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Ambassador Enders' Trip to
Argentina and Chile
March 6 - 10, 1982

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TABLE OF CONTENTS

ARGENTINA

- A. Trip Schedule
- B. Scope Paper
- C. Political Situation in Argentina
- D. Argentine Economic Situation
- E. Security Relationship
- F. Beagle Channel Dispute
- G. Argentine Attitude Toward Poland
- H. Allied National Measures (on Poland)
- I. Grain Trade with Poland and the USSR
- J. Human Rights in Argentina
- K. Argentina and the Human Rights Commission
- L. Argentine-US Nuclear Issues
- M. The Treaty of Tlatelolco
- N. Bilateral Economic Issues
- O. Yacyreta Hydroelectric Project
- P. LNG Development
- Q. Malvinas (Falkland) Islands
- R. Law of the Sea
- S. US Visits to Argentina (and vice versa)
- T. Forthcoming Defense/Military Visits
to the Southern Cone
- U. Key Biographies
- V. Q's and A's

ARGENTINA PROJECT (S200000044)
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ARGENTINA - Scope Paper

Our Objectives

1. Continued, complementary, support in Central America.
2. More support on East-West issues.
3. Continued cooperation on Bolivia.
4. Further human rights improvements.
5. Reduction of tensions over Beagle and, hopefully, progress toward solution.

Setting

The Galtieri Government faces almost insuperable economic difficulties (background paper) which contribute to growing political ferment (background paper). Further progress in improving the US/Argentine bilateral relationship offers a number of real or potential benefits. Most important is the enhanced international respectability that certification will signal; and this could diminish Argentine military fears that their own citizens will eventually force an accounting. In Bolivia the GOA realizes it has bitten off more than it can chew and wants to unload much of the burden. On the regional territorial disputes it wants at least our neutrality on the Beagle and may hope for a favorable tilt with respect to the Malvinas (Falklands). Militarily and strategically, the GOA may see close relations with the U.S. as helping to offset the growing superiority of the Brazilians (a reversal of roles for most of this century). Economically, the GOA wants to increase bilateral trade and investment and probably hopes for common cause in dealing with the European Community.

Although the Galtieri Government is even more concerned with the U.S. relationship than was its predecessor, there are substantial historical and political constraints on how far it can go. Enrique Ros (still second man in the Foreign Ministry), like Camilion, represents the traditional Argentine preference for non-alignment and playing off both superpowers.

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The Foreign Ministry will probably ask for establishment of a permanent consultative arrangement, like we have with the Brazilians and a few other countries. You will probably want to discourage, perhaps pointing out that regular consultations, as necessary, work better. Although thus far more military than civilian, we have in fact had extensive travelling back and forth the past year (see background papers for listing) and we have made clear our interest in consulting closely on issues such as Bolivia and Central America.

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ARGENTINA AND THE HUMAN RIGHTS COMMISSION (UNHRC)

Argentina is a member of the UNHRC, which is now in its 38th session. Argentina is also among those countries being considered for gross violations of human rights under the confidential 1503 procedures of the Commission. We have approached the GOA for support on two major issues before the Commission: Poland and the Convention on Torture.

Poland: Argentina has been reluctant to support us on Poland, either in our initial efforts to have Poland inscribed as a separate item on the agenda or subsequent efforts to ensure it is considered under umbrella item 12, which deals with a broad range of human rights violations throughout the world. To the GOA, the Polish case in the HRC is simply too much like the Argentine case two years ago. Argentina has always opposed inquiries into specific country situations that did not conform to 1503 procedures which are not only confidential but give the country under examination the right of comment and rebuttal. The GOA has supported us by non-participation on procedural issues related to Poland earlier in the session. We think it likely if our Polish resolution comes to a vote, Argentina would abstain.

Convention on Torture: Argentina has been one of the chief opponents to the completion of the Torture Convention, ultimately on the grounds of opposition toward the key principle of "universal jurisdiction"; i.e., a state would be permitted to prosecute a torturer even if the act of torture did not occur within that state. Since Brazil and the Netherlands, and possibly India, which had also opposed this principle, have been moved toward acceptance, acceptance by Argentina would constitute a great step forward for the Commission this year and help assure completion of the Convention next year. Since Argentina has accepted other international agreements providing for universal jurisdiction, its opposition is primarily political. We have argued that progress toward the eventual completion of the convention, by way of agreement on this issue, would be well received internationally and in the best interests of the GOA, which now stands virtually alone in its opposition.

1503 Procedures: For several years, Argentina has been among those countries being considered by the UNHRC under resolution 1503 confidential procedures whereby the Commission reviews cases from private

sources which appear to reveal a consistent pattern of gross violations of human rights. In 1981, the UNHRC adopted a confidential decision to continue to keep the situation in Argentina under review and urged the GOA to cooperate with the Commission. The Commission will very likely agree again this year to keep the situation under review. The GOA, of course, would like to end consideration of Argentina by the Commission and has complained that the reports of the Commission's Working Group do not take into account improvements in the human rights situation in Argentina, as do the US human rights reports. We have told the GOA that we will point this out to the Commission and will also call to their attention the double standard on human rights that often prevails in the UNHRC.

Israel/Occupied Territories: You may wish to express our appreciation to the GOA for abstaining on resolutions concerning the Golan Heights and the Camp David negotiations, despite their ultimate passage.

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- 8 -

Objective 4 - Further Human Rights Improvements

The GOA has made a concerted effort over the past 18 months to eliminate the worst human rights abuses (see background paper). Occasional serious incidents continue to occur but they may be the work of security elements which object to the moderating policy. Because of the dramatically improved record and the GOA's particular emphasis on releasing prisoners of interest to U.S. Congressmen, we do not foresee a major debate when we go forward with certification -- despite the fact that there has not been any progress on accounting for disappeared persons.

Talking Points

-- The responsiveness of your government to human rights concerns has been a major factor in permitting rapid improvement in our bilateral relations.

-- We expect to go forward soon with the certification called for in the repeal of the Humphrey-Kennedy Amendment.

-- Human rights will continue to be an important factor in our relations and I hope that the favorable trends will continue.

85F48
5/214

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HUMAN RIGHTS IN ARGENTINA

In contrast to the dire predictions of Argentine politicians and human rights groups that the "hard line" Galtieri regime would be repressive, thus far it has continued and expanded the liberalizing tendencies begun over a year ago. If seriously challenged by political or labor groups, the government could crack down again on civil liberties, though a return to massive violations of human rights seems extremely unlikely.

Disappearances: There is no sign the GOA is going to account for the disappeared. It may publish a short list of persons it knows to have died in clashes with security forces. Disappearances have virtually ceased. The one reported case this year, in which the woman was later found murdered, has created an unprecedented press and public uproar. Virtually nobody in Argentina believes Galtieri and his government authorized the crime. They are deeply embarrassed by it.

Detentions: About 650 are now being held under state of siege powers of the National Executive Authority. Some 500 persons were released in 1981, about half on supervised liberty. Interior Minister Saint Jean announced February 3 that another 100 would be released soon. There have been no new PEN detentions in over a year. The military justice system is reviewing military court convictions for excessive or unjustified sentences. At some point, however, the GOA is going to be left only with the PEN prisoners it really believes were terrorists and will not release under any circumstances. We have no firm estimate on how many people might be involved.

Political Party and Union Activity: Major political parties and unions are increasingly outspoken and aggressive in attacking the government and its programs, but the GOA has not used its legal weapons to restrain them. It even permitted the banned Peronist labor confederation to hold a plenary session to mobilize opposition to the government. Security laws are being used only against the small Communist Party. The GOA remains publicly committed to issuing a new political party law this year and to eventual restoration of civilian rule.

The Courts: The Supreme Court and other courts are increasingly challenging government decisions, with few complaints from the military. Some PEN prisoners have been ordered released. The courts have also been cracking down on police use of torture in ordinary criminal cases, overturning some convictions because of it.

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HUMAN RIGHTS IN ARGENTINA

Q. Does the U.S. have any interest in the human rights situation in Argentina?

A. Concern for human rights is an important element in the foreign policy of the Reagan Administration. We understand what Argentina went through when it was assaulted by terror and we are aware of what happened afterward. We also recognize how the situation regarding human rights has improved. Our relations with Argentina reflect our understanding and recognition of these trends.

If Asked

Q. What about the fact that there has been no accounting for the fate of thousands of persons who disappeared?

A. I would refer you to our recent human rights report to the U.S. Congress regarding this difficult issue.

Q. Was the human rights situation in Argentina discussed in your talks with President Galtieri?

A. We exchanged views on a broad range of issues, including domestic trends in both our countries.

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5/214

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