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DRAFT MEMO TO 11/17/78

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EVOLUTION OF US HUMAN RIGHTS POLICY IN ARGENTINA

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Serious strains in Argentine-US relations are the result of a fundamental clash between the Carter administration's human rights policy and the Videla government's perception of Argentine national security interests. Because neither country considers its basic policy objectives negotiable, seemingly intractable problems have arisen in bilateral relations.

The record of US-Argentine relations over the past six, twelve, or even thirty months has not been characterized by lost opportunities on one side or the other. Given the parameters set by US human rights policy and Argentine security policy, there has been no solution. There has been no way--short of a fundamental policy shift by one side or the other--to avoid the current nadir in bilateral relations. The extended diplomatic maneuvering since March 1976 has taken place at the expendable margins as perceived by policymakers on both side. Limited concessions in the interest of improved relations have been made by both sides, but Washington and Buenos Aires have been unwilling or unable to concede on crucial matters that would indicate a basic policy reorientation. At those points in the diplomatic process when this fact confronts one or both sides, the frustrations become apparent, tensions increase, and, in the Argentine case, nationalistic bravado intensifies.

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ARGENTINA PROJECT (S) (M) (MM) (TT)

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

Margaret P. Grafeld, Director

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Argentina is a textbook example of why a human rights policy must be a long-term proposition. We are not able to force the Argentines into human rights compliance. Improvements, if and when they occur, will be the result of changed perceptions among Argentine leaders concerning their own national interests and security needs. Continued strong US human rights pressure will undoubtedly have some effect on Argentine decisionmaking, but the impact will be cumulative and impossible to quantify.

The Argentine Position. Human rights, terrorism, and national security are inextricably bound in the minds of Argentine leaders. Their perception is based on the nation's devastating experience with political violence over the past eight years. The facts need not be recounted here. Suffice it to say that part of the legacy of those years has been an armed forces' determination to annihilate leftist terrorism and prevent its future recrudescence. It is basic national security doctrine in the Argentine military. Counterterrorism is war. Tactics are dictated by expediency rather than respect for human rights or law. Every US representative who has dealt with the Argentines over the past thirty months is familiar with their litany concerning the demands of a "dirty war". For the most part, that litany is not rhetoric designed to legitimize the murder of government opponents. It reflects the Argentine perception of events.

Counterterrorism was accorded top priority by the armed forces from the day they assumed power in March 1976. There can be no question that government leaders knew, or soon became aware, that officially-sanctioned counterterrorist tactics would raise a serious problem in relations with the US. Top military officers were warned both before and after the March coup that a consistent pattern of gross human rights violations would force a negative US response.

It can be argued that until the advent of the Carter administration, the Argentines remained dubious about the sincerity of US human rights demarches. Many in the government may have believed that:.

--US protests were largely perfunctory, a temporary outburst of moral fervor reflecting pressure from a few misguided human rights zealots in the Congress and non-governmental organizations; and

--Argentina would be protected for the duration of its "dirty war" by friends in the US executive and Congress and/or the Pentagon.

With Carter's inauguration, however, and the subsequent February 1977 announcement of an intended cut in US military aid, the Argentine leadership could no longer have harbored any illusions about the bilateral consequences of its human rights practices. At that point, if not earlier, the conscious decision was made to sacrifice temporarily close relations with the US if that was the price for continuing the counterterrorist

war and its attendant abuses.

The often analyzed hardline-moderate split within the Argentine military is of crucial human rights importance over the long term, but it is largely irrelevant in immediate terms. While the two vaguely-defined camps disagree on the treatment of a wide spectrum of non-violent government opponents and on questions vital to the eventual relationship between freedom and authority in post-military Argentina, there is nearly consensual agreement on the need to physically eliminate known and suspected terrorists. There is no evidence to suggest a hardline-moderate split when it comes to dealing with subversives "with blood on their hands." The few hundred believed still resident in Argentina will probably receive the same treatment that apparently has been standard since March 1976, i.e., clandestine seizure, torture during interrogation, and summary execution. Human rights improvements engineered by the Videla-Viola moderates, therefore, will continue to take place against a backdrop of consistent and gross violations suffered by at least one element in Argentine society.

While hard-core terrorists still reside in Argentina, therefore, the dilemma in terms of bilateral relations is clear.

--on the US side, policy and legislative constraints will make it difficult to respond to and encourage human rights improvements when consistent and gross violations apparently continue;

--on the Argentine side, it will be difficult for Videla and like-minded officers to encourage human rights compliance in the name of better relations when US rewards are bound to be minimal and the moderates will consequently be exposing themselves to charges of "vende patria."

The Argentine Approach. The Argentine strategy for relations with the US has been based on the following assumptions:

- good relations with the US are desirable;
- the current embitterment over human rights will be temporary, ending either with the disappearance of terrorists and a general halt to abuses in Argentina, or a change in US policy; and
- Argentina can survive US hostility because of access to alternate suppliers of military aid and economic and financial opportunities.

Tactically, the Argentine approach has involved:

- pleas for patience and understanding by the US that constitute a tacit admission that what is now occurring places Argentina beyond the US human rights pale;
- specific human rights concessions in areas not considered security sensitive, i.e., publication of prisoner lists, action in special interests cases; ICRC prison inspections.
- attempts to isolate human rights from other facets of bilateral relations in an effort to minimize damage and maintain a dialogue; continued talks on nuclear cooperation and the upcoming economic discussions are illustrative;

- active review and exploitation of alternative sources of military equipment and training, markets, and sources of financing; and
- restrained responses to US sanctions and perceived injustices. Sharp outbursts of nationalistic bravado aimed at the US have not been characteristic of the Videla government. They have usually occurred only in private diplomatic exchanges or in response to a public US comment or action that the Argentines felt compelled to answer. Such was the case in August with the flurry of Argentine comment occasioned by Assistant Secretary Derian's comments and the Export-Import Bank decision. Even then, however, government officials did not attempt to incite the kind of anti-US clamor of which Argentines are capable.

#### Difficulties in Formulating US Strategy

The Nuclear Angle. The US human rights approach to Argentina has always been tempered by Argentina's potential as a nuclear proliferator. The country does not present the kind of national security difficulties inherent in dealing with Iran or South Korea. Even within the Latin American area, US interests in Argentina are less significant than those in Brazil or perhaps Mexico. Nonetheless, Argentina's nuclear status and capabilities have forced the US to examine carefully the possibility that human rights initiatives might be detrimental to continued US influence in the nuclear area.

The Argentines undoubtedly appreciate the bargaining power of their nuclear chip. During the Carter-Videla meeting in September 1977 and Secretary Vance's visit to Buenos Aires two months later, nuclear affairs and Argentine ratification of the Treaty of Tlatelolco were major items on the agenda. To date, the Argentines have made no serious effort to orchestrate a human rights-nuclear trade. Rather, they have assumed a forthcoming posture on Tlatelolco because nuclear cooperation serves their own needs (heavy water technology), and, to a lesser degree, because of a desire to impart a generally cooperative tone during direct dealings with President Carter and Secretary Vance. The fact remains, however, that repeated Argentine promises to deposit their instrument of ratification remain unfulfilled. Action on Tlatelolco is still, therefore, a possible source of leverage that the Argentines may attempt to inject directly into human rights discussions.

Limited Leverage. US policymaking has been further complicated by the lack of economic or military clout in Argentina sufficient to force changes in Argentine policy priorities. Put simply, the US is trying almost single-handedly to encourage a basic policy reorientation on a sensitive matter in a country where its leverage is limited and competing policy objectives (nuclear) might be endangered.

Argentine military officers would prefer to purchase US training and equipment, but they are willing to buy elsewhere and have had offers sufficient to cover their needs. Economically, Argentina is relatively free of dependence upon sources of funding and investment susceptible to official US control. Negative IFI votes are a political embarrassment to Argentina, but such votes do not block access to critical financing. The Videla government's economic success in the external sector has ensured the availability of financial opportunities from a variety of foreign sources.

Argentina's access to non-US economic and military suppliers emphasizes our continuing inability to multilateralize our human rights efforts in Argentina in any significant way. The West Europeans, Israelis, and Soviets are all willing to fill military equipment orders, and Economy Minister Martinez de Hoz has encountered little difficulty in his foreign economic dealings. Even President Perez of Venezuela, the most outspoken Latin supporter of the Carter administration's human rights efforts has advised US representatives to be cautious about pressuring the Videla government. Perez treated Videla to a state visit while condemning the human rights records of the Chilean, Nicaraguan and Paraguayan governments.

#### Negotiations Generated Misunderstandings

Marginal Concessions. With neither the US nor Argentina willing to change the policies that have strained relations,



negotiations have tended to center on the exchange of minor concessions that leave the basic positions of both sides intact. The US has tried to encourage human rights compliance through strong diplomatic approaches on the general theme, tacit support for Videla and the military moderates, suggestions as to specific, limited actions that the Argentines might implement to improve relations, and the use of IFI votes, Export-Import Bank financing and munitions export licenses as carrots in a calibrated effort to reward improvements. The Argentines have attempted to appear responsive through such actions as publishing lists of state-of-siege detainees, implementing the right-of-option program, and releasing or legally processing the cases of individual in which the US has expressed special interest.

From the US perspective, the extended human rights dialogue has:

- helped protect the rights of individual in a few specific cases, generally encouraged domestic human rights advocacy, and perhaps had a generally positive, although unmeasurable, impact on the Argentine government's overall human rights performance;
- maintained open lines of communication during a difficult period in bilateral relations; and
- helped buttress the military moderates who offer the best long-term prospects for Argentina.

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On the negative side, the process of exchanging minor concessions has encouraged what has been termed a "flesh-for-guns" mentality on the part of the Argentines. Self-interest and a dose of cynicism play a large part in the formulation of the Argentine perception. Nonetheless, US pressure in special interest cases and suggestions for specific and limited actions like the publication of prisoner lists and information on "the disappeareds" has bred the notion among some Argentine leaders that such measures are viewed by the US as ends in and of themselves rather than as steps designed to create momentum toward the goal of general human rights compliance. The US approach, therefore, may have tended to create the illusion that progress toward normal bilateral relations is possible without a fundamental shift in Argentina's human rights practices.

When it becomes apparent that the cause of noralization has not been significantly advanced by what are essentially comestic actions, Argentine frustrations mount and they protest that there is nothing they can do that will satisfy the US. A common Argentine complaint, in fact, has been that the US responds to improvements by simply demanding more, upping the ante each time. The logical conclusion of this trend of thought among Argentines is that there is nothing that Argentina can do because what the US really wants is the replacement of Argentina's military government by a civilian democracy.

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At this point, the view that the US is using human rights as a ploy to bring down the Videla government is essentially a product of Argentine frustration. It smacks of the kind of defensive posturing into which they have been forced by the continuation of human rights abuses. Should it gain sufficient currency to become a basis for Argentine policy formulation, it would present a serious inhibition to the success of US human rights efforts. That point does not appear to have been reached, however.

The point to be emphasized here is that frustration, tensions, and suspicions about ultimate US intentions are the logical consequence of the current Argentine-US human rights negotiations. Brief interludes of cooperation and improvement in the overall atmosphere of relations will sooner or later give way to new tensions as it becomes apparent that only a basic reorientation of policy by one side or the other will permit a genuine normalization of relations.

Impact in the US. While the carrot and stick approach has yielded little in the form of tangible human rights gains in Argentina, it has exposed the State Department and the Carter administration to domestic criticism for doing both too much and too little.

--Some critics, mainly in business and conservative political circles, claim that economic and military sanctions have cost the US markets and jobs and alienated a traditional US ally while serving no apparent human rights purpose.

--Domestic human rights activists, on the other hand, insist that more US pressure should be applied. They tend to view carrots as attempts by the State Department to appease a client state on the basis of cosmetic or spurious human rights improvements.

An IAHRC Visit. The current US emphasis on the importance of an on-site inspection by the Inter-American Human Rights Commission (IAHRC) falls within the pattern of bilateral dealings established over the past thirty months. Ideally, from the US point of view, Argentine acceptance of an inspection visit would be the first step in a consistent if gradually implemented Argentine campaign to restore the rule of law and respect for human rights. It is more likely, however, that most Argentine policymakers view an IAHRC visit as another concession to the US made attractive by specific short-term benefits and the possibly beneficial impact that acceptance of an international inspection might have on the country's sagging international image.

The direct involvement of top level policymakers on both sides, and the fact that Argentina's willingness to cooperate with the IAHRC would represent a dramatic departure from its established attitude toward the Commission lend seemingly extraordinary importance to an on-site inspection. And over the mid-term, an IAHRC visit might prove to be something of a turning point if it means that:

- Videla and the moderates are sufficiently in control of the armed forces to make and enforce the tough decisions necessary to halt human rights abuses;
- pressure for improvements will be effectively multi-lateralized by engaging the prestige and authority of the IAHRIC; and
- the apparent Southern Cone (Argentina, Bolivia, Paraguay, and Uruguay) agreement to bar entry to the IAHRIC is fatally undermined.

In immediate terms, however, an IAHRIC visit is not likely to alter substantially the existing pattern in bilateral relations. The Argentines will have made what they will consider a major concession, but closer bilateral relations will still be inhibited by US policy and legislative constraints. It is conceivable that a commission visit could produce new bilateral tensions. An IAHRIC report will almost certainly be highly negative, and its accuracy, if not the Commission itself, will then be challenged by the Argentines. If such a report is subsequently used by the US Congress or executive branch to justify new sanctions or public criticism, Videla will find it extremely difficult to respond to future US human rights suggestions.

Drafted: INR/RAR:JEBuchanan  
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Approved by Hunter L. Estep