

RELIEF AND REHABILITATION OF WAR VICTIMS IN INDOCHINA PART I: CRISIS IN CAMBODIA

HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE PROBLEMS
CONNECTED WITH REFUGEES AND ESCAPEES

OF THE

16
20
COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

24
18
1/2
NINETY-THIRD CONGRESS

FIRST SESSION

APRIL 16, 1973

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1973

COMMITTEE ON THE JUDICIARY

JAMES O. EASTLAND, Mississippi, *Chairman*

JOHN L. McCLELLAN, Arkansas
SAM J. ERVIN, Jr., North Carolina
PHILIP A. HART, Michigan
EDWARD M. KENNEDY, Massachusetts
BIRCH BAYH, Indiana
QUENTIN N. BURDICK, North Dakota
ROBERT C. BYRD, West Virginia
JOHN V. TUNNEY, California

ROMAN L. HRUSKA, Nebraska
HIRAM L. FONG, Hawaii
HUGH SCOTT, Pennsylvania
STROM THURMOND, South Carolina
MARLOW W. COOK, Kentucky
CHARLES MCC. MATHIAS, Jr., Maryland
EDWARD J. GURNEY, Florida

SUBCOMMITTEE To INVESTIGATE PROBLEMS CONNECTED WITH REFUGEES AND ESCAPEES

EDWARD M. KENNEDY, Massachusetts, *Chairman*

JOHN L. McCLELLAN, Arkansas
PHILIP A. HART, Michigan
HIRAM L. FONG, Hawaii
CHARLES MCC. MATHIAS, Jr., Maryland

DALE S. DE HAAN, *Counsel*
JERRY M. TINKER, *Staff Consultant*

(II)

CONTENTS

STATEMENTS OF

	Page
Wells Klein, member of the Subcommittee Study Mission to Cambodia, and executive director, American Council for Nationalities Service, New York.....	3
Father Robert Charlebois, regional director for Southeast Asia and the Pacific, Catholic Relief Services, New York.....	19
Hon. Robert H. Nooter, Assistant Administrator, Bureau for Supporting Assistance in the Agency for International Development, accompanied by: Arthur W. Hummel, Jr., Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Department of State; and Dennis Doolin, Deputy Assistant Secretary of Defense for East Asian and Pacific Affairs, Department of Defense.....	25

APPENDIX

I. Response of the Department of Defense to Subcommittee inquiries on U.S. bombing in Cambodia.....	47
II. Official reports on the Cambodian refugee crisis.....	55
III. Press reports and commentaries on Cambodian situation.....	73

RELIEF AND REHABILITATION OF WAR VICTIMS IN INDOCHINA

PART I: CRISIS IN CAMBODIA

MONDAY, APRIL 16, 1973

U.S. SENATE,
SUBCOMMITTEE ON REFUGEES AND ESCAPEES OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 6202, New Senate Office Building, Senator Edward M. Kennedy (chairman), presiding.

Present: Senator Kennedy (presiding).

Also present: Dale S. de Haan, counsel; Jerry M. Tinker, staff consultant; Patricia Carney, secretary to the subcommittee; and Marc Ginsberg, assistant.

Senator KENNEDY. The subcommittee will come to order.

At the outset, I want to apologize to all of the witnesses this morning for this late start. We had the announcement of the closing of a number of military installations in Massachusetts, and the Defense Department officials have been meeting with the members of the congressional delegation and the axe fell on Massachusetts at 9:30 this morning. So we had to meet with Defense Department officials, and that is why we are late in getting started.

I want to express my appreciation to you for your patience in remaining with us.

Just 2 weeks ago, a study mission, representing the subcommittee, returned from visiting North Vietnam and South Vietnam, Laos, and Cambodia. The study mission was part of the subcommittee's continuing effort since 1965 to document the devastating impact of the Indochina war on the civilian population—and to make the case, again, that the humanitarian needs of orphans and maimed children—of refugees and civilian casualties—must be a matter of vital concern to the American people and their Government.

The study mission is currently preparing a detailed report of its findings and recommendations—and, following today's hearing on humanitarian problems in Cambodia, additional hearings will be held on conditions in other areas of Indochina. Our purpose is to contribute responsibly to the discussion over our country's future relations with Indochina—in the aftermath of war.

But, regrettably, the issue now at hand is less about this future, than about recent developments and the present course of American policy—especially in Cambodia.

Latest estimates put the number of refugees at some 3 million men, women, and children—since the American-sponsored invasion of that country 3 years ago. Civilian casualties number in the tens of thousands. And housing, food, and medical conditions are rapidly deteriorating.

And while we hear a great deal from our Government about the urgent need for airlifting military hardware and supplies to continue the war—we hear nothing about the impact of the bombing and war on the people and land of Cambodia. We hear nothing about responding in any meaningful way to the urgent cries for help from the Cambodian people.

After more than 2 years of public promises and commitments to provide humanitarian aid to refugees in Cambodia—our Government still has the situation under assessment and review. The record is clear that precious little effort is being made to help bring peace and relief to Cambodia.

And so today, as the subcommittee opens its ninth year of public inquiry into the humanitarian problems of Indochina, the region's crisis of people escalates. In Cambodia, each day of bombing and war brings another day of human suffering. Tragedy is piled upon tragedy. More civilians become casualties or die. More children are orphaned or maimed. More refugees flee devastated villages and towns.

The time is long overdue for America to stop sending its bombers over Cambodia, and to start sending its diplomats to help arrange a ceasefire. The time is long overdue to end the violence and bloodbath in Cambodia and wherever it occurs in Indochina. The time has come to get on with the truly honorable task of healing the tragic wounds of war in Cambodia and throughout all of Indochina.

The people of America want peace, not a peace that comes and goes from day to day and month to month, but a durable peace, so that our Nation can finally turn its full attention to all the other things we have to do at home and overseas. I know that the witnesses appearing before the subcommittee this morning—including those representing the administration—want to realize this goal. And, hopefully, the hearing today and those that follow will help us achieve it.

Our first witness, Mr. Wells Klein, has been actively involved with the humanitarian problems in Indochina for nearly 20 years. He has been associated with both the private voluntary agencies working in the field as well as with the Agency for International Development. He brings before the subcommittee this morning a great deal of knowledge and expertise in the problems of war victims in Indochina, especially among refugees and the children.

He is no stranger to the subcommittee. He testified here first in 1965, and served in the past as a consultant to the subcommittee, and most recently was a member of our study mission to South Vietnam and Cambodia.

He is currently executive vice president and director of the American Council for Nationalities Service in New York.

Mr. Klein, we want to welcome you and we look forward to your statement here this morning.

**STATEMENT OF WELLS KLEIN, MEMBER OF THE SUBCOMMITTEE
STUDY MISSION TO CAMBODIA, AND EXECUTIVE DIRECTOR,
AMERICAN COUNCIL FOR NATIONALITIES SERVICE, NEW YORK**

Mr. KLEIN. Thank you very much, Mr. Chairman.

Before I begin my testimony I would like to make an observation on these hearings, if I may.

On my way to Washington this weekend I took time to read the record of the subcommittee hearings and reports on Cambodia over the past 3 years. As a result, I come before you this morning with a good deal of apprehension. The crisis in Cambodia has been brewing for some time and it has long been documented in the subcommittee's reports. With an awareness of this, I feel a special urgency to state the case once again, that the refugees and people of Cambodia must receive our attention and assistance, as has been outlined in the subcommittee reports over the past 3 years.

Senator KENNEDY. You are absolutely right. And just to put that into perspective, you probably remember that during the course of our hearings in 1971 there was an exchange with Ambassador Sullivan about our aid to Cambodia. We were unable to really get much admission that there was even a problem. In response to a question, Ambassador Sullivan said that there does not appear to be currently a humanitarian problem; he said "people who are displaced have been taken care of except the small group of people who are encamped on the outskirts of Phnom Penh itself." That was in the 1971 hearings.

And then in 1972 we made a request for what items were actually in the budget and what programs were actually being developed for refugees in Cambodia. They were submitted in September of 1972 and indicated that nothing was actually being done by our Government for refugees.

And now we are in 1973, and we have got the figures in your testimony that there are now approximately 3 million refugees and, still, we find a paucity of response.

But this is what we are going to be interested in exploring this morning. I just point this out at the beginning to put what follows into perspective.

Mr. KLEIN. Thank you, Mr. Chairman. My name is Wells Klein, and I am the executive director of the American Council for Nationalities Service in New York City. In late March this year I visited Cambodia in a private capacity as a consultant to this subcommittee and as a member of the study mission which you dispatched to evaluate the postwar humanitarian needs of Indochina. The testimony and recommendations I am presenting this morning are based on my own findings and observations. However, to the best of my knowledge, they also represent the consensus of the study mission.

We went to Indochina to evaluate postwar humanitarian needs. Sadly, we were not able to do so. Although American prisoners of war are home and American troops have been withdrawn—major accomplishments which we, as Americans, can be justly proud—in fact the war continues unabated in Vietnam and in Cambodia. So, with deep regret, we once again focused much of our attention, not

on postwar humanitarian concerns, but on the continuing causes and dimensions of human misery, and on what must be done to alleviate that misery.

Cambodia is not Vietnam. Its history, its culture, its language, and its religion are totally different from that of its eastern neighbor. Yet the political and military circumstances of Cambodia today are frighteningly similar to those of Vietnam at the end of the Diem regime a decade ago when America was inexorably, and against its will, drawn into war. These similarities—a rapidly deteriorating political and military situation, and an increasingly repressive government losing contact with the people—are compounded by a level of mounting human suffering which may shortly surpass the worst we have seen in Vietnam. I refer specifically to the refugee crisis which is upon us now and for which neither our Government nor the Government of Cambodia have made any significant plans.

Statistics are tricky and subject to various interpretations. This is particularly so with refugee statistics. Who and how do you count? There are no precise statistics available in Cambodia. However, the figures which follow are given in the belief that they are of the right order of magnitude.

Cambodia has a population of some 6.5 million people. Over the past 3 years, in a cumulative sense, some 2.5 to 3 million people have been, or are now, refugees or persons displaced by the war. This estimate includes some 507,500 persons presently officially registered as refugees and another estimated 500,000 unregistered refugees. In Svay Rieng there were 24,186 registered refugees as of February. At the time of my visit 3 weeks ago the province chief and the American Embassy official responsible for refugee matters estimated the refugee population of Svay Rieng at around 100,000 persons.

In addition to the 1 million current refugees, one must count some 500,000 military dependents who have been forced to move by the fortunes of war, and some 250,000 ethnic Vietnamese who were repatriated or forced to flee to South Vietnam.

Finally, there are some 2 million people under the control of the Khmer Rouge or other antigovernment forces. No refugees or displaced persons statistics are available for this population. However, it is known that the other side has dealt harshly with the civilian population under its control and that extensive forced movement of population has taken place for political and military purposes. This, combined with the resumption of bombing by strategic and tactical aircraft suggests that at least half of the population under nongovernment control must be classified as refugees or displaced persons. The total is seen in table I.

Table 1. Refugees/Displaced Persons in Cambodia

Officially registered refugees.....	507, 500
Estimated nonregistered.....	500, 000
Ethnic Vietnamese forced to flee to South Vietnam.....	250, 000
Military dependents displaced.....	500, 000
Total in government areas.....	1, 957, 500
Thirty-five percent of total population is outside of Government areas and an estimated half of these have been displaced.....	1, 000, 000
Total.....	2, 957, 500

These statistics are staggering. But very few Cambodians are peacefully pursuing normal productive lives in the countryside—an observation born out by the acute shortage of rice in both government and insurgent controlled areas.

To understand the full scope of the tragedy which is overtaking Cambodia one must talk with the refugees. Refugees are the most accurate bellwether of conditions in the countryside, and at every opportunity the study group stopped at random to interview refugee families.

As always, the reasons why refugees move are complex. Until recently most refugees fled their homes to avoid the crossfire of war, the bombing and the artillery fire. Others fled in advance of Vietnamese troops—and I may add that this morning's news does not bode well in that sense—and others fled in advance of Vietnamese troops—from either North or South—who they greatly fear, and with good reason. It should be said at this junction that these refugees were, in no way, "voting with their feet." In very simple human terms, they were fleeing for their lives from bombing and the violence of war to areas of at least temporary security—a relatively sane and predictable action.

In recent months, however, a combination of three new considerations have led to increased refugee movements. There is clear indication that many refugees have tired of living under what they report to be increasingly repressive circumstances on the other side, circumstances which include heavy taxation, corvee labor, political indoctrination, and forced population movement. The numbers who have fled for these reasons are not yet large, perhaps because they are unable to leave, but the trend is significant.

Secondly, rice is in short supply everywhere as a result of the war and the nation's stagnating agricultural economy. Many refugees are fleeing to Government-held areas in the hope of securing food. Despite the fact that the United States is supplying three-quarters of all the rice now consumed in areas under Government control, these new refugees may be moving in vain. For a serious nationwide shortage of rice is now compounded in many provincial areas by the government's inability to move rice from Phnom Penh to outlying areas.

Finally, and this element is difficult to assess, recent resumption and intensification of American bombing is inevitably beginning to swell the ranks of the displaced and the homeless. Where once, ostensibly, American bombing was confined to the thinly populated areas of northeast Cambodia, today both strategic and tactical aircraft are being used in close support of Government troops in the much more densely populated areas of the south and center. We have no figures on the number of refugees and civilian casualties created by this new wave of bombing. The number of aircraft and the number of sorties involved is a closely held secret. We do know, however, that the intensity of our bombing in Cambodia today, and in populated areas, is in excess of previous levels. As a senior American Embassy official in Phnom Penh stated in an obviously wry reference to the recent resumption of B-52 bombing, "The ceasefire in Vietnam has released significant resources for Cambodia."

Senator KENNEDY. Let me ask you at this point, Mr. Klein, can you, as a long-time expert in the area of refugees, see any correlation between the increase in the intensity of the bombing and the creation of more refugees? Granted it is perhaps difficult from an exact statistical point of view, but certainly the conclusion of this committee is that with respect to the bombing in Laos and also in South Vietnam there was this correlation. I am just wondering what you might be able to say about that.

Mr. KLEIN. Mr. Chairman, you simply can not bomb in a populated area without hitting people. And you can not, in the kind of war that I believe is taking place in Cambodia, clearly separate or distinguish between troops and civilians. And I think the fact that the bombing is taking place, not in the areas up in the north and the east, which were and are thinly populated, but down in the center and the south, is very, very important. This is where the population is. Much of the activity is taking place along the Mekong River in an attempt to hold Svay Rieng and open up the river, and these are populated areas.

I refer you to this morning's New York Times article on this subject; [the article appears on p. — below]. It seems to me that there can be no conclusion other than that increased bombing causes increased deaths and increased numbers of refugees. I don't see how this could be otherwise, and I don't see how anyone could argue otherwise.

Senator KENNEDY. I suppose the argument is made that it is used for close support of troops, and also that procedures are taken so that bombs are not dropped on areas where there is a civilian population. Often in the past we have heard about these procedures. But as you and I both know from the Vietnam experience, and I think even in Laos as well, these procedures were more on paper than they were in reality.

But I suppose an argument would be made that procedures are established so as to make sure that these bombs could not fall in areas of civilian concentration. What can you tell us, if anything, about your impressions from your recent trip to Cambodia?

Mr. KLEIN. I have no personal impressions of this, but I have a very firm belief, and I think knowledge, that there is a great difference between close tactical air support and the kind of bombing that is carried out now by strategic aircraft, B-52's. It is my understanding that this kind of B-52 bombing requires advance preparation and planning, and that there is no way, as I see it, to stop the movement of population back into or around areas targeted in advance for bombing. I think as time goes by we will see an increasing number of refugees flowing into the refugee centers of Phnom Penh and other Government-held areas as a result of this recent intensification of bombing.

Senator KENNEDY. Let me just ask finally—and then we want you to continue with your statement—when you were in Cambodia did you inquire at the embassy or of the military attache there about the procedures which were being followed by the military in order to concern itself with the potentiality of bombing in concentrated areas of civilians? Is there a clearance procedure?

Mr. KLEIN. I don't know. We tried to get information about the whole bombing structure, the sorties, the number of aircraft, and where they were bombing. As I believe is clear from the newspapers over the last few weeks, this whole subject is a highly classified matter. What concerns me is, why is it classified? One must assume that the Khmer Rouge, the insurgents, and the others know where they were being bombed and how often. One must assume that the Lon Nol Government has some idea of how many planes are bombing and where they are bombing. So who is not to know? It is a rhetorical question. Obviously, it is the American people, I think, that are not to know, and why? It is my own view that perhaps the American people wouldn't feel comfortable with knowledge of the extent of the bombing and the destruction which is taking place.

But I don't understand, Mr. Chairman, why we can not have this information in order to evaluate the effects of our involvement in Cambodia. This is a very personal view, but I don't understand it.

Senator KENNEDY. I don't either. But we will carry on.

Mr. KLEIN. Let me continue with my prepared testimony.

But one thing is certain, bombing is the most pervasive reason for refugee movement. Our interviews with refugees—in the camps, the shanty-towns surrounding Phnom Penh, and in the province of Svay Rieng—largely confirm the findings of the GAO interviewers in 1971. The GAO found that some 60 percent of the refugees interviewed cited aerial bombardment as the principal reason for moving, while about 40 percent spoke of artillery fire or actual ground fighting from both sides as the cause. Although their interviews, as ours, were not scientific samples but were done at random, nearly all the refugees spoke of their homes either being destroyed by the bombing or artillery, or burned in the conflict. Several spoke of the brutalities of the Vietnamese—referring to both Northern Vietnamese and Southern Vietnamese. Looting by South Vietnamese troops operating in the eastern provinces of Cambodia has been particularly bad—especially during the first year of the war in 1970-71.

Direct statements from refugees themselves are even more revealing of the impact of the bombing and the difficulties of life in rural areas. As one woman from Kampong Speu Province, now living in a little shack on the edge of Phnom Penh, told us:

My house and all my things were destroyed by the bombs. I don't know why they bombed. I never saw a Vietnamese. My whole village was burned by the bombing.

Another refugee, an older man with a family of six from a village in Kampong Thom province, said he and his family fled because:

At first we heard artillery in the distance and then the sound of airplanes. Before we knew it, the airplanes were over us. Many felt danger and left for town. Later the airplanes bombed and the artillery fired.

He doesn't know which destroyed his house. He said he was surprised because he did not see soldiers of any kind.

Many Cambodian refugees have had to move two or three times. One woman, who now lives in the Phnom Penh refugee camp at O Bek Kaam, told of this agonizing story:

Her family lived in the eastern province of Svay Rieng, in a village not far from the Vietnamese border. Over the last few years

before they moved they had seen Vietnamese, but the Vietnamese had not bothered them or their land. They weren't sure in the beginning if they were North Vietnamese or South Vietnamese. Then the war started and there were Vietnamese all over, some South and some North, they couldn't tell which, and there was fighting and bombing. Her husband and daughter were killed in the bombing—she doesn't know whose airplanes they were. That is when she decided to move into the city of Svay Rieng. She stayed there for 2 years because they thought it safe to be near the cannons instead of in the fields where they fire. But life was difficult in Svay Rieng; they got no help from anyone and barely made enough to eat. Then conditions this year got worse, and even Svay Rieng did not seem safe. There was fighting nearby and she moved her family to Phnom Penh where she moved into a refugee house of a friend.

Over the past 3 years these stories have been repeated countless times. Each day of the war has brought more refugees into constantly smaller areas controlled by the Government, and uncounted numbers in other areas outside of Government control. As in South Vietnam, most people have crowded into the provincial towns and into the capital city to avoid the fighting and bombing. Surely, as the refugee woman said, "It is better to live near the cannon than out in the field where it fires." The effect of the war on Cambodia, as in South Vietnam, is to push the countryside into the city. A rural people, once self-sufficient, are being forced into a false urban situation for which they are totally unprepared and where work and food are desperately short.

As a general statement, there is not now, and there never has been, a formal program of refugee assistance in Cambodia. Few Government services and even less Government aid actually reaches the hands of the refugees. Only some 10,000 of the total refugee population are in camp situations. The vast majority are interspersed among the general population where they make shift for themselves or rely on friends and relatives with little or no assistance from the Government, and seemingly even less concern.

Much has been said about the self-reliance of the Khmer refugees, how they have been able to "accommodate" to their new situation by moving in with relatives and providing for their own needs. True, a cursory look at the refugee situation, without the usual compacted masses of refugee camps, superficially suggests a state of relative well being. This, however, is not the case. It is simply not possible for a rural population crammed into an urban area or provincial town, under wartime conditions, without land to farm, without most of their material belongings, with little or no employment, to be able to provide for their own needs. This is particularly true in view of the mounting inflation and shortage of food in the provinces. A shortage which is driving the price of rice, fish and other staples of the Khmer diet out of reach for the average family, to say nothing of the dependent refugee.

Perhaps half of the refugees, to judge by conditions in Svay Rieng, have enough stocks of food or money to last another month or two. The remainder are already facing malnutrition and the threat of starvation. Each of the families I talked with said their first concern was food. They didn't have enough food. They didn't

know what they were going to eat. This is not self-sufficiency—this is malnutrition and the brink of starvation. This, then, is the situation in Svay Rieng. However, we were told that the same conditions, with local variations, pertain in other provincial areas.

Lest I be thought overly emotional and alarmist, let me cite the rice statistics for the town of Svay Rieng. The province chief and military governor of Svay Rieng estimates that 43.8 metric tons of rice per day are required to sustain the population. Svay Rieng is completely surrounded by antigovernment forces and access is only by air. At the time of my visit, Svay Rieng was receiving only 10 tons of rice per day. Although there are no remaining Government stocks, the province chief believes the town can hold out on deliveries of 20 tons per day for another 2 months because some rice stocks remain with individual families. This assumes doubling the present delivery rate. I do not know what will happen after 2 months, 3 weeks of which have already passed.

And capitulation to the other side won't help—they don't have any rice either.

To summarize the refugee situation—the prognosis is dismal. Neither our Government nor the Cambodian Government have any organized refugee program. Adequate housing, sanitation, and medical service are either nonexistent or in short supply. Increasing numbers of refugees are being generated by an accelerated level of military activity and intensified American bombing. The repression on both sides is increasing with the Government losing its precarious control and relying more and more on American intervention. And in the midst of this are a million refugees, half of them children. They are receiving virtually no assistance and face malnutrition, serious food shortages and, in some areas, the real specter of starvation.

Senator KENNEDY. What is the answer, then, Mr. Klein?

Mr. KLEIN. Something must be done, Mr. Chairman, some way must be found—and let me refer to our preliminary recommendations—some way must be found to channel immediate assistance to refugees and war victims. Of greatest concern in the short run are: First, food. This is imperative. Second, the logistical support to facilitate the distribution of that food.

This second matter is a very serious one, the Government simply does not have the capacity to get food from Phnom Penh out to the provinces, nor, I believe, to get food from out of the country into Phnom Penh.

Mr. Chairman, there is more testimony here, but for the sake of time I will leave the rest of it for the record and move on to other things. Or would you like to have the whole testimony read?

Senator KENNEDY. No, we will include it all in the record.

[The remainder of Mr. Klein's statement follows:]

CIVILIAN CASUALTIES AND MEDICAL SITUATION

Unlike refugees, who can at least be counted, civilian war casualties are usually buried or, if they survive, are admitted to hospitals or treated at dispensaries. As a result, we will perhaps never know the full number of Cambodians who have died as civilian casualties, nor, because few records are kept on hospital admissions, will we know the number of war victims who survived their wounds.

The available statistics on civilian war casualties from the Cambodian government are incomplete—as they realize. This is largely because many civilians died in the field, or never received treatment in a government hospital, or, if they were admitted to a hospital, were never recorded. As a result, the only statistics the War Victims Directorate has on civilian casualties are those dependents or survivors who have applied for government assistance—a total of 41,750 since 1970. Unofficial estimates, however, place the number of civilian war casualties, dead, and wounded, on the order of 300,000, an inexact but probably more realistic figure which includes civilian casualties on both sides.

Another indicator of the toll the war has taken of human life in Cambodia is the number of children who have been orphaned. According to estimates the Ministry of Interior provided us, there are today some 260,000 children who have lost one or both parents. The same source states that approximately 50,000 war widows have registered with the government. U.S. Embassy personnel thought these government estimates were high, as do I, particularly the orphan figure, but they are indicative of the problem and the human cost.

A further index of the impact of war on the people is what has happened to the medical system of the country. According to official Cambodian government reports, over 45% of the hospital system has been lost to the other side or destroyed by bombing or artillery, and the pressure of war injured requiring attention has badly overwhelmed the remaining facilities. As in the early stages of Vietnam, the war in Cambodia is destroying the hospitals at precisely the time when demands for medical service are the greatest.

According to Ministry of Health estimates, the need for hospital beds in normal times is about 17,500 beds (13,500 for the sick and 4,000 for maternity cases). At present, the Ministry of Health has only 7,438 beds in hospitals throughout the country, hospitals whose normal capacity is 3,000 beds. This means that every available space—hallways, courtyards, and storage closets—is being used for beds. The over-crowding is serious, and the level of medical care is deteriorating.

For example, members of the Study Mission visited the Preah Ket Melea hospital in Phnom Penh. A government operated facility, the Preah Ket Melea hospital normally handles up to 400 patients. At the time of our visit, the hospital census was between 1200 and 1400—more than 200% over capacity. The extreme crowding made adequate care of patients difficult, and the hospital's corridors were lined with beds. This hospital acts as a staging area for war-wounded, both civilian and military prior to their transfer to other facilities also located in Phnom Penh.

Crowding is complicated by the constant power shortages in Phnom Penh, causing the complete failure of electrically driven equipment, such as operating room lights, sterilization equipment, and the somewhat antiquated radiologic equipment.

In addition to relief from the serious overcrowding, medical and public health officials in Phnom Penh stated that the Preah Ket Melea hospital urgently required:

1. Pharmaceuticals, specifically mentioned were hydrocortisone, antibiotics, plasma, and vitamins;
2. Routine hospital materials, such as dressings, compresses, blood pressure devices, syringes, needles, and stethoscopes;
3. Operating room equipment;
4. Equipment for a medical-surgical recovery area;
5. Kitchen renovation to meet present heavy patient food requirements;
6. Radiology equipment, particularly x-ray units.

These needs, specific, in themselves, are symptomatic of urgent medical requirements at all hospitals and medical facilities throughout Cambodia. Over the short term, the most pressing need is for sufficient pharmaceuticals and routine hospital materials, especially in view of the escalating level of conflict.

PRELIMINARY RECOMMENDATIONS

Given the urgency of the situation in Cambodia it is imperative that a way be found to channel immediate assistance to refugees and war victims. Of greatest concern in the short run are:

1. Food.
2. Logistical support for food distribution.

There are two hundred Americans assigned to the U.S. Embassy in Phnom Penh. Only one of these is primarily concerned with refugee assistance. Some 130 positions are concerned with military assistance or political-military affairs. Since there is already an A.I.D. program in Cambodia it is recommended that ten positions within the present ceiling be utilized for expediting emergency food shipments and monitoring food distribution.

Concurrently, it is recommended that, in every possible way, our government facilitate and support the use of international and voluntary agency mechanisms to meet humanitarian needs among Cambodia's war victims.

Mr. Chairman, this has been a preliminary report with preliminary recommendations for the most urgent questions. The Study Mission will submit a more comprehensive report with detailed recommendations in the near future.

Senator KENNEDY. I don't know if you would like now to make a general comment, or to mention the particular areas of civilian casualties and the medical situation. If you do, please proceed and then I have some questions.

Mr. KLEIN. The question of civilian casualties is a very difficult subject to assess, as you know. There are no statistics, or at least no reliable statistics. Where there are civilian war casualties I am afraid that many of the people never reach a hospital. They die in the field. Those that do reach hospitals are taken care of, for better or for worse, but there are no hospital records to indicate how many these are. One of the difficulties with civilian war casualties is that they are either cured or buried, and you can't count them. But I think it is clear that in this kind of warfare the level of civilian war casualties has to be high as against fixed-position warfare where the troops are facing each other with no involvement of civilians.

Senator KENNEDY. As I understand, when you were in Cambodia you met with President Lon Nol as well as Lon Non; is that correct?

Mr. KLEIN. Correct, sir.

Senator KENNEDY. I suppose the best way to stop civilian casualties is to get some negotiated settlement in bringing to an end the violence both from the U.S. point of view as well as from the other side; is that correct?

Mr. KLEIN. Yes, but I am not sanguine about that, Mr. Chairman. And it was our impression that U.S. Embassy personnel in Phnom Penh were not sanguine about a negotiated peace either.

At dinner one night, Lon Non—Lon Nol's brother, who is reputed to be the strongman of Cambodia now—made a long speech about his desire for negotiation. And after saying this he then went on to qualify it, saying that of course they would not be willing to negotiate with either the Communists or the Royalists—and by the Royalists he meant Sihanouk. That is a little bit like Premier Sadat of Egypt saying he would like to negotiate the Middle East situation, but he wouldn't negotiate with the Israelis. If you don't negotiate with the Communists or negotiate with Sihanouk, who is there left to negotiate with in Cambodia?

One has a very clear impression that the Government of Cambodia is becoming more and more inward focused and less and less in touch with reality. It is getting more rigid and is closing off its options.

And by inference perhaps, the same thing could be said of the other side. I think the reports of increased pressure on the other side

would seem to indicate that perhaps the same thing is happening there.

One of the tragedies of the situation is that there do not seem to be viable alternatives to the present situation. I think a number of the Americans in Phnom Penh were very disturbed when Sirik Matak was placed under house arrest. He seemed to be one of the few people who could possibly bridge the gap between the two sides and be the basis for a negotiated settlement.

And one must ask what is the efficacy of all this bombing and all this violence if there are no viable options available? I don't know the answer.

Senator KENNEDY. Is the alternative just to go on bombing?

Mr. KLEIN. I would hope not, sir. It would seem to me that the cost is pretty high.

Senator KENNEDY. In human terms.

Mr. KLEIN. In human terms.

Senator KENNEDY. The everyday effect on villages and mud huts in the whole area is pretty bad?

Mr. KLEIN. You have got half the population that has been or is now in refugee status. You have got a food situation in Cambodia which is now on the brink of catastrophe; although there are some stocks in Phnom Penh, there are virtually none out in the countryside. You have refugees gleanng fields, harvested fields, picking up broken kernel by broken kernel of rice to try to get enough to eat. The cost is horrendous.

Senator KENNEDY. Did you see any evidence of people over there attempting to negotiate this or trying to bring about some kind of settlement of it?

Mr. KLEIN. No, sir, although I don't think we were in a position to see it, either. If something of that sort is taking place I presume it is taking place behind closed doors, and probably much more closed than before, because again the tightening of the government and the closing off of detente is really getting to be quite a serious matter in Phnom Penh.

Senator KENNEDY. You have, of course, spent a great deal of time with the problems of refugees in Vietnam. How do the general kinds of conditions that you see among the refugees in Cambodia compare to what you saw in South Vietnam?

Mr. KLEIN. They are not really comparable in terms of living conditions. In South Vietnam the refugees were and are, by and large—because there is hardly an end to the refugee problem in Vietnam—in camp situations, and some pretty awful camps, highly visible, but accessible to assistance. In Cambodia, except for these some 10,000 who are in camp situations, the rest of the million or so current refugees are interspersed among the general population.

It is hard to determine what their real conditions are. Their housing varies a great deal. I am very apprehensive about what will happen to a lot of that housing in the monsoon season when half of it will be under water.

I don't really have a clear picture of the health situation. I think there is significant malnutrition. And one of the things that greatly concerns us is the fact that with the increasing shortage of food, the health situation of the refugees will rapidly deteriorate.

The fact that the refugees are not in camp situations is going to make getting food to them a great deal more difficult than if they were in a geographically confined and accessible area.

The situation is different from Vietnam. And I think it is going to require different sorts of solutions. But the point I would like to make is that if some solution is not started immediately, there is going to be rampant malnutrition and probably starvation.

Senator KENNEDY. Mr. Klein, as we have been following over the years the impact of the war on the people of Indochina, we have requested from the General Counsel of the Department of Defense information about military rules of engagement. And the Department responded in a letter sent to us dated September 22, 1972, from a Mr. J. Fred Buzhardt. The final paragraph—this was directed toward the general question of military activities in Indochina and the bombing in particular—I would just like to read this last paragraph and include the whole letter in the record, and I would be interested in what your reaction is to it, having been through these areas where refugees are currently being generated.

And this is the final paragraph:

I would like to reiterate that it is recognized by all states that they may not lawfully use their weapons against civilian population, or civilians as such, but there is no rule of international law that restrains them from using weapons against enemy armed forces or military targets. The correct rule of international law which has applied in the past and continued to apply to the conduct of our military operations in Southeast Asia is that "The loss of life and damage to property must not be out of proportion to the military advantage to be gained."

And then it continues a review of the operating authorities and rules of engagement for all our forces in the south, in air as well as ground.

[The text of the letter follows:]

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., September 22, 1972.

HON. EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR KENNEDY: The Secretary of Defense has asked that I respond to your letter of 19 August 1972 pertaining to the Subcommittee on Refugee's inquiry into war-related civilian problems in Indochina.

The Rules of Engagement are highly sensitive documents which set the criteria and specify in detail the permissible offensive and defensive actions which US forces may undertake under any given set of circumstances. They are very closely controlled because of their obvious and inestimable value to the enemy. To expose the rules governing the conduct of combat operation is to risk jeopardizing the lives of US personnel charged with the responsibility for conducting those operations and would otherwise be detrimental to national security.

The President and the Secretary of Defense have repeatedly stated that our attacks upon North Vietnamese targets are and have been limited to military objectives. Any damage done to civilian areas adjacent to these targets is unintended and results not from any action on our part, but from the Government of North Vietnam's refusal to live in peace with her neighbors. A public listing of specific targets would permit the enemy to either move or better protect those targets and would result in the loss of American lives and make the destruction of these targets more difficult.

With regard to the allegations made by Mr. Clark and the enemy's strident assertions that we have a concerted and intentional campaign of bombing the dike system, the following appears appropriate. Several Congressional Committees including the Senate Foreign Relations Committee have been thoroughly

For?

briefed on this subject. The few dikes that have been hit are immediately adjacent to readily identified military-associated targets. The observable damage is minor and no major dike has been breached or functionally damaged. It further appears that even the minor collateral damage could be repaired in less than a week without the employment of machinery of any kind. The enemy has intentionally placed anti-aircraft sites, supply depots and essential lines of communication upon the dike system in an effort to immunize these military functions.

In fact, severe floods occurred last year in North Vietnam in the absence of bombing, whereas the high water season has now virtually passed without significant flooding.

Major General Pauly will accompany Ambassador Sullivan to the Subcommittee's hearing on 28 September 1972. If, at that time, the Committee wishes to inquire further and is prepared to go into executive session, General Pauly will be prepared to provide, on a classified basis, additional information.

In earlier inquiries, you had requested a complete glossary of terms which have been used officially and unofficially to describe American or American supported military activities in Indochina. In response to your request, you were provided with a copy of MACV Directive 52513, "Rules of Engagement for the Employment of Fire Power in the Republic of Vietnam." To the best of our knowledge, this contains a complete glossary of terms which are used officially. As to unofficial terms, we have never compiled, or attempted to compile, a listing of Southeast Asia lexicon. If you would care to submit a listing of such unofficial terms in which you are interested, we will be glad to provide you with an opinion, to the extent we can obtain adequate information upon which to base an opinion, as to the prevalent usage of such terms.

With respect to your request for a copy of the full text of the "Report of the Department of Army Review of the Preliminary Investigation into the My Lai Incident," commonly referred to as the "Peers Report", I would again suggest that this is an investigative report not subject to the requirements for public disclosure under the Freedom of Information Act. As you may be aware, the demand for disclosure of the so-called Peers Report was litigated in the case of *Aspin v. The Department of Defense*, et. al., Civil Action No. 632-72. U.S. District Court for the District of Columbia. The court ruled that this report was not subjected to the requirement for public disclosure.

We have previously provided you with statistics on U.S. military air operations in Southeast Asia, as will appear from the charts to which you were previously referred, which appear at pages 9069 *et seq.* of the hearings of the Armed Services Committee of the House of Representatives on H. Res. 918 held on April 18, 1972. The latest available update of this releasable material is as follows:

"Allied air munitions expenditures in Southeast Asia are released on a monthly basis. Compilation time results in lag time of approximately 15 days following end of month. Preliminary figures are usually available by the 15th of each month."

Annual tonnage figures since 1966:

1966.....	496, 319
1967.....	932, 119
1968.....	1, 437, 370
1969.....	1, 387, 259
1970.....	977, 446

Monthly tonnages for 1971-72:

	1971	1972
January.....	70, 792	56, 790
February.....	66, 510	67, 536
March.....	92, 191	70, 694
April.....	85, 000	91, 670
May.....	76, 463	105, 729
June.....	60, 863	112, 460
July.....	49, 196	99, 066
August.....	51, 171	98, 182
September.....	51, 177	
October.....	47, 315	
November.....	50, 644	
December.....	61, 838	

U.S. Strike Sorties in South Vietnam are released daily by the U.S. Military Assistance Command Vietnam in its daily press communiqué. These same communiqués are made available to the press corps by the DoD in Washington. Audited U.S. strike sortie figures in South Vietnam are also available for public release on a monthly basis.

Since the resumption of bombing over North Vietnam in early April in response to the North Vietnamese invasion of the RVN, MACV is also reporting approximate strike sortie figures over North Vietnam in its daily press communiqués.

U.S. AIR STRIKE SORTIES FOR 1972

	Republic of Vietnam	North Vietnam
January.....	416	-----
February.....	1,856	-----
March.....	1,088	-----
April.....	12,267	11,550
May.....	14,855	17,650
June.....	11,764	10,380
July.....	11,528	18,195
August.....	(3)	17,225

¹ Approximately.

² Not available.

As I am sure you are aware, the Department of Defense has no personnel on the ground in the combat areas in Laos, Cambodia or North Vietnam and, consequently, has no reliable basis to make estimates of the casualties of the conflict. As we have previously reported, our attacks upon enemy targets are and have been limited to military objectives. Any damage done to civilian areas adjacent to these targets are unintended.

The Department of Defense, represented in this opinion by the Offices of General Counsel, and the Judge Advocates General of the Army, Navy and Air Force, does not accept the resolutions adopted by the Institut de Droit International at its Session at Edinburgh, 1969, as an accurate statement of international law relating to armed conflict.

The law between States applicable to armed conflict reflects the willingness of States to accept legal restraints on their conduct or the weapons to be used in such conflicts. A substantial body of the laws of armed conflict is to be found in the widely accepted Hague Conventions of 1907 and the Geneva Conventions of 1949, and in customary international law (i.e. rules that are accepted as law in the practices of States in armed conflict). Particular emphasis for present purposes must be accorded the Annex to Hague Convention #IV of 1907, referred to as the Regulations Respecting the Laws and Customs of War on Land.

A summary of the laws of armed conflict, in the broadest terms, reveals certain general principles including the following:

(a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;

(b) That it is prohibited to launch attacks against the civilian population as such; and

(c) That a distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the civilians be spared as much as possible.

These general principles were recognized in a resolution unanimously adopted by the United Nations General Assembly in its Resolution dated 13 January 1969 (Resolution 2444 (XXIII)). We regard them as declaratory of existing customary international law.

The principle in (a) restates the humanitarian principle codified in Article 22 of the Hague Regulations. The principle in (b) is to be found in the universally accepted customary international law of armed conflict to the effect that attacking forces are to refrain from making civilians as such the object of armed attack. They are not, however, restrained from attacking military targets necessary to attain a military objective even though there is a risk of incidental casualties or damage to civilian objects or property situated in the vicinity of a legitimate military target.

The principle in (c) addresses primarily the Party exercising control over members of the civilian population. This principle recognizes the interdependence of the civilian community with the overall war effort of a modern society. But its application enjoins the party controlling the population to use its best efforts to distinguish or separate its military forces and war making activities from members of the civilian population to the maximum extent feasible so that civilian casualties and damage to civilian objects, incidental to attacks on military objectives, will be minimized as much as possible.

In the application of the laws of war, it is important that there be a general understanding in the world community as to what shall be legitimate military objectives which may be attacked by air bombardment under the limitations imposed by treaty or by customary international law. Attempts to limit the effects of attacks in an unrealistic manner, by definition or otherwise, solely to the essential war making potential of enemy States have not been successful. For example, such attempts as the 1923 Hague Rules of Air Warfare, proposed by an International Commission of Jurists, and the 1956 ICRC *Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War* were not accepted by States and therefore do not reflect the laws of war either as customary international law or as adopted by treaty.

However, by way of acceptance analogy, reference can be made to the Hague Convention No. IX of 1907 concerning Bombardment by Naval Forces in Time of War. Articles 1 and 2 of that Treaty would, *prima facie*, be applicable to air warfare as well as to naval bombardment, providing, in part, that bombardment of "undefended ports, towns, villages, dwellings, or buildings is forbidden," but that:

"Military works, military or naval establishments, depots of arms or war materiel, workshops, or plant which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbor are not, however, included in this prohibition," and the commander of an attacking force "incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances."

An additional example of a customary rule of international law, applicable by analogy to air warfare, appears in Article 8 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of May 14, 1954. Under that Article the Contracting Parties recognize that points vulnerable to armed attack in the event of armed conflict include "any large industrial center or . . . any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defense, a port or railway station of relative importance or a main line of communication."

The test applicable from the customary international law, restated in the Hague Cultural Property Convention, is that the war making potential of such facilities to a party to the conflict may outweigh their importance to the civilian economy and deny them immunity from attack.

Turning to the deficiencies in the Resolutions of the Institut de Droit International, and with the foregoing in view, it cannot be said that Paragraph 2, which refers to legal restraints that there must be an "immediate" military advantage, reflects the law of armed conflict that has been adopted in the practices of States. Moreover, the purported legal restraints in paragraphs 7 and 8 on weapons *per se* and on the use of weapons do not accurately reflect the existing laws of armed conflict nor can they find support in the practices of States from which that law might be said to be emerging.

The existing laws of armed conflict do not prohibit the use of weapons whose destructive force cannot be limited to a specific military objective. The use of such weapons is not proscribed when their use is necessarily required against a military target of sufficient importance to outweigh inevitable, but regrettable, incidental casualties to civilians and destruction of civilian objects.

The major preambular paragraph of the Resolution proclaiming that recourse to force is prohibited in international relations is incorrect, and is inconsistent with the United Nations Charter as well.

As in other branches of international law, the law applicable to armed conflict develops only to the extent that Governments are willing to accept new binding restraints. In the search for such a consensus which is now in progress by the International Committee of the Red Cross as well as by the United Nations, resolutions such as those of the Institute of International Law form a valuable basis for discussion and consideration. But, as indicated here, it cau-

not be said that all of the provisions of these resolutions reflect the practice of States under the belief that international law demands such practice.

These, like many similar statements, ignore the variable factors of military necessity. Real protection of civilians and the civilian population in time of armed conflict will come from realistic restraints, widely accepted and practiced by the world community, reflecting in their formulation informed analyses of military and political strategies, tactics and technology.

With reference to your inquiry concerning the rules of engagement governing American military activity in Indochina, you are advised that rules of engagement are directives issued by competent military authority which delineate the circumstances and limitations under which United States Forces will initiate and/or continue combat engagement with the enemy.

These rules are the subject of constant review and command emphasis. They are changed from time to time to conform to changing situations and the demands of military necessity. One critical and unchanging factor is their conformity to existing international law as reflected in the Hague Conventions of 1907 and the Geneva Conventions of 1949, as well as with the principles of customary international law of which UNGA Resolution 2444 (XXIII) is deemed to be a correct restatement.

The draft proposals prepared by the International Committee of the Red Cross were submitted for consideration and are presently being considered in the on-going process of debate, discussion and conference which has taken place in two major conferences of governmental legal experts in Geneva in 1971 and 1972 and by a separate panel of independent experts in 1970. The positions of the United States delegations to these conferences take into account the position of other governments as they are presented.

The fragmentary information relayed through you by Mr. Clark from the North Vietnamese purporting to identify locations where collateral damage is alleged to have been done to other than military targets is generally too vague and imprecise to facilitate a meaningful search of records of air operations in North Vietnam. For example, the "map" provided by the North Vietnamese through Mr. Clark to you is in fact no more than a free-hand sketch, with the alleged damage areas shown by splotches measuring about 10 kilometers across. It is indicated in the letter from Mr. Clark to you, we note, that he has provided to you so far only partial data in his possession. Under these circumstances, particularly in view of the patently propagandistic character of the allegations by the North Vietnamese with reference to bombing of dikes, as noted above, it would appear to serve no useful purpose on the basis of such fragmentary data to further pursue an extended study of photography, which for military security reasons, would mostly not be releasable to the public even if identified.

I would like to reiterate that it is recognized by all states that they may not lawfully use their weapons against civilian population or civilians as such, but there is no rule of international law that restrains them from using weapons against enemy armed forces or military targets. The correct rule of international law which has applied in the past and continued to apply to the conduct of our military operations in Southeast Asia is that "the loss of life and damage to property must not be out of proportion to the military advantage to be gained." A review of the operating authorities and rules of engagements for all of our forces in Southeast Asia, in air as well as ground and sea operations, by my office reveals that not only are such operations in conformity with this basic rule, but that in addition, extensive constraints are imposed to avoid if at all possible the infliction of casualties on noncombatants and the destruction of property other than that related to the military operations in carrying out military objectives.

Sincerely,

J. FRED BUZHARDT.

Senator KENNEDY. Do you have any reaction as to whether, having studied the plight of Cambodian refugees, fleeing the violence—from American airpower as well as, I am sure, from the other side, the North Vietnamese, the Khmer Rouge, and other local groups—can you tell whether the military advantage that is being gained outweighs the loss of life and damage to property? Did you form any impressions on whether our bombing is "proportionate"?

Mr. KLEIN. I would like to make two comments on that, and I will say it is the first time I have heard that statement on that letter. My first comment is a question: Who is the enemy, or rather, who is our enemy? That letter from the Department of Defense presupposes the clear existence of an enemy which we are fighting. Need I say more? This is the real question which I feel many Americans ask.

Secondly, on military advantage to be gained—I can understand the rule of warfare which says that the military advantage must outweigh the destruction. But when the destruction is extensive, both physical and in terms of lives and the creation of refugees—as is the case today in Cambodia—and there seems to be no viable alternative, on political alternative at this point to a continuation of the war, what is the military advantage to be gained? In other words, I don't see how you can speak simply of military advantage without putting it in a political and social context of the ends being sought.

The war must end, but I don't see us doing those things which I would hope we could and would do, which could provide the basis for some sort of negotiation between the two sides.

Senator KENNEDY. Isn't Lon Nol our friend and everyone else our enemy?

Mr. KLEIN. I guess that is the way we read it. But our friend is becoming more and more cut off from his own people and from the realities of the situation.

Mr. Chairman, early in my testimony I said there was a striking similarity between Cambodia today and Vietnam 10 years ago. And this is a haunting feeling. It is not only the deteriorating political and military situation, it is in the very personalities that are involved who go back to similar personalities in Vietnam in 1962 or 1963. There was Ngo Dinh Diem becoming more and more isolated from the country and the people around him, becoming more and more of a recluse, and at the same time his brother Ngo Dinh Nhu becoming more and more forceful, taking more and more power in his own hands and becoming more and more restrictive and repressive in controlling the other elements that might have provided some sort of basis for a broader government or accommodation. We have the same thing in Cambodia today. It is ironic. We have Lon Nol who unfortunately suffered a stroke. But he doesn't get out, he doesn't get around, he sits in his home, he works daily on his plan for greater Phnom Penh. But Cambodia is larger than Phnom Penh. His old colleagues are knocked off one by one. And then there is his brother, as with Ngo Dinh Nhu 10 years ago, taking more and more power in his own hands and becoming increasingly repressive. The phenomenon is frightening. Grant you, some of these similarities are coincidental. But one has the terrible, haunting feeling, we are pursuing a course today that was similar to a course that we were pursuing against our will 10 years ago.

Senator KENNEDY. I suppose you are always asking the question, how are our vital interests actually being threatened by what is happening in Phnom Penh.

Mr. KLEIN. That gets into an area which I can only speak to as an American and not as an expert. I don't see our interest threatened. I can see where the South Vietnamese might feel that their in-

terests were threatened. But is our position now to protect, militarily, the interests of the Government of South Vietnam?

Senator KENNEDY. Let me finally ask you, Mr. Klein, could you make any estimation of when there is going to be danger of possible starvation in Cambodia, given the food shortages, and apparently very little is in the pipeline for refugees and displaced persons?

Mr. KLEIN. Two months—Father Charlebois and I agree on it—2 months at best. When we were there 2 weeks ago the government was very concerned with this. There is a worldwide shortage of rice, as you know. This is a complicating factor. I think there is probably a food shortage in many families now. Not everybody has the same level of food in their homes. Some people are going to run out before others. Some are running out now. But I think in 2 months it is really going to break wide open. And when I say break wide open, I mean you are going to see the refugees just dropping off, dying by the hundreds and then by the thousands.

This, Mr. Chairman, is a very serious situation. And I have not seen one mention of it anywhere.

Senator KENNEDY. Thank you for your testimony. If you can stay with us, Mr. Klein, we will hear from our next witness, Father Robert Charlebois, who is the regional director for Southeast Asia and the Pacific, Catholic Relief Services, who returned from Cambodia and Indochina just a few days ago, and who brings before the subcommittee great knowledge and expertise on humanitarian problems.

I would just say that your agency and all others like it deserve a great deal of gratitude from all of us for bringing relief to people over all the world. This is the first concern of Catholic Relief Services. And it and the other religious and voluntary agencies deserve the support of all Americans. I must say we are supported in our efforts on this whole humanitarian question by the work and example of the church agencies that represent all the different religions, for they have really been the outstanding and shining examples of concern. And the organization you represent is certainly one of the best. We welcome you.

STATEMENT OF FATHER ROBERT CHARLEBOIS, REGIONAL DIRECTOR FOR SOUTHEAST ASIA AND THE PACIFIC, CATHOLIC RELIEF SERVICES, NEW YORK

Father CHARLEBOIS. Thank you, Mr. Chairman.

I do not have a prepared text. I would like to focus on the pragmatic aspects and the reality of the situation in Cambodia.

Senator KENNEDY. Perhaps you could just very briefly, tell us for the record the number of visits you have made to Cambodia. I understand you have been three or four times in Phnom Penh in just the last few months, and perhaps you could review briefly your contact with this part of the world.

Father CHARLEBOIS. Yes, Mr. Chairman, as a regional director for the Southeast Area and the Pacific of the Catholic Relief Services, U.S. Catholic Conference, I supervise 14 countries in the area. I recently returned from a 2½-month trip that took me into Cambodia three times, Vietnam three times, and Laos twice.

From 1967 to 1971 I lived in Vietnam and was the program director of the Catholic Relief Services there.

In 1970, at the fall of the Government in Cambodia, we moved in professional personnel, doctors and nurses, to cope with the refugee situation, and came smack up against a blank wall—more so on the part of the new Government of Lon Nol, who refused to recognize that he was faced with the problem of refugees.

This historical background, I think, is very important to understand the present situation. At that time our own Government did not have any priority for the refugees in its plans.

✓ What is significant today is that the government in Cambodia still has neither the capacity nor the resource for human beings, and the needs of the refugees, the widows and the children are still not being met. They have less than 10 percent of the needed health resources available in Cambodia for the present requirements that have been brought about through the destruction of the military maneuvers, etc.

Senator KENNEDY. Just for the record, this is military activity by the North Vietnamese, the Khmer Rouge, as well as our own bombing?

Father CHARLEBOIS. Yes, and by the Cambodian Government.

I think, however, it would be erroneous to make any comparison between the refugee situation in South Vietnam and Cambodia at this time. I am convinced that this type of a focus will lead to very serious misjudgments on the part of governments as well as voluntary agencies.

It is of some significance, I think, for your subcommittee, Mr. Chairman, that it was either providential or wisdom that you considered Cambodia first, because Vietnam would be a Miami compared to Phnom Penh in Cambodia. Having spent 4 years in the crisis of the Tet offensive and the like in South Vietnam, I can say that the situation in Cambodia today defies description—in part, because it is difficult to pinpoint the situation. We have at best an unstable government without resources or any techniques or any experience in the field of human beings or in the field of caring for refugees.

On the other side—and this is difficult because I do not pretend to know the administration point of view or the congressional viewpoint—we have a limitation on American personnel in Cambodia, which has had a disastrous effect on the aid to the refugee. When you have a ceiling placed by Congress or by the administration on the number of American personnel and you have, then, one, or at best two, people who are focusing on refugees, and who are at the lowest status of the staff, this to me bespeaks little concern for our humanitarian responsibilities and our moral and legal responsibility for the refugees, most of whom we have helped to create.

Senator KENNEDY. What has been the problem over the limitation of approximately 200 American personnel? Why can't they have five or six of those working on refugees anyway?

Father CHARLEBOIS. I don't understand the mechanics.

Senator KENNEDY. Say there are 10 percent; why can't they have that many working with the refugees?

Father CHARLEBOIS. You see, what I don't understand is, when is the American Government going to come to the point of view that human beings are as important as roads and the economic situation of a country? When are we going to see the importance of human beings who look to us for aid, from the very fact that they are human beings in need? As long as we only have a technological and professional expertise with regard to roads and engineering and agriculture and these things which are at best secondarily related to the welfare of the people, we are never going to get to our humanitarian responsibilities.

And to highlight it, I think, especially for members of the press who may be familiar with the work of Mother Teresa in India, Bangladesh, etc. Mother Teresa, the winner of many international awards for her work, when I was in Mindanao in connection with the situation between Moslems and Christians, said that she would come to Phnom Penh. This is a nun who probably knows the slums of the world and the poverty of the world better than anybody. For the first time in Mother Teresa's history she came to Phnom Penh and saw with her own eyes the refugees, and she committed six sisters to work in Cambodia as soon as possible. It wasn't referred to Rome or to the mother institution in Calcutta.

Mother Teresa said in her own words that she has never seen human beings in so much misery and so neglected by everyone.

It is within that frame of reference that I hope to give you a sense of the importance and priority which our aid to Cambodia is needed.

I am delighted that the U.S. Government has moved, and has moved effectively, in the last few days in providing aid, at least with the voluntary agencies. As of the next couple of days we hope to sign a contract, a grant with the U.S. Government, to facilitate our work in reaching the refugees wherever we can. I think this grant has worked out simply and realistically to give aid to refugees wherever it can be given.

And I think a great deal of credit ought to go to probably another low man on the totem pole over in our Government, and that is Mr. Bernard Salvo, who went and who saw and who worked on the Cambodian refugee problem. And I think Mr. Nooter can be very proud to have a person like that on his staff.

Senator KENNEDY. Is this the first contract that has been given to aid refugees in Cambodia?

Father CHARLEBOIS. As far as I know, it is.

Senator KENNEDY. Certainly as regards your organization?

Father CHARLEBOIS. Yes, sir, with respect to our organization. We have been there since 1970, and this is the first time.

Senator KENNEDY. Did you try to get contracts in 1970?

Father CHARLEBOIS. We did, but I must say that the Lon Nol Government was not interested at all. Of course, we have the disadvantage of being a Catholic relief service, and they were identifying us with the Vietnamese and it could be expected. And of course that boxed in our government to some extent—let's be fair here—because if the Cambodian Government wouldn't recognize us, then our Government felt they couldn't.

Senator KENNEDY. Were there any other agencies that got contracts to your knowledge?

Father CHARLEBOIS. I believe CARE is working on one, if it hasn't already been granted. As I say, it is a nice, hopeful little ray of sunshine here that our Government has made in this overture.

Senator KENNEDY. I think that is commendable, that we are getting the ray of sunshine now. What I am trying to understand a little bit is why it took so long—what happened in 1971-72?

Father CHARLEBOIS. I don't think the refugees had any priority with either government then. And I am afraid that unless we get somebody who thinks they are as important to our own Government as is the bombing missions, as are the technological aspects of aid and our priorities over there, I have grave fears that we will be able to continue this type of humanitarian effort that has now been initiated. I think we have to be pragmatic to the point where the concern for the interest of human beings and refugees, widows and children, has the same priority as the ammunition and bombs.

Senator KENNEDY. It is kind of shocking that you have to say, "has the same priority." It should have even greater priority.

Father CHARLEBOIS. I think you have to be very realistic in the current situation.

Incidentally, one of the greatest problems that is going to be faced in Cambodia is the leprosy problem. Going through one of the better camps in the Phnom Penh area, Mother Teresa and I encountered a woman with active leprosy in the refugee camp who is taking care of 20 infants. That means that within a period of from 4 to 5 months we could have children with leprosy. There are no health facilities to speak of whatsoever for the dependents in the old railroad station in Phnom Penh.

Senator KENNEDY. Where did that leprosy come from?

Father CHARLEBOIS. You see what has happened through the bombing and the military activity is that all of the refugees are coming in—and because it is traditional in the Orient that your lepers hide out in the rural areas, they are now being forced by the situation, by the realities of Cambodia, to flock in with the rest of the people. So we not only have refugees on the move, but lepers with them, and settling in with fairly well people. And leprosy is very contagious. You can detect when it is active.

Senator KENNEDY. How contagious is leprosy?

Father CHARLEBOIS. It depends, it can be very contagious at certain stages.

Senator KENNEDY. If you are getting a lot of children that are undernourished—

Father CHARLEBOIS. The resistance would be low. You can't anticipate. If it is an active case and there is continual handling it could be extremely contagious.

The other aspect of that, Mr. Chairman—

Senator KENNEDY. Have there been other epidemics in the Indochina area of leprosy?

Father CHARLEBOIS. No, there have not, because, you see, there has always been a structure—Vietnam, as bad or as good as it is, at least had a social welfare structure, it at least had something to build on. You may find it hard to realize that in talking to the Minister of

Social Welfare as well as Lon Nol and Lon Non, that there is not, for example, one piece of legislation or a tradition in Cambodia relative to the rights of a child. With all the orphans that are coming forth in the move of the refugees, there isn't one piece of legislation or social service practice with regards to an orphan in Cambodia.

So you have this complication—the fact that you are not working from a base where you have a functioning sense of social service within the Cambodian Government. It is not a matter of helping someone help themselves; it is a matter of getting them started in the whole area of services to the refugees and other civilians in need.

And then, you see, Cambodia felt it extremely important not to have the camps that we have in South Vietnam. They felt, and wisely so, that in some instances large camps are a difficult thing on the population. So they decided to make small camps. And their central thrust is to have the refugees mingle in with the open community. But the fact is that most of the refugees fleeing do not have the 2½ cents to register with the Government as refugees—out of camp refugees. So you have to watch the statistics again. Most of the refugees in even the Phnom Penh area would not be registered or known to either the Government or to the voluntary agencies. It makes the problem of aiding them far more difficult.

And I think that what is extremely important along with raising the status of a person in charge of the refugees within our Embassy, is that there be an assurance of continuing support from the Government of the United States. Otherwise, all of our work will be in vain, without the logistical support and the airlift necessary for rice and medicine and personnel. Otherwise we are going to be cut off—as you know, the enemy is 18 miles one way and 20 miles the other way. It is impossible in any way, shape or form even to get down to the port of Cambodia now without a military convoy. As many of you know, just last week 20 ships started up the Mekong, and three of the 20 made it, and those were riddled. So we can't talk in normal terms as we could even in Vietnam of commodity supplies. We are going to have to talk about a massive airlift as with regards to making the differences between life and death of starvation for the refugees of Cambodia.

Senator KENNEDY. How do you think you can overcome this, if these are indeed the conditions; how are you going to be able to distribute food and provide any kind of assistance with bombing going on within 7 miles of downtown Phnom Penh and the country in turmoil? Does it make any sense to talk about development of a refugee program at all?

Father CHARLEBOIS. I think it makes sense insofar as we have a serious obligation, as a church agency and as regards to our American moral responsibility to do all that we can in a given situation. And that is why I repeat, Mr. Chairman, that if we can count on—if this new ray of sunshine coming from the U.S. Government—that, if it will include logistical support, I am firmly convinced that the refugees can be reached.

If we can get bombs to people we certainly ought to be able to get food and medicine and clothing to them.

Senator KENNEDY. What about the ethnic Vietnamese in Cambodia?

Father CHARLEBOIS. Again, this is a serious and important problem. The ethnic Vietnamese have always been considered the enemy of the Cambodians. All you have to realize is that the delta of Vietnam was at one time part of Cambodia. And so I am afraid, although it is difficult to say as a priest, that regardless of who says what or who does what—that the ethnic type hatred is almost inbred in Indochina. And it is very, very difficult for the country of Cambodia, because the Vietnamese have been the craftsmen, the Vietnamese have been their technicians and agriculturist to a large extent and they have been people with the motivation and people with the spirit of moving ahead.

Senator KENNEDY. There are about 200,000 of those left, is that right?

Father CHARLEBOIS. I would say there are more than that, Mr. Chairman.

Senator KENNEDY. And how are they surviving?

Father CHARLEBOIS. Most of them, I would say, are making plans at this moment of finding their way back to Vietnam. I don't think they are making any plans at all to stay in Cambodia at this time.

It is interesting, Mr. Klein and I were just talking about how it is significant that down at the Parrot's Peak the Vietnamese from Cambodia are still getting out of the country back to Vietnam. Of course they must make the traditional bribe to the Viet Cong or whoever is controlling the area.

Senator KENNEDY. I don't know whether either of you had a chance to see the story, the New York Times story out of Phnom Penh this morning, about the high civilian toll and the bombing of Cambodia. The headline says that the U.S. bombing of Cambodia is leading toward many civilian casualties. I don't know whether either of you have been to these areas and are aware of the situation and have any reaction to it, or whether your information supports that general theme that comes through the story.

Father CHARLEBOIS. I think one of the aspects of the story in this morning's New York Times is that when you have prearranged flights for destruction and for bombing, they are presupposing hard intelligence information to that effect in Cambodia. But the flexibility and the mobility of the villages and the hamlets is such that more often than not it is many hours before they can move, and our bombings, as I understand them, are programed further than that. So that where they make in good conscience, if I can use that word with regard to bombing, where they plan to hit a noncivilian area, they could well be dropping bombs on a civilian area at that moment, because you have people on the move, you have refugees in flight. And I know of no way that this is predictable in the ideally scientific, if one can use that word, ideally scientific bombing raids that we are conducting.

In 1 day, 6,000 refugees arrived on just the one road coming to Phnom Penh, many of them maimed by the bombings of 2 days before.

Mr. KLEIN. As that article pointed out, Mr. Chairman, the reporter said that it was very difficult to assess the impact of the bombing in terms of refugee casualties because of the difficulty of moving around and seeing field conditions in Cambodia. I think he

gives the same impression that I have, and I think that Father Charlebois has, that you can not have massive bombing without having casualties and without creating refugees. That is one of the things that I remember in that article as I read it over carefully this morning. That is one of the things that stands out; there is just a cause-and-effect relationship there that is predestined.

Senator KENNEDY. Thank you very much, Mr. Klein.

And thank you, Father.

I hope maybe you can remain for the morning while the hearing continues. Thank you very much, gentlemen.

We will next hear representatives of the Administration. I want to welcome back Robert H. Nooter, Assistant Administrator, Bureau for Supporting Assistance in the Agency for International Development; Ambassador Arthur W. Hummel, Jr., the Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Department of State; and Dennis Doolin, Deputy Assistant Secretary of Defense for East Asian and Pacific Affairs, Department of Defense.

In line with our previous practice, we might get an overall view of the situation from Mr. Hummel, then hear from Mr. Nooter and Mr. Doolin.

We want to welcome you gentlemen back to the committee and thank you for your appearance here this morning. The Agency for International Development filed a statement with us yesterday and we want to thank them for doing so. We haven't had anything from the State Department, but we will hear from them.

Mr. Hummel?

STATEMENTS OF HON. ROBERT H. NOOTER, ASSISTANT ADMINISTRATOR, BUREAU FOR SUPPORTING ASSISTANCE IN THE AGENCY FOR INTERNATIONAL DEVELOPMENT; ARTHUR W. HUMMEL, JR., DEPUTY ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, DEPARTMENT OF STATE; AND DENNIS DOOLIN, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR EAST ASIAN AND PACIFIC AFFAIRS, DEPARTMENT OF DEFENSE

Mr. HUMMEL. Thank you, Mr. Chairman. I am pleased to appear before this committee this morning to discuss assistance to war victims in Cambodia.

My colleague from the Agency for International Development of course has the major responsibility for U.S. assistance programs that have been implemented, and he will have a detailed statement to make in that regard.

My appearance here would perhaps best serve to place in perspective the recent U.S. role. Within 24 hours of the signing of an accord to end hostilities in Vietnam, the Government of the Khmer Republic implemented a unilateral cessation of offensive actions for the purpose of encouraging the departure of Vietnamese combat troops from Cambodian territory as required by the accord. That offer was responded to not by a ceasefire but by an increase of military pressure by both the North Vietnamese-sponsored Khmer insurgents and the North Vietnamese troops still in Cambodia. The forces opposing the Government troops have in the ten weeks since the

Paris Accord made a determined effort to topple the legitimate Government in Phnom Penh.

As a result, we have been asked for continued assistance by the legitimate Government of Cambodia, and have responded with economic and military assistance, including air support.

The North Vietnamese disregard for the full implementation of the Paris Agreement by North Vietnam is at the base of the current Cambodian situation.

I think, Mr. Chairman, that at this point I would ask Mr. Nooter to address more specifically the plight of war victims and the AID programs relating to that subject.

Mr. NOOTER. Mr. Chairman, it is a privilege to appear before this subcommittee to discuss refugee problems in Cambodia. We appreciate the support which this subcommittee has given to the refugee programs around the world, which has helped to marshal public support for these humanitarian endeavors.

The situation with respect to displaced persons in Cambodia has undergone a number of changes since the hearing which this subcommittee held last year on the same subject, and I would like to describe these changes as well as the actions being taken by the U.S. Government.

First, however, I would like to describe briefly the events of the previous two years and the setting in which U.S. efforts to assist in alleviating the problems of Cambodian refugees is taking place.

Senator KENNEDY. Just before you get into the details of the refugees, if I could, Mr. Hummel—I didn't know how extensive your statement would be, because we don't have a copy of it here—but before getting into the particulars of the refugees, there are just a couple of areas I would like to get into, and then we will hear Mr. Nooter and Mr. Doolin.

I was wondering if you could indicate to the subcommittee the authority, the administration's authority, for bombing Cambodia now. Are you prepared to make any kind of comment or statement on that, on the authority for the bombing?

I think during the course of our hearings we have heard a number of causes for refugee movement. It comes from the activities of the North Vietnamese, the Khmer Rouge, and local insurgent troops, the Cambodian army itself, and also the air activity of the United States. Given this, I am wondering if you would tell us about the authority for the bombing in Cambodia.

Mr. HUMMEL. As for the legal authority, Mr. Chairman, I am not a lawyer and I am not competent to speak to that. I know that you are aware, sir, of a number of statements by high administration officials that address the background and the reasons for continued American support to the Khmer Government. The precise legal basis, as I say, I am not prepared to address.

I would like, though, to put, if possible, the subject into some perspective. First of all, the activities of the North Vietnamese in Cambodia could be, and in fact at the moment are, a very serious threat to the viability of the ceasefire in Vietnam. In fact, the North Vietnamese are violating article 20 of the agreement that they signed. The Khmer Government itself is being threatened by the activity of North Vietnamese. And therefore what I am saying is that

one of the reasons for our continuing support including military activities of the Khmer Government, is its intimate relation to the success of the ceasefire in Vietnam, the success that we all devoutly hope for.

Another reason, sir, more specifically related to Cambodia, is in terms of our objectives in Cambodia. Our objectives I think can be rather simply stated. We share with the Cambodian Government, and I think with most countries in the world, a desire for Cambodia to return to a genuinely neutral status under the Geneva Accords of 1954. And the first step in achieving that neutral status in the long run would be a ceasefire. And we feel that far from assisting in achieving a ceasefire, a cessation of all outside support for the legitimate government in Cambodia would probably postpone the ceasefire.

You may recall, Mr. Chairman, that a similar argument was made, and was vindicated, during the period between the Vietnamese ceasefire and the time 3 weeks later when a ceasefire was achieved in Laos. Some criticism was made of similar support at that time in terms of air support by the American Government for the Royal Lao Government. And we said then, and we were vindicated, that we felt that it was in fact an inducement for achieving a ceasefire for us to support the Royal Lao army, because if we failed to do so, the other side, the Communist side, would have no incentive to sign a ceasefire or to negotiate a ceasefire. And that judgment was vindicated.

So more specifically to Cambodia, I regret that we do not have immediate signs that the parties are getting together to negotiate a ceasefire in Cambodia. We all hope—

Senator KENNEDY. Which parties would be getting together to negotiate it?

Mr. HUMMEL. The legitimate government, the Government of the Khmer Republic and the various insurgents—at least three other groups who are attempting to topple that government. Our hope is that discussions will begin, and eventually a ceasefire arrangement will be worked out among all the parties. I can not in all honesty say that this looks very close or very imminent. But I am trying to describe, sir, the long-range thrust of our policy, which is exactly the reverse of commitment or involvement; it is a desire for the return to neutral status, a genuinely neutral status of the Cambodian Government.

Senator KENNEDY. And in the meantime we will continue bombing?

Mr. HUMMEL. Yes, sir, I believe we will, and I believe we should.

Senator KENNEDY. And I understand you are not able to give us much hope that the three parties or the four parties, including the Lon Nol Government, will be getting together soon to negotiate a ceasefire; is that correct?

Mr. HUMMEL. No, sir, I can not in all honesty, with any confidence predict in the very near future the beginning of such negotiations. I will say, however, that the Government of the Khmer Republic has already been in touch with some of the insurgents, insurgent elements. These contacts have so far not resulted in the beginning of negotiations. But there have been contacts at the initia-

tive of the Government itself. And I believe that they are attempting to continue such contacts.

Senator KENNEDY. And so, at least with regard to the impact on refugees, we ought to expect the bombing to continue—to bomb them into some kind of a ceasefire agreement?

Mr. HUMMEL. Well, I wouldn't phrase it that way myself, Mr. Chairman. I would say that support for the legitimate government is essential if there is to be any incentive whatever on the part of the Communist side to engage in a negotiation for a ceasefire. If we were to withhold support that the Government needs and if the government therefore is toppled, I don't see how anyone could expect that there would be a neutral Cambodia of the kind that is our long-term objective.

Senator KENNEDY. Does the air activity in any way violate any agreements that were made in Paris?

Mr. HUMMEL. No, sir, it does not violate any of the agreements.

Senator KENNEDY. Does the movement of South Vietnamese troops into Cambodia violate any of the agreements of Paris?

Mr. HUMMEL. I have seen the news reports as of this morning, sir, attributed to sources in Saigon, that South Vietnamese troops allegedly made an incursion across the border into Cambodia for a limited distance. My colleagues and I have attempted to get some official information with regard to these news reports. But in the short time between the time we have read them in the paper and the time we came up here we were unable to find any official reporting from either Saigon or Phnom Penh that would confirm these reports.

Senator KENNEDY. If they did, without making a judgment whether they have or have not, if they did, would that be a violation of the agreements? Or is that sanctioned? Is that permissible under the Paris Agreement?

Mr. HUMMEL. I am honestly not certain, sir. I regret to say again that I have not had time to research this point. I can not recall any provision in the Vietnamese ceasefire agreement that would be violated. This is my recollection. But I will have to check it, and perhaps I can supply something for the record.

Senator KENNEDY. You supply it, then, for the record.

I am just trying to figure out if the presence of North Vietnamese troops in Cambodia violates the peace agreements, then I was just wondering why the entrance of South Vietnamese troops and their presence in Cambodia wouldn't also violate it. Do you understand what I am driving at?

Mr. HUMMEL. Yes, sir, I do.

Senator KENNEDY. Can you help me out at all, or do you want to supply it later on?

Mr. HUMMEL. I regret to say, sir, I am simply not prepared on this point, and I will have to supply it for the record. [See below statement.]

Aside from the legal aspect, I would point out that there is a very strong difference in assuming there was—and I do not know that there was—a brief and limited incursion of South Vietnamese forces across the border into Cambodia. That is quite different from the kind of campaign that the North Vietnamese are conducting.

Senator KENNEDY. Can we say that if the South Vietnamese have some incursions that they are bad and wrong, but not quite as bad as those of the North Vietnamese? Do we, as a supporter of South Vietnam, do everything to discourage and prohibit any violations, or are we going to judge it in relationship to the degree of incursion? Are you going to say the North Vietnamese are really incurring, therefore we will let the South Vietnam incur just a little bit?

Mr. HUMMEL. As I say, sir, first of all we do wish to see all parties adhere to the letter and to the spirit of the ceasefire agreements. As for the attitude of this Government toward a hypothetical incursion by the South Vietnamese into Cambodia, I have said that I am not prepared to give a legal judgment on this. I will have to supply a statement for the record.

[Subsequent to the hearing, the following information was submitted]:

In Article 20 of the Paris Agreement on Vietnam the parties agreed to withdraw their forces from Cambodia and to cease their military operations there. No time limits were stated, but the obligation was clear and unconditional. It was understood that the timing of withdrawal would be related to the establishment of a ceasefire in Cambodia, and it was also understood that the parties to the Paris Agreement would do their best to help bring about an early ceasefire in Cambodia. At the time the Agreement was concluded, the U.S. made clear to the North Vietnamese that the armed forces of the Khmer Republic would suspend all offensive operations and that the U.S. aircraft supporting them would do likewise. We stated that if the other side reciprocated, a de facto ceasefire would be brought into force. However, it was also understood that if the Communist forces continued to carry out attacks, necessary counter measures would be taken until a ceasefire could be brought into effect.

As is well known, the North Vietnamese forces in Cambodia responded to the unilateral ceasefire initiative of the GKR and the U.S. with an all-out general offensive. Since then the communists in Cambodia have shown no willingness to bring about a ceasefire or even to negotiate about a ceasefire. North Vietnamese forces remain in Cambodia and continue to use its territory to support activities in South Vietnam which threaten the right of self-determination of the South Vietnamese people which is guaranteed in the Agreement. The GKR has, naturally, taken defensive measures and has received air support from the United States. In the absence of a ceasefire or the withdrawal of North Vietnamese armed forces from Cambodia, such air support is not precluded by the Agreement. The GVN is in a similar position with respect to any military action it might find it necessary to take in Cambodia.

Senator KENNEDY. Is there anything that you could tell us, again, in trying to anticipate what we might expect with regard to the future creation of refugees, as to our commitment to the Lon Nol Government? What could you tell us about that?

Mr. HUMMEL. We have no legal commitment to the Lon Nol Government. We do have a desire to help a nation that has appealed to us for assistance in the face of North Vietnamese aggressive actions. We have administration spokesmen who have denied that there are any commitments involved, either secret or otherwise.

Senator KENNEDY. I would like to get into the question about the clearance of our bombing strikes in Cambodia, in the areas of civilian population. I don't know whether you would like to answer it or Mr. Doolin later on.

But in the course of our hearings last year on Laos, Ambassador Sullivan indicated that he assumed the responsibility, and a personal responsibility, in the clearing of various bombing strikes in Laos

when he was there. Is there a similar kind of procedure now in Cambodia?

Mr. HUMMEL. Yes, sir, it is my understanding that the procedures are roughly similar. The requests are received from the Government of the Khmer Republic and are validated according to rather stringent standards in order to have safeguards against errors such as the possibility of injury or death of civilian populations. After these requests are received from the Khmer Government they come to the Embassy. The Embassy officials under the direction of the Ambassador apply their own additional standards, including stringent safeguards according to the rules of engagement that have been laid down for them.

After this screening is done the requests are passed on to the appropriate military commands, American military commands. And they in turn apply the criteria that have been laid down for them before any air strikes are validated.

So it would be, I think, a mistake to say that any one individual has final authority. I have been trying to describe a chain of events that surround each request from the Khmer Government.

Perhaps my colleague Mr. Doolin can amplify or correct anything that I said.

Senator KENNEDY. Before we move to Mr. Doolin, do you know whether the Ambassador has turned any of those requests down?

Mr. HUMMEL. Yes, sir.

Senator KENNEDY. He has?

Mr. HUMMEL. Yes, sir; and a very substantial percentage of such requests are turned down.

Senator KENNEDY. Mr. Doolin, while we are on this, do you want to make a comment?

Mr. DOOLIN. Simply, Mr. Chairman, that the requests when they come to the Embassy are validated by the Cambodian general staff before we even address the merits of the case. And as Ambassador Hummel said, we have turned down quite a few because we felt that the data were insufficient to guarantee that there would not be significant collateral damage to civilians.

Senator KENNEDY. Maybe we will move on. But, recent newspaper reports—I will put all the articles in the record at an appropriate place—they indicate that

American authorities do make an effort not to bomb indiscriminately, and according to informed sources a formal request must come from the Cambodian high command and there has to be a clear indication that the government units involved are in immediate danger of being defeated before American officials are allowed to unleash the B-52's. In practice, the Cambodian Army can nearly always make a case for immediate defeat without airpower, and very often it is true, so that overworked American officials here can not possibly check out every request unless they have complete knowledge of the area where the bombs are falling.

Do you think that is generally true, Mr. Doolin?

Mr. DOOLIN. I think there is some truth to that, Mr. Chairman. But I think that the Embassy really deserves great credit for the effort that they make in terms of validating or turning down the requests from the general staff. This is also done by the U.S. Support Advisory Groups (USSMG) in Thailand and some requests, Mr.

Chairman, do come back to Washington, where they are looked at very searchingly.

Senator KENNEDY. Maybe at some time you could supply for us exactly the procedures which are being followed. For example, how many air controllers do you have in Cambodia? As I understand, some airstrikes are directed by Cambodian air controllers, some by U.S. personnel.

Mr. DOOLIN. Forward air controllers, Senator?

Senator KENNEDY. Yes.

Mr. DOOLIN. I will see if I can provide it.

[Subsequent to the hearing, the following information was submitted:].

At the present time, the Khmer Air Force (KAF) has seven pilots qualified as forward air controllers (FAC) in the O-1D. These FACs normally fly between five and nine sorties per day in which they control air strikes flown by pilots of the KAF. In addition, twelve more KAF pilots are currently undergoing FAC qualification training.

[NOTE.—The Subcommittee subsequently learned from reports from Phnom Penh that the above information does not fully describe the role of the United States Air Force in support of Cambodian military activity. In fact, there are American personnel directly involved as Forward Air Controllers.]

Senator KENNEDY. I would be interested also in what you are doing with respect to armed reconnaissance, "reconnaissance by fire," and some of the other procedures which we have gone into in other hearings. I will give you a note on that, [See Appendix I.]

We will move ahead if we may.

Mr. NOOTER. May I proceed with my statement?

Senator KENNEDY. Would you, please.

Mr. NOOTER. When fighting broke out in Cambodia in the spring of 1970, substantial numbers of Cambodians left their homes in order to avoid the conflict, initially along the border areas of South Vietnam and later over a larger portion of the country. Many of these people moved to Phnom Penh where they felt that they had the greatest safety and where there was an opportunity for at least limited employment. Others moved to province capitals, and a substantial number—more than 200,000—of ethnic Vietnamese who were resident in Cambodia moved into South Vietnam.

The total number of displaced persons is extremely difficult to estimate with any precision. However, as of December 1972 there were approximately 290,000 registered refugees in Phnom Penh and 205,000 in the provinces. No doubt this does not encompass the full number of displaced persons, and of course some persons who left their homes have since left the refugee rolls and returned to their original homesites. The only official estimate of refugees not registered with the Government is 200,000 people, making a total of perhaps 700,000 refugees in all.

The unusual thing about the refugee situation in Cambodia is the degree to which the displaced persons were accommodated with relatives and friends, in keeping with the extremely strong extended family tradition of that country. Consistently, reports from the field have demonstrated that seldom were relatives turned away when they requested shelter. Even today, after 3 years of fighting, there are only about 10,000 refugees in camps (3,500 in and around Phnom Penh, 2,500 in the provinces, and 4,000 ethnic Vietnamese in

Battambang Province). Those refugees who moved to refugee camps were usually families consisting of women, children and old people who lacked the means of providing for their own support. Thus, out of a total refugee population of approximately 700,000, less than 10,000 have failed to make some accommodation with their new situation which permits them to provide for most of their own needs.

I do not mean to imply by this that the others are living well. Indeed, most of Cambodia's population, whether refugees or not, are now living at a reduced standard of living compared to the situation prior to the war. However, the large majority of the refugees have been able to find some sort of employment and have sought and found shelter on their own, either with relatives or by constructing housing for themselves.

Senator KENNEDY. It wasn't through outside assistance of the United States was it?

Mr. NOOTER. They received something in excess of \$4 million from other governments in connection with direct refugee programs. We supplied a great deal of economic assistance, as I will get to later.

Senator KENNEDY. Was that general economic assistance, or was it targeted toward a refugee program?

Mr. NOOTER. It was not at that time targeted toward that.

Senator KENNEDY. Is it now?

Mr. NOOTER. I will come to that.

Senator KENNEDY. All right, proceed.

Mr. NOOTER. The Cambodian Government, with some outside assistance, helped the displaced persons through several Government agencies. The Directorate for War Victims, the Ministry of Labor and Social Action, the Ministry of Community Development, the Ministry of Health, and the Ministry of Public Works all carried on programs of various kinds to provide emergency or other assistance to refugee families. The Khmer Red Cross and the Association for Aid and Assistance in Housing and War Refugees are voluntary organizations within Cambodia which also provided help, as did the United Nations Development Program and the International Committee of the Red Cross. Japan, Australia, New Zealand, West Germany, and other countries provided over \$4 million worth of donations in kind for refugees, channeled through both Government and voluntary organizations.

During this period, it was the policy of our Government, reinforced by action of the Congress, to keep U.S. involvement in Cambodia to an absolute minimum. A legislative ceiling of 200 was placed on the total number of U.S. Government employees which could be in Cambodia at any one time. With this policy and this legislation in mind, we kept the refugee situation under close observation. It was our belief that, on the whole, the Cambodian Government with the assistance of others as outlined above was meeting the most pressing needs of the Cambodian refugees. Indeed, the Cambodian Government did not seek additional outside assistance during this period.

During 1972, however, the continued duration of hostilities which prevented restoration of normal peacetime activities and the return of displaced persons to their homes, led to a reassessment of the U.S. role there vis-a-vis refugees. Also, on August 10, 1972, the Cambo-

dian Government for the first time officially requested U.S. assistance for its refugees.

On August 20, 1972, AID dispatched a two-man team to review the situation and to determine what forms of U.S. assistance would be the most helpful, in keeping with U.S. policy and legislative restraints. Mr. Donald Goodwin and Mr. David Merrill, the members of the team, submitted a report on September 2, 1972, and with your permission I would like to enter that report into the record. [See Appendix II.] In effect, the team confirmed that the most urgent need was for relatively small amounts of assistance to those refugee families not able to provide for themselves, principally those living in camps. They also found that the Cambodian Government ministries and organizations already were fully burdened and lacked the administrative capacity to process, disburse, and account for additional outside assistance.

The team recommended, therefore, that the U.S. Government seek to provide assistance of approximately \$850,000 through the United Nations Development Program which has some 45 persons in Cambodia working on what are in many cases related programs. It recommended that a grant of \$50,000 be made through the International Red Cross to augment the commodities already being provided through that source. This amount, while small compared to the size of the need, was nevertheless all that the ICRC representative thought that he could effectively utilize at that time, and doubled the existing ICRC program. After seeking and obtaining approval from the ICRC headquarters in Geneva, the \$50,000 grant was made available on December 1, 1972. It is being used to provide refugees and displaced persons with food, clothing, medical care, and other assistance as needed. Since that time, the ICRC determined that the program could be further expanded and an additional \$100,000 was made available for this purpose.

Negotiations with the United Nations were undertaken immediately after the team's return from Cambodia, and both the UNDP and the United Nations Children's Fund were approached as possible channels for U.S. refugee assistance. After a number of months of discussions, it became evident that the U.N. programs were not sufficiently flexible to adapt themselves to the needs of the refugees in Cambodia. Therefore, we sought an alternate approach through the use of U.S. voluntary agencies. Mutually acceptable programs have now been worked out with both the Catholic Relief Services (CRS) and Cooperative for American Relief Everywhere (CARE) and we have recently sought approval from the appropriate congressional committees to make initial grants of \$500,000 each to these organizations.

The CRS funds will be used to receive, feed, clothe, and shelter displaced persons and war victims primarily in Phnom Penh; repair and improve refugee camps and centers; and support training programs in Phnom Penh designed to ease the unemployment problem, since most refugees were previously farmers. The grant to CARE will concentrate on the provincial towns. It will provide immediate employment for refugees by organizing work projects and skills training in towns such as Svay Rieng and Kompong Thom. Funds will also be used to improve provincial health clinics, sanitary facili-