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*D/HA*  
7719470



DEPARTMENT OF STATE  
ACTION MEMORANDUM

S/S

Original to:  
O/FADRC

*Da*

22 JUL 1977

*17th*  
*Argentina*

Copies to:

~~CONFIDENTIAL~~

P  
T  
S/P  
ARA  
H  
PM  
D/HA  
RF:njs

TO: The Secretary  
THROUGH: P - Mr. Habib *H*  
T - Mrs. Benson *LWB*  
FROM: ARA - Terence A. Todman *JFK/T.A.T*  
D/HA - Patricia M. Derian *pd 6/7/77*  
PM - Leslie Gelb *LHG*

SUBJECT: Restriction of Arms Sales to Argentina in the light of Human Rights Situation

ISSUES FOR DECISION

How restrictive should we be in denying pending commercial and Foreign Military Sales (FMS) under cash and financing procedures to the armed forces and police of Argentina, in light of the serious abuses of human rights in that country?

ESSENTIAL FACTORS

In Argentina, there is no question that human rights are being violated including arbitrary detention, torture and summary executions. While there have been some recent signs which may be a cause for hope, the level of violations remains high. This led us to abstain in June on two World Bank loans.

~~Non-Proliferation is a major interest in Argentina.~~  
As the second largest country in South America in population, area and per capita GNP, Argentina is and will remain an important political influence in the region. It has substantial uranium reserves and an ambitious nuclear power program. It has the most advanced nuclear capability of any Latin American state and the greatest potential for an autonomous fuel cycle. U.S. efforts to prevent proliferation in Brazil, and Latin America generally, depend critically on Argentina's acceptance of full-scope safeguards (which it has shown a conditional willingness to consider) and deferral of its fuel reprocessing program.

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~~Argentina is also important economically.~~ The U.S. is Argentina's largest trading partner (we currently have a \$250 million trade surplus). U.S. banks hold \$3 billion of Argentina's debts and U.S. industry has some \$1.2 billion invested in the country. Argentina is a major food exporter and may have in its extensive continental shelf large reserves of oil. Although the country has recently suffered severe economic troubles, it is a generally self-sufficient industrial and economic leader in Latin America.

~~Over 40 applications for commercial arms exports to~~ Argentina are pending. The most urgent of these cases is a \$15 million commercial order from Bell-Textron for eight armored helicopters, equipped with exterior gun mounts and wiring. Two of them are for Presidential use and the rest for Argentina's Antarctic activities. If we approve this "major" sale, routine Congressional notification is required. There are also two outstanding FMS cases (See Attachment).

~~The Department has been denying commercial export license applications for defense articles and services for police and other civil law enforcement use, and FMS purchase requests for articles and services which could be diverted to such use. The extension of FY 77 FMS financing is also being withheld. The conference report on the FY 78 security assistance authorization bill contains a provision prohibiting all FMS sales and financing, grant training, and licenses for the export of defense articles and services to the Government of Argentina, beginning, however, only in FY 1979.~~

Section 502B of the Foreign Assistance Act of 1961, expresses a policy of promoting human rights and of not providing security assistance to any country engaged in a consistent pattern of gross violations of internationally recognized human rights, except in extraordinary circumstances. It is not necessary at any time to characterize expressly the human rights practices of a recipient government. Moreover, the annual human rights report required by that section has been submitted to the Congress with respect to Argentina. Nevertheless, the Congress may at any time request from you a supplementary report on Argentina. To continue such assistance it then would be necessary for you to state your opinion that extraordinary circumstances exist so that, on all the facts, the

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continuation of security assistance to Argentina is in the national interest. While no such report has been requested, the potential for subsequent legal problems exists if you are unable to conclude that such circumstances (sufficient to meet the requirements for continued assistance under Section 502B (c)) now exist.

THE OPTIONS

There is general agreement that we should not sell or license the export of defense articles and services of usefulness to police and other civil law enforcement organizations in Argentina. The present issue, then, is whether to extend such restrictions to cover other sales and exports to Argentina, and if so, which.

There are three options, all of which would be subject to review dependent upon the human rights situation:

1. Continue our present policy of denying internal security sales, allowing, on a case-by-case basis, FMS sales and commercial exports for the Argentine military. No new extensions of FMS financing would be contemplated, but disbursements against prior years' financing to meet payments for previously approved purchases would continue. Under this option, some of the pending 40 cases would be approved, including helicopters, armored vehicles, periscopes and torpedoes.

2. Deny all new FMS sales and licenses for commercial exports. This would deny pending requests.

3. With the exception of spare parts for equipment previously sold, we would deny all new FMS and commercial sales.

Option 1 - Current Policy

PROS

-- Does least damage to our other interests in Argentina, particularly those involving nuclear non-proliferation.

-- Preserves a minimal tie with the Argentine armed forces - a dominant institution in Argentina - in a period of political instability.

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-- ~~Is consistent with our policy toward other countries with poor human rights records (e.g. Korea, Iran, Philippines).~~

-- ~~Provides some incentive for the Government to improve its human rights practices before the anticipated legislative embargo takes effect.~~

CONS

-- ~~Will mean that weapons and other equipment will be provided to the Argentine military forces which are directly involved in human rights violations.~~

-- ~~Will be opposed by a significant number of Congressmen and by other influential groups as inconsistent with the spirit of Section 502B.~~

-- ~~May encourage the Argentine Government to assume the U.S. Government's policy is hortatory only and that there is no cost involved in continued repression.~~

Option 2 - Temporary Embargo

PROS

-- ~~Is consistent with the spirit of 502B.~~

-- ~~Sends a clear message to the Argentine government that we cannot provide arms while human rights conditions remain as they are.~~

-- ~~Will probably have wide public and Congressional support.~~

-- ~~Other instruments can be used to foster U.S. interest.~~

CONS

-- ~~Will antagonize the Government and the armed forces and seriously damage such leverage as we have, both on the important nuclear proliferation problems and on human rights.~~

-- ~~Will force Argentina to look elsewhere for arms, possibly including the USSR, thus complicating U.S. efforts to develop~~

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~~regional arms transfer controls~~, pursuant to the new arms transfer policy.

~~-- Might undermine Argentine President Videla, viewed generally as a force for moderation.~~

Option 3 - Spares Only

PROS

-- Fulfills an implicit obligation to service previously supplied equipment.

-- Same as Option 2.

CONS

-- Similar to Option 2.

*We will review all proposals on a case by case basis.*

Recommendations

That you approve ~~Option 1~~ which would limit denials of arms and exports to articles and services for police and civil law enforcement uses, or which could be described as such (favored by ARA, PM and the Department of Defense).

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

JUL 25 1977 *WJH*

ALTERNATIVELY, that you approve ~~Option 2~~ to deny Argentina all FMS cash and commercial export licenses for defense articles on the Munitions List (favored by D/HA).

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

ALTERNATIVELY, that you approve ~~Option 3~~ to restrict arms sales to spare parts and repair parts for equipment previously sold or approved for export (favored by S/P).

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Attachment:

Pending FMS cash sales and export license applications.

Drafted: ARA/ECA:FERondon; D/HA:OJones; T:LBrown; L:EBorek

Concurrences: PM/SAS:RTitus; PM/MC:Robinson; S/P:RFeinberg; H:CCutter  
OSD/IAS:ColThomas *CT/FR*

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PENDING FMS CASH CASES AND  
MUNITIONS LIST LICENSE APPLICATIONS

License Applications

- 7 cases for export of electronic coding and enciphering equipment and image intensifiers
- 1 technical assistance agreement for armored cars
- 20 cases for export of small orders for small arms and ammunition for Argentine military personnel and units
- 10 cases involving automatic weapons and small arms.
- 1 advisory opinion request re export of up to 35 V-150 armored cars
- 1 advisory opinion request re export of 2 to 6 CH-47C "Chinook" helicopters (unarmed)
- 1 export license application for 8 UH-1H armored helicopters with provision for attachment of machine guns
- 1 advisory opinion request re export of attack periscopes for submarines

Foreign Military Sales Cash Cases

- 4 FMS cash cases concerning MK-44 torpedoes and various kinds of ammunition, including mortar and artillery



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Department of State

Argentinian INCOMING TELEGRAM 9/1/77

PAGE #1 #721222 ACTION INR-07

#715

#721222

INFO OCT-01 PM-04 ARA-1B /822 W #721222 103665 /70

P #721207 JUN 77 FM JCS INFO RUEFHQA/CSAF WASHINGTON DC CNO WASHINGTON DC CSA WASHINGTON DC C I A SECSTATE WASHINGTON DC WHITE HOUSE WASHINGTON DC NSA WASH DC P #719302 JUN 77 FM [redacted] TO RUEKJCS/DIA WASH DC/DB-3B3 INFO USCINCSO QUARRY HTS C2 24TH COMPW HOWARD AFB C2

FOIA(b) (3) - 10 USC 424 - DIA, NRO, and NGA

3. ~~CONFIDENTIAL~~ THE MENTIONED NEWSPAPER ACCOUNTS THAT A HELICOPTER HAD BEEN USED TO ILLUMINATE AND PROVIDE FIRE SUPPORT FOR A RECENT COUNTER-SUBVERSIVE OPERATION IN WHICH 16 TERRORISTS WERE KILLED. SOURCE A RECALLED PRECISELY. HE STATES: A) THAT HQ ARGAF HELICOPTERS HAD BEEN USED IN THAT OR SIMILAR OPERATIONS; B) THAT THE FEDERAL POLICE HAVE HELICOPTERS WITH ILLUMINATION CAPABILITY, BUT NO FIRE CONTROL SYSTEM AND C) THAT IF ANY FIRE SUPPORT CAME FROM HELICOPTERS IT WAS SMALL ARMS FIRE FROM THE PILOTS. SOURCE A, GETTING MORE EMOTIONAL, STATED HE HAD NO INFORMATION WHICH WOULD SUPPORT SOURCE B'S CLAIM THE FEDERAL POLICE WERE USING THEIR HELICOPTERS AS SHOOTING PLATFORMS. HE WENT ON TO SAY THAT IT WOULD BE "CRIMINAL" TO DELAY OR DENY THE EXPORT LICENSE FOR THE 212'S BASED ON ONE NEWSPAPER ACCOUNT OF ONE COUNTER-INSURGENCY ENCOUNTER. COMMENT: ~~CONFIDENTIAL~~ SOURCE A'S COMMENTS CONCERNING THE DECISION DATE FOR AN EXPORT LICENSE INDICATES THAT THE ARGAF MAY HAVE DECIDED TO CLOSE THE PURCHASE DEAL FOR PUMAS, IF BELL 212'S ARE NOT AVAILABLE. WHILE THE COMMANDERS OF THE OPERATIONS COMMAND AND MATERIEL COMMAND ARE AT THE INTERNATIONAL AIRSPACE EXPOSITION IN PARIS, WHICH ENDS 19 JUN 77. SOURCE A'S KNOWLEDGE OF THE DEBATE ON ARMS SALES AND HUMAN RIGHTS IN THE STATE DEPARTMENT INDICATES THAT THE AIRA IS BEING KEPT ARGAF WELL INFORMED ON ACTIVITIES IN WASHINGTON. SOURCE A'S REACTION TO MENTION OF THE HELICOPTER SUPPORT FOR THE RECENT COUNTER-SUBVERSIVE OPERATION WAS CHARACTERISTICALLY EMOTIONAL. ~~CONFIDENTIAL~~ IS INCLINED TO BELIEVE THAT TO THE BEST OF SOURCE A'S KNOWLEDGE THE FACTS OF THAT CASE ARE AS HE PRESENTED THEM. THIS USG HAS BEEN COORDINATED WITH EMBASSY GDS-2

~~CONFIDENTIAL~~ AFGFOM 8456 JUNE 77

- SUBJ: THIS IS IR [redacted]
- 1. ARGENTINA (AR)
- 2. [redacted]
- 3. (U) MILITARY ORDER OF BATTLE - BELL 212'S FOR ARGENTINA
- 4. N/A
- 5. 770604
- 6. 770505
- 7. 770604, BUENOS AIRES, ARGENTINA
- 8. DIRM III/ AR-021
- 9. [redacted]
- 10. [redacted]
- 11. NO
- 12. [redacted]
- 13. [redacted]
- 14. A. 6004000, E. OTS
- 15. DIRC: NO; AFGFOM TO AVOID EMBARRASSMENT TO HOST GOVT.
- 16. SUMMARY: ~~CONFIDENTIAL~~ ARGENTINE AIR FORCE (ARGAF) IS VERY CONCERNED OVER THEIR NEED TO HAVE HELICOPTERS SOON, AND DELAYS IN A SUG DECISION TO GRANT AN EXPORT LICENSE FOR EIGHT BELL 212'S WILL FORCE THEM TO PURCHASE THE FRENCH PUMA. ARGAF LOOKS AT THE PUMA AS A VERY POOR SECOND OPTION TO THE BELL 212, BUT NEEDS HELICOPTERS NOW.
- 7. DETAILS: 1. ~~CONFIDENTIAL~~

[redacted]

HE STATED THAT BRIGADIER AGOSTI, CINC ARGAF, HAD TOLD HIM THAT IF THE USG DID NOT HAVE A FAVORABLE DECISION ON THE BELLS BY 9 JUN 77, THE ARGAF WOULD BUY THE FRENCH PUMA TO AT LEAST HAVE THE HELICOPTERS IT NEEDS FOR SUPPLEMENTARY MISSIONS AND THE HELICOPTER ANTAF. COMMENT: 2. ~~CONFIDENTIAL~~ SOURCE A APPARENTLY IS KNOWLEDGEABLE OF THE DEBATE GOING ON WITHIN USG CONCERNING HUMAN RIGHTS AND ARMS SALES. HE ASKED IF ~~CONFIDENTIAL~~ THOUGHT HUMAN RIGHTS ADVOCATES WITHIN THE STATE DEPARTMENT WOULD BE ABLE TO DELAY THE DECISION ON GRANTING AN EXPORT LICENSE FOR THE BELL 212'S UNTIL AFTER THE EXPO. SOURCE A STATED THAT HE IS BEING IN DIRECT CONTACT WITH WASHINGTON. HE COULDN'T PROVIDE A VALID OPINION, BUT THAT HE UNDERSTANDS THAT THE BURDEN OF PROOF IS NOW ON THOSE ADVOCATING REFUSAL OF AN EXPORT LICENSE. SOURCE A WENT INTO DETAIL ON THE MANY REASONS HE, AND THE ARGAF, DON'T WANT THE PUMA; E.G. INFERIOR PERFORMANCE, POOR MATERIEL SUPPORT, EXCESSIVELY LONG LEAD TIMES FOR SPARE PARTS, OVERALL GREATER COSTS IN ARGAF PERSONNEL AND FINANCIAL RESOURCES. IN A PERSONAL ASIDE, SOURCE A CONFIDED TO ~~CONFIDENTIAL~~ THAT HE ALREADY HAD A TEAM READY FOR TRAVEL TO US FOR THE BELL 212'S. HE COMPLAINED IF USG DELAYS DECISION PAST 9 JUN, HE WILL HAVE TO REFORM THE TEAM TO SEND IT TO FRANCE FOR PUMAS.

MS; PO; MB; Return to EJ 6/8  
Emotional or not, the 212's are to be used for external gun capability. No need to change

vice April 9

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