

11/20/79

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ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Graff, Director

(X) Release () Excise () Deny

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Exemption(s):

Declassify: () In Part (X) In Full

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Date Declassify on Reason

ARGENTINA

Human Rights: The U.S. public perception of human rights in Argentina, among members of Congress as well as non-governmental organizations, remains grim. As concerns respect for the integrity of the person, there have been improvements this year in quantitative terms, but serious problems remain:

-- Disappearances: The most fully documented compilation of disappearances, prepared by the Argentine Permanent Assembly for Human Rights, contains about 6,500 names. Other estimates of the total number of disappearances since March 1976 range from 6,500-15,000. The rate of disappearances has fallen off from several thousand in 1976, and about 600 in 1978, to 36 for January-November 1979. (There have been no disappearances since late September but we can not be sure that this will be permanent.) The GOA has taken no steps to give an accounting of the fate of the disappeared; to try to do so would pose serious political problems for the leadership. Many analysts consider it unlikely that an accounting will be made unless it is accompanied by a political amnesty for those responsible for the disappearances. (The question of whether, and to what extent, comprehensive records are in the hands of the national authorities remains unresolved. Publicly, the national Government claims that it has no information.)

-- Political Prisoners: About 1,400 persons are being held by the Executive without charges under state of siege provisions (so-called PEN prisoners) -- down from about 3,500 in 1978. About 1,000 others have been tried and convicted and are serving prison terms.

-- Clandestine Prisoners: There is also the question of whether the security forces hold unacknowledged prisoners. The GOA staunchly denies that it does. There are known cases, however, that support the belief that at least some prisoners are held this way (e.g. prisoners being processed, former terrorists cooperating with the security apparatus, etc.)

-- Torture: There is evidence that torture under interrogation continued in 1979.

[REDACTED]

TBF: what was most documented recent simi- case?

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-- Right of Option: Of the 221 certificates of acceptability issued by the USG under its hemispheric parole program to political prisoners detained in Argentina, 23 have been unconditionally released and will remain in Argentina; five have received the right of option and gone to other countries; and 24 others have received the right of option and travelled to the U.S. For some 200 other cases, the Argentine authorities have refused permission for a consular officer to conduct initial interviews.

-- Prison Conditions: Prison conditions have improved this past year following a Presidential decree regularizing prison rules.

-- Judicial Freedom: There are signs that the Judiciary is beginning to exert a more aggressive role vis-a-vis the Executive (one example is the Supreme Court order that prominent editor Jacobo Timerman be released). However, the regime claims that detentions under its state of siege powers are not subject to judicial review as to their merits, a position broadly upheld by the Supreme Court. The courts have also been ineffective in resolving disappearance cases.

-- Political rights: The right of assembly for political groups has been suspended since 1976, although the government has tolerated a low level of organized political activity. For example, some political meetings have been broken up while other small meetings were permitted in Buenos Aires without police interference.

-- Labor Unions: Trade unions are still "intervened" and strikes are prohibited. However, strikes for wage increases frequently occur. New legislation just enacted will prohibit political activity and seriously circumscribe the power of the union over pension funds.

-- Freedom of Press: Newspapers practice "self-censorship". Guerrilla activities cannot be reported unless given to the press by the military, and the extreme leftist press has been closed.

U.S. Position:

Short-term: We wish to see:

-- The immediate and full cessation of disappearances;

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- Effective steps to end torture;
- Rapid reduction in the number of PEN prisoners either by trial or the right of option;
- Efforts by the national authorities to provide information on disappeared persons to their families to the extent such information may exist;
- More rapid approval of right of option requests;

The United States is opposing loans to Argentina in the IBRD and the IDB which do not satisfy BHN criteria. That opposition is expressed through abstention. (While ordinary capital loans normally carry despite our abstention, in the IDB's FSO the effect of our abstention is a veto.)

We have largely ceased our supplier role for equipment and training to the Argentine Armed Forces, which have shifted their purchases to Western Europe. Under the Humphrey-Kennedy Amendment to the FAA, which took effect on October 1, 1978, the U.S. is prohibited from:

- a) making foreign military sales -- for cash or credit -- of equipment under the FMS and training under the IMET program; and
- b) issuing Munitions Control export licenses.

Deliveries against sales concluded before the amendment took effect (the so-called FMS pipeline) are continuing. At present, \$35,787,000 contracted before that time remains to be delivered. There is little prospect at this time of a change in this prohibition by the Congress.

Long-term: We want to see greater respect for judicial independence and trade union rights, a relaxation of controls on freedom of the press and assembly, and progress toward political redemocratization.

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Nuclear Proliferation: Argentina has the most advanced nuclear program in Latin America. Under a 20 year \$4.5 billion nuclear power program announced earlier this year, Argentina plans to have six nuclear power plants which would satisfy 17% of its electricity needs by 1997. One nuclear power reactor has been in operation since 1974, and another is expected to be placed in operation next year. Argentina also has several research reactors, a uranium ore reprocessing plant, and a fuel fabrication plant -- lacking only heavy water and fuel reprocessing facilities to acquire a complete nuclear fuel cycle.

Towards the implementation of its program, Argentina has just awarded contracts to the FRG for the provision of a third natural uranium nuclear reactor, and to the Swiss for a heavy water plant. Argentina already is constructing a pilot reprocessing plant indigenously (expected to be complete by 1982). Argentina will now be negotiating safeguards arrangements with the FRG and the GOS.

Argentina has avoided commitments which would impose full scope safeguards (FSS) on indigenous facilities (such as would be required by the NPT or by bilateral agreements providing nuclear facilities and technology with clauses to that effect) on the grounds that they in essence would bring Argentina under the NPT. (All of Argentina's nuclear power reactors are under safeguards, but Argentina has no commitment for its reprocessing plant, per se, or other possible future indigenous facilities, aside from the contamination clauses of facilities under safeguards.) These considerations were evident in Argentina's splitting the recent nuclear contract awards between the FRG and the Swiss. The US has advocated that the FRG and Swiss, in their negotiations with Argentina, should still require FSS, and has proposed that discussions take place toward achieving that end. The Swiss and the FRG have taken the position that safeguards only on the technology and equipment actually provided by them would be appropriate.

Argentina has rejected the NPT, asserting that it discriminates against non-nuclear weapons states by imposing unequal obligations on them. However, Argentina has signed the Treaty of Tlatelolco which prohibits the acquisition of nuclear weapons (but not peaceful nuclear explosions), and has committed

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itself to ratification, although it has not yet ratified. There is no indication that it would be prepared to bring the Tlatelolco Treaty into effect by waiving the entry-into-force provisions.

The U.S. and Argentina have had a bilateral agreement since 1969 governing overall nuclear cooperation. Responding to the 1978 Nuclear Non-Proliferation Act, the U.S. has asked for additional safeguards assurances before shipping enriched uranium under the 1969 agreement for three of Argentina's research reactors. Argentina thus far has resisted providing these assurances.

While Argentina apparently is seeking to keep its options open, there is no evidence that it is actually pursuing a nuclear explosives program at this time.

U.S. Policy: We have and will continue to urge that Argentina:

-- ratify and bring into effect the Treaty of Tlatelolco, which would prohibit the acquisition of nuclear weapons.

-- negotiate a full scope safeguards agreement with the IAEA;

-- accept full scope safeguards arrangements in connection with its current contracts with the Swiss and the FRG; and

-- provide the assurances required by the 1978 US Non-Proliferation Act.

The U.S. has also engaged in discussions with the Swiss and the FRG toward ensuring that adequate safeguards are included in their contracts with Argentina.

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