insurgents toward a peaceful settlement at this time but the insurgents, encouraged by the impending cessation of US air support, may be balking at an early opening of discussions.

--If the insurgents have gone off the reservation, Chinese and North Vietnamese pressure can probably bring them back--but not necessarily within the time frame of Dr. Kissinger's stay in Peking.

(2) The question of who the US should or could talk to is complicated by the Khmer Communists' long-standing hostility and suspicion regarding their nominal leader, Sihanouk.

--Because it appears in the interest of Washington to maximize the equities of Sihanouk and his nationalist supporters vis-a-vis those of the Khmer Communists, an effort should be made to involve the prince (or someone from his stable such as Penn Nouth) as deeply as possible in the negotiating process.

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--Nevertheless it seems almost certain that a Khmer Communist representative, most likely Ieng Sary, will participate in any conversations in Peking involving Sihanouk or his supporters.

(3) This memorandum assumes that the prime US objective in any such talks will be to secure agreement on an in-place cease-fire in Cambodia as soon as possible.

--Attempts should be made to secure promises of restraint from the other side concerning the use of Cambodian territory for military operations against South Vietnam. But at this stage of the negotiating process it may be impossible to extract any meaningful guarantees beyond the reaffirmation of Article Twenty of the Paris Agreement.

--It is possible that the other side will demand that any discussion of the withdrawal of foreign forces be linked not to a cease-fire but to the subsequent negotiation of a new government--the case obtaining in Laos.

(4) In order to secure agreement on a cease-fire it will almost certainly be necessary for the US to reach a firm understanding with Sihanouk or his surrogates on the general outlines of a political settlement.

--The best obtainable understanding will almost certainly have to encompass US blessing for the establishment of a coalition government, probably headed by Sihanouk, which would include Sihanouk's nationalist supporters and the Khmer Communists, along with some elements of the present Phnom Penh Government--but with the Khmer Communists clearly in a leading role.

--There also will probably have to be some restructuring or reshuffling of the present Phnom Penh government in order to bring about direct negotiations between the two Cambodian sides regarding the precise nature and composition of a coalition government.

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--Direct US involvement in the negotiating process can perhaps be limited to obtaining or laying the groundwork for a document along the lines of the 20 February Laotian accords, i.e., a cease-fire agreement and general formula for an eventual political solution leaving the actual negotiating to the two sides in Cambodia.

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Discussion

Can A Compromise Settlement Be Sold in Peking and Hanoi?

1. The prospects of selling a cease-fire and compromise settlement to the other side have been somewhat undercut by the impending cessation of US military support for Phnom Penh and by the current intransigent public line being taken by Sihanouk. Nevertheless, the interests of the various Communist parties, as developed below, may provide grounds for discussion and the possibility of a negotiated compromise.

2. In the mix of confusing and often competing interests existing on the opposition side, Peking's equities and objectives stand out rather sharply. Chinese interest in a quick compromise settlement became highly visible a few days following the signing of the Paris Agreement when Sihanouk, acting on the advice of Chou En-lai, publicly and unsuccessfully, advised the Khmer insurgents to consider a unilateral cease-fire. Since this time Peking has consistently advocated a negotiated settlement and more recently has encouraged talks between Sihanouk and the US.

3. The developing Sino-US detente is probably reason enough to encourage a cooperative Chinese attitude, but Peking's Cambodian policy is also grounded in more narrow self-interest. The Chinese see Sihanouk as their chief asset in shaping Cambodia's future.

--They would like to see a return to the status quo ante in Cambodia with a grateful Sihanouk presiding as chief of state, if initially only as a figurehead.

--This situation would help deny the Soviets a significant role and would also tend to offset North Vietnamese political influence.

--Both Peking and Sihanouk must reckon that, with an end to the fighting, frictions between the Khmer Communists and their North Vietnamese mentors will become more pronounced allowing Sihanouk and the Chinese more room for maneuver and leverage.

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--If, however, the fighting is allowed to continue, the insurgents possibly could achieve a total military victory in the field, eliminating their need for Sihanouk and leaving Peking with at least a partially empty bag.

4. For precisely the above considerations, Hanoi is less enthusiastic about a compromise settlement. Nevertheless, after what may have been a period of equivocation or temporizing, early this year the North Vietnamese put themselves squarely behind an insurgent negotiating position with Sihanouk as focal point. There are some basic reasons why Hanoi opted for this course:

--Its interests in Cambodia are limited and it probably judges that its basic requirement--relatively unhampered use of the border regions of eastern Cambodia--has already been achieved and can be maintained regardless of the precise nature of a settlement.

--It would like US aid in North Vietnam and pressure on Thieu to adhere to the cease-fire in South Vietnam. It can hardly expect much along these lines from Washington as long as it takes a totally intransigent position on ending the Cambodian war.

--Perhaps most importantly, it may have been subjected to considerable Chinese persuasion.

5. A distinction should be made between Hanoi's willingness to press for the opening of negotiations on a cease-fire on the one hand, and on the other, its willingness to encourage those Khmer responsive to it to soften significantly their demands with a view to a genuine compromise settlement. The North Vietnamese probably judge that the 15 August deadline for the end of US military involvement in Indochina gives them more freedom to resist outside demands that they push the Khmer Communist toward substantial compromise.

6. The outcome of any preliminary talks between Sihanouk and the US will obviously hinge in large part on Peking and Hanoi's intervention with their Khmer insurgent clients. There are numerous indications

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that some process of coercive pressure is underway. Many of Sihanouk's recent public statements contain thinly veiled cries of distress concerning insurgent supply difficulties. In a press interview of 18 July, for example, Sihanouk expressed confidence that the delivery of Chinese arms and ammunition for the insurgents "would resume when the question of shipment by way of North Vietnamese territory had been resolved." A more direct indication that some pressure is being applied to the Khmer Communists was reflected in an insurgent message of 11 July from the Phnom Penh area which complained that "friendly countries have been forcing us to resolve the situation through negotiations."

The Position of the Khmer Communists and Their Relation to Sihanouk

7. These signs of applied pressure raise new questions about the Khmer insurgents' own attitude toward a negotiated settlement or even their willingness to countenance preliminary talks between Dr. Kissinger and Sihanouk at this time. With momentum running heavily in their favor, the Khmer Communists have been in no hurry to explore a peaceful solution. On the contrary, they have been interested in pushing the Phnom Penh regime to the point of collapse; to that end they have made a sustained effort to maintain and step up their military pressure. Recently, the insurgents have conducted a large-scale buildup of forces around Phnom Penh--a major undertaking during the rainy season.

8. But Khmer Communist exhortations to the troops contained in intercepted messages are beginning to show some sense of urgency--suggesting a realization that the negotiations which up to now have been put off can no longer be avoided. Indeed, there are good reasons to judge that the insurgents will eventually go along with a negotiating strategy:

--They are by no means free agents. Despite undeniable independent tendencies, the top Khmer Communist leadership has close ties to North Vietnam (where most of them were trained) and is almost certainly responsive--at least in large measure--to North Vietnamese direction.

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--The Khmer Communists are vulnerable to North Vietnamese and Chinese coercion. Unless the Phnom Penh government collapses internally, the Khmer Communists' chances of toppling it by military action would be substantially reduced without continuing external assistance.

--Hanoi and Peking could argue that definite advantages would accrue to the insurgents in gaining power through the coalition government route. A civil administration which the insurgents cannot duplicate would be preserved more or less intact. Internal stability would be easier to restore. Domestic and international legitimacy could be enhanced, as would opportunities for foreign trade and aid.

9. What, then, is behind the insurgents' present "hard-to-get" position concerning direct talks with the US? It is possible that the 15 August deadline on US military involvement in Indochina has reopened debate within insurgent ranks on the wisdom of talks at this time. The Khmer Communists may now be demanding more delay in the opening of any discussions on a settlement in order to see what happens following the cessation of US air support for the Cambodian Army. If the insurgents have gone off the reservation in this manner, China and North Vietnam can probably bring them back--but not necessarily within the timeframe of Dr. Kissinger's stay in Peking or before the 15 August deadline.

10. Another factor undoubtedly complicating the arrangement of talks in Peking is the Khmer Communists' persistent suspicion of their nominal leader, Sihanouk. They have been particularly sensitive to the possibility of private dealings between him and the US. In early February the Khmer Communist leadership, asserting that Sihanouk could not be trusted to protect their interests, reacted with concern to the possibility of contact between him and Dr. Kissinger during the latter's visit to Hanoi. The recent stream of Sihanouk statements minimizing the role he will play in any future negotiations or in a new Cambodian government has obviously been intended to keep

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tensions under control. It also suggests that the possibility of Kissinger-Sihanouk talks in Peking may have added new strains to the already fragile relationship between the Communists and the nationalists.

With Whom Should We Talk

11. Because it appears to be in the long term interest of Washington to maximize the role of Sihanouk and his nationalist supporters in any future coalition government, an effort should be made to involve the prince as deeply as possible in the negotiating process from the outset. (If Sihanouk refuses to talk for reasons of face or otherwise, an acceptable surrogate would be Penn Nouth.) Nevertheless, it seems almost certain that a Khmer Communist official, most likely Ieng Sary, will be an interested and active participant in any conversations in Peking involving Dr. Kissinger and Sihanouk or Penn Nouth. Should Dr. Kissinger find that talks can only be arranged with the Khmer Communists, with Sihanouk or his nationalist supporters absent (at least initially), this would probably be a tactical gambit. If, over time, Sihanouk should be kept out of any negotiations, this would signal a clear shift in the equation, i.e., a diminution in Sihanouk's position.

Some Specific Negotiating Proposals

12. With strong Chinese support and at least tacit North Vietnamese backing for a peaceful solution in Cambodia, a settlement short of surrender on Communist terms is possible. But the offer of a cease-fire itself, will not be sufficient inducement to get the settlement process underway. As was the case in Laos, an end to the fighting will have to be linked with some firm understandings regarding political matters. In any meetings with Dr. Kissinger, the other side will waste little time before advancing their maximum political demands, which have been clearly spelled out for months. Essentially, these involve the removal of the Lon Nol government and the reunification of Cambodia under a government of national union probably headed by Sihanouk and with a heavy infusion of Khmer Communists.

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13. Specific political details may be negotiable; but, in Communist eyes, the general concept of a unified Cambodia under a coalition headed by Sihanouk probably is not. Any US efforts to modify or counter this concept with a scheme involving partition of Cambodian territory are not likely to be successful. Sihanouk's recent public statements condemning partition appear to represent an advance warning on this score. Although de facto or de jure partition might satisfy the interests of Hanoi and Peking, it runs against the grain of Cambodian history and social conditioning and would be strongly opposed by the Phnom Penh Government as well as Sihanouk.

14. Assuming general agreement can be reached on the principle of a coalition government (which to the Communists means a government that they dominate), determination of its precise nature and composition can probably be left for subsequent negotiations between the two Cambodian sides. In preliminary discussions with the US, Sihanouk and the insurgents will press for as many concessions as possible compromising the position of the Phnom Penh government. They will probably settle, however, for formal US agreement to accept any government "freely negotiated" by the Cambodian principals within the framework above. In return--unless the Communists really anticipate an early collapse in Phnom Penh after 15 August and hence are obdurate--the US should be able to extract an understanding that any new coalition would include credible representatives now on the friendly side in Cambodia.

15. A settlement can probably be reached fairly quickly on the principle of a Sihanouk-led coalition government, but the price of a cease-fire and the specifics of arriving at negotiations between the Cambodian sides will require more time. Sihanouk may demand total removal of the present government in Phnom Penh. He almost certainly will demand the removal of certain members of the present political leadership. Finding a solution to this problem could well become the principal and most difficult task facing Dr. Kissinger in Peking--especially if he is dealing directly with Sihanouk. [redacted] 25X6A

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Nevertheless, the Cambodian conflict is far more than a personal vendetta. Sihanouk and the other enemy principals are unlikely to allow past humiliation to stand in the way of a settlement.

16. Sihanouk has at one time or another identified all four members of the High Political Council --Lon Nol, Sirik Matak, Cheng Heng, and In Tam--as beyond the pale. Nonetheless, the US should attempt to preserve as much of this leadership as possible although some names realistically will have to be dealt off either in advance of a cease-fire or during a transitional period leading to Cambodian negotiations. More importantly, the US should try to preserve the present constitutional structure in Phnom Penh regardless of any leadership reshuffling that may prove necessary. This would allow Phnom Penh to enter eventual negotiations with its legitimacy intact. The US should also try to elicit from Sihanouk and his colleagues some public assurances that Sihanouk will pursue a policy of conciliation with his present enemies and eschew reprisals.

17. Lon Nol is clearly unacceptable to the other side because he is the head of the "enemy" government, because he sanctioned US "military aggression" in Cambodia, and because of his role in ousting Sihanouk in 1970. Sihanouk has even stronger negative personal and political feelings about his cousin, Sirik Matak. Matak is viewed as the primary architect of Sihanouk's ouster in March 1970. Before that event, it was also Matak who led the effort to bring about a gradual curtailment of Sihanouk's authority. The depth of Sihanouk's hostility toward Matak was reflected in an interview Sihanouk gave in Romania last month. Sihanouk called Matak "one of the worst traitors and reactionaries" in Cambodia's history and said that "we are going to hang him." As for the Khmer Communists, they undoubtedly put Matak on the same political plane as Lon Nol. They identify Matak as a particular US "favorite," and they also regard him as a symbol of royalist autocracy-- a "stigma" that obviously is even more applicable to Sihanouk.

18. Cheng Heng must be much less of a political pariah to the other side than Lon Nol or Matak. As

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President of the National Assembly in March 1970, he presided over the legislature's endorsement of Sihanouk's deposition, and he subsequently succeeded Sihanouk as chief of state. But Cheng Heng has never played an active political role in Phnom Penh, and he is recognized as one of Lon Nol's strongest critics. He was also one of the earlier advocates of national reconcilation with the insurgents. Given this background, and Cheng Heng's lack of any power base, his continued presence in the government does not appear to be an insurmountable obstacle to a cease-fire. It is possible that Sihanouk and the insurgents might agree to his inclusion in a coalition government.

19. In Tam, also, may have some standing with Sihanouk and the Khmer Communists. Like Cheng Heng, he has been in favor of reconciliation. In January of this year, he floated a plan that included the holding of elections which would bring some insurgent representatives into the National Assembly and into the cabinet as well. He, too, has had many differences with Lon Nol and ran well against him in last year's presidential election. Finally, In Tam has frequently claimed to have lines open to some apparently lower-level insurgent elements in the countryside.

20. Based on the above considerations, the departure at least of Lon Nol and Sirik Matak may well prove unavoidable steps toward the obtaining of a truce and the opening of negotiations. Their positions in the High Political Council could remain vacant or replacements such as Cambodian Army Commander-in-Chief Sosthene Fernandez could be brought in. Instead of defending the council in general, while preparing to deal off Lon Nol and Matak, when and where necessary, another tack might be considered. The council could be dissolved leaving a legally constituted government in place, headed by Prime Minister In Tam--a government which would continue to enjoy full US support. The council's dissolution could be handled without too much embarrassment. It is an ad hoc, extraconstitutional body and its demise could be credibly explained by saying that it had achieved its purpose of setting up a more representative cabinet and charting the courses for economic and military reforms. In Tam,

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probably the least objectionable leader on Sihanouk's black list, could then make a new bid for a cease-fire and political talks.

21. Finding the political raw material for a government acceptable to the Communists, even as a negotiating partner, would not be easy. The list of veteran civil and military officials who did not endorse Sihanouk's overthrow is not long and is not well-documented. Former prime minister Son Sann appears to be a good starting point. He has kept his political distance from Phnom Penh since August of 1970, when he arrived in Paris with a vague mandate from the Lon Nol government to sound out peace prospects among various Communist diplomatic representatives in the French capital and to see if any of Sihanouk's Cambodian camp followers there might be induced to rally.

22. Although Son Sann's occasional probes along these lines have been unsuccessful, he has been content to sit tight in Paris "awaiting further developments." Moreover, he has frequently indicated that he would be willing to serve as an active intermediary in trying to restore peace in Cambodia. Sihanouk appears to be aware of Sann's position, and he has occasionally criticized Sann sharply in public for alleged "third force" activities. Privately, however, there is some reason to suspect that Sihanouk can live with Sann. Despite some differences in the years before Sihanouk's ouster, the two managed to work together reasonably well. Another of Sann's attributes is his financial expertise--he is also the former head of the National Bank. Sihanouk, and even the Communists, will need such talent in the postwar period.

23. Another former prime minister of more recent vintage, Hang Thun Hak, is another possibility. He has a relatively inoffensive and modest political background, and reputedly has a talent for compromise and conciliation. This past January, he was directing efforts to establish contacts with several of Sihanouk's key in-country "ministers" in the countryside. (Although such contacts reportedly were made, their authenticity could not be verified and they apparently soon dried up.)

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24. On the military side, General Sosthene Fernandez may still be an acceptable figure--even though he is now the commander-in-chief of the Cambodian Army. Fernandez seems to have talent for political survival. He was placed under house arrest by Lon Nol for a brief time following Sihanouk's ouster because he was regarded as too pro-Sihanouk. Rightly or wrongly, he has found it hard to shake that label. Fernandez' administrative abilities could conceivably be useful to Sihanouk and the Khmer Communists in helping to bring about a peaceful integration of the Cambodian Army and insurgent forces.

25. One of Fernandez' cronies, General Norodom Chantarangsey, might also be a good bet for either a provisional or coalition government. Chantarangsey has spent most of the war managing his military fiefdom in Kompong Speu Province, and his 13th Brigade has been used almost exclusively to run peaceful "pacification" projects. He has diligently kept his distance from Phnom Penh, and there have been recurrent rumors that he has reached an accommodation with insurgent forces in Kompong Speu. Like many Cambodian officials, he has had past problems with Sihanouk. But he is also from Sihanouk's branch of the royal family, which may still count for something with the prince.

26. Another prominent military officer who could probably work with the other side is General Saukham Khoy. The former inspector general of the army, he is now the President of the Senate, the Upper House of the Cambodian legislature. He is generally respected and competent, and has had scant interest in political matters.

27. A transitional government could be fleshed out with essentially apolitical technocrats who have had no strong affiliation with the present regime and who have had no serious problems with Sihanouk in the past. In view of the scarcity of talent in Cambodia, it might be difficult to scrape up enough of these persons to form a government--assuming that they would be willing to participate. Such technocrats do exist, however, but they can best be identified by Cambodians in Phnom Penh.

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