

Argentina



ASSISTANT SECRETARY OF STATE
WASHINGTON, D.C. 20520

URGENT

Dear Dave -

*I thought this would
be useful for you to
see before Espil comes
in - he's likely to
raise the issue, com-
plain about Jerry
Shectack & otherwise
test our resolve -
Best - Pat*

~~Department of State, A/GIS/IPS/SRP~~

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DEPARTMENT OF STATE

IPS by [Signature] obtained _____ not obt. _____
Date 12-14-86

BRIEFING MEMORANDUM

S/S February 22, 1980

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To: P - Mr. David Newsom
From: HA - Patricia M. Derian

Disappearances

The Problem

ARA is opposing U.S. co-sponsorship of the West European resolution to establish a universal mechanism to deal with the problem of disappearances. (Tab 1.)

Issues

-- All of the West European countries plus Canada and Australia are co-sponsoring.

-- This is a top priority item for the U.S. at this session.

-- The resolution is not country-specific.

-- The Argentine government has been aware of our position for several weeks:

- In mid-January, instructions to Embassy Buenos Aires were cleared by Christopher, Brzezinski, and Bowdler, as well as IO and HA, stating we expect Argentina not to obstruct or otherwise oppose establishment of a universal procedure to deal with disappearances. In return, the U.S. would:

1) Not introduce a resolution dealing solely with disappearances in Argentina.

2) Not support, under the 1503 item, public censure of Argentina or the sending of an ad hoc investigating team. Instead, we would settle for "direct contacts" or a "thorough study."

~~CONFIDENTIAL~~

(GDS Feb. 22, 1986-Patricia M. Derian)

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- 2 -

- If Argentina tried to block a universal procedure, we reserved the right to support a country-specific resolution on disappearances and would also review our stand on the 1503 approach.

(These instructions are contained in State's 8592-NODIS.)

-- The instructions for General Goodpaster's mission contained the same positions.

-- The Argentina government told General Goodpaster that Argentina would not oppose the establishment of a general procedure.

-- Final instructions to the U.S. Delegation (attached) take account of Argentina's commitment and restate our position. (Tab 2)

-- At Geneva, Argentina has very clearly violated the commitment given to Goodpaster and Castro. (Cables attached at tab 3).

-- The Argentines have also begun another of their big diplomatic offensives to weaken U.S. and western resolve.

-- They've tried to claim they didn't promise not to oppose the proposals in the present western draft. This is absurd. The western draft is based on the Sub-commission's public recommendations of last August. Argentina knew all along what was involved.

-- ARA is arguing that the U.S. never told the Argentines we were going to co-sponsor, and that we should therefore just vote "yes" when the time comes. However, we made it clear to the GOA that this is a matter of top priority which we intend to support vigorously. There is no way to read the cables on the subject without concluding that we intend to co-sponsor. (ARA never even asked the question, by the way.) To conclude that we meant less is to torture the meaning of the instructions beyond all rationality.

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- 3 -

-- Failure to co-sponsor would also place us conspicuously alone in the west and would be a public statement of retreat on a critical issue. (We would also have to answer the question: "Did we make a secret deal on grain? or on the Olympics?)

-- Representative Bonker, a member of the U.S. Delegation, is introducing a concurrent resolution on disappearances. We understand the resolution is likely to pass quickly in the House, perhaps during the time the issue is being debated in Geneva.

Attachments:

1. Resolution.
2. Instructions to U.S. Delegation
3. Argentina's commitment.

HA:PFlood/PMDerian/cpj
20334, 2/22/80

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PAGE 01 GENEVA 02569 01 OF 02 151910Z
ACTION IO-15

INFO OCT-01 ARA-11 ADS-00 HA-05 SSO-00 NSCF-00 INRE-00
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TO SECSTATE WASHDC IMMEDIATE 2554
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AMEMBASSY BUENOS AIRES

~~CONFIDENTIAL~~ SECTION 01 OF 02 GENEVA 02569
E.O. 12065: GDS 2/15/86 (HELMAN, G.R.) OR-M
TAGS: UNHRC, SHUM, ECCM
SUBJECT: UNHRC: PLANNED WFO ACTION ON DISAPPEARED
(ITEM 10E)

1. (C - ENTIRE TEXT)
2. AN INFORMAL WORKING GROUP OF WECS (INCLUDING COHEN, US) HAS PREPARED A DRAFT RESOLUTION ON MISSING AND DISAPPEARED PERSONS FOR COMMISSION ADOPTION. WFO STRATEGY IS FOR SELECTED WFO HEADS OF DELEGATIONS (TENTATIVELY FRANCE, CANADA, UK, NETHERLANDS) TO DISCUSS THE TEXT DIRECTLY WITH THE ARGENTINE REP. THEREAFTER A WORKING GROUP COMPOSED OF WECS AND ARGENTINES (AT WORKING LEVEL) WILL WORK OUT PRECISE TEXT. AS A FIRST STEP, THE FRENCH REP. (SOYER) WILL GIVE THE TEXT FEBRUARY 15 (FRIDAY) TO THE ARGENTINE REP (WFO REQUESTED IT FROM SOYER, HAVING HEARD OF WFO INITIATIVE) WITH THE REQUEST THAT AFTER THE ARGENTINES HAVE STUDIED IT, A MEETING OF HEADS OF DELEGATIONS WILL TAKE PLACE. THE FRENCH REP. WILL REPORT TO THE WECS MONDAY MORNING ON THE INITIAL ARGENTINE REACTION BEFORE STEP

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TWC IS CARRIED FORWARD.

3. TEXT IS AS FOLLOWS:
THE COMMISSION ON HUMAN RIGHTS,
(1) BEARING IN MIND GENERAL ASSEMBLY RESOLUTION 33/173 OF 20 DECEMBER 1978, WHICH REQUESTED THE COMMISSION ON HUMAN RIGHTS TO CONSIDER THE QUESTION OF DISAPPEARED PERSONS WITH A VIEW TO MAKING APPROPRIATE RECOMMENDATIONS,
(2) TAKING INTO ACCOUNT RESOLUTION 1979/38 OF THE ECONOMIC AND SOCIAL COUNCIL, AND RESOLUTION 5 E (XXXII) OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES,
(3) CONVINCED THAT THE ELIMINATION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES REQUIRES A SYSTEMATIC EFFORT ON THE PART OF THE INTERNATIONAL COMMUNITY AND ON THE PART OF

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*WESTERN
DRAFT
RESOLUTION*

Department of State, A/GIS/IPS/SRP
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Department of State

INCOMING TELEGRAM

File
(3)

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PAGE 01 GENEVA 01975 071852Z
ACTION 10-15

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GENEVA 01975 071852Z

INFO OCT-01 ARA-11 ADS-00 HA-05 AF-10 EA-10 EUP-12
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INFO AMEMBASSY BUENOS AIRES

~~CONFIDENTIAL~~ GENEVA 01975

E. O. 12065: GDS 2/7/86 (HELMAN, G. B.) OR-M
TAGS: UHRC, CHUM, UH
SUBJECT: 36TH SESSION UHRC: ARGENTINE POSITIONS

1. C - ENTIRE TEXT

2. USDEL LEARNED (TELCON RUDER-COEN) OF RECENT GOA DEMARCHES TO INFLUENCE US POSITION ON 1503 COMMUNICATION AGAINST ARGENTINA (SEE REF A). CONTRARY TO ARGENTINE INFORMATION, THE WORKING GROUP HAS NOT YET FINISHED ITS WORK NOR ISSUED ITS REPORT. IT IS NOT SCHEDULED TO COMPLETE ITS WORK UNTIL THE WEEK OF FEBRUARY 13. THEREAFTER THE COMMISSION IS EXPECTED TO TAKE UP THE 1503 CASES. LIKE ARGENTINA, USDEL HAS HEARD RUMORS ABOUT SOME OF THE GROUP'S DECISIONS TO DATE BUT SINCE THEIR WORK IS NOT YET COMPLETED AND THEIR REPORT NOT ISSUED WE DO NOT TAKE THESE RUMORS AS FINAL. THE GOA IS CLEARLY EMBARKED ON A CAMPAIGN TO INFLUENCE THE WORKING GROUP PRIOR TO THE COMPLETION OF ITS REPORT AND ALSO TO INFLUENCE COMMISSION CONSIDERATION OF THE REPORT. USDEL CONSIDERS THIS INTERFERENCE WITH THE EFFECTIVE AND FAIR FUNCTIONING OF THE PROCEDURES, THE WORKING GROUP, AND THE FLEXIBILITY STATES SHOULD HAVE TO DECIDE ON THE MERITS OF THE CASE AFTER HEARING THE WORKING GROUP'S RECOMMENDATIONS.

3. IN FACT, ARGENTINA HAS BEEN QUITE BLATANT IN ITS POLITICKING IN THE HRC. THUS, THE GOA TO DATE HAS TAKEN POSITIONS OBSTRUCTING THE COMMISSION'S PROGRESS IN THE HUMAN RIGHTS FIELD. ARGENTINA WAS THE ONLY REPEAT ONLY LATIN AMERICAN STATE TO VOTE WITH THE SOVIET BLOC AND AGAINST THE WEST TO PREVENT THE COMMISSION FROM SENDING A TELEGRAM TO THE USSR ON THE SAKHAROV CASE (SEE REF B). THE VOTE WAS A VERY CLOSE ONE, 15 (SOVIET BLOC) TO 13 SO THAT THE ARGENTINE VOTE COUNTED. OTHER LATIN AMERICAN STATES EITHER JOINED THE WEST IN THE VOTE (COLOMBIA, COSTA RICA, URUGUAY) OR ABSTAINED (BRAZIL, PERU, PANAMA). MOST OF THE 15 WERE SOVIET ALLIES, DEMONSTRATING WHAT IS COMMONLY UNDERSTOOD AND HAD DELS TO REFLECT A DEAL COOKED BETWEEN ARGENTINA AND THE USSR TO PROVIDE MUTUAL SUPPORT. THE WEST DID SUCCEED HOWEVER IN ENSURING THAT THE COMMISSION WOULD TAKE UP THE SAKHAROV CASE PUBLICLY AT A LATER TIME UNDER ITEM 12 (THE SAME ITEM ARGENTINA WILL COME UNDER). FUTURE VOTES ON SAKHAROV, KAMPUCHEA, AFGHANISTAN AND IRAN WILL PROVIDE FUTURE TESTS OF ARGENTINA'S POSITION ON HUMAN RIGHTS GENERALLY.

4. THE ARGENTINE DELEGATION ALSO HAS DELAYED AND ULTIMATELY MAY BLOC PROGRESS ON CERTAIN PROVISIONS OF THE TORTURE CONVENTION, ANOTHER HIGH PRIORITY ITEM FOR THE US. ALTHOUGH THE WORKING GROUP ON THE CONVENTION AGAINST TORTURE HAS REACHED THE STAGE WHERE ADOPTION OF ALL ARTICLES EXCEPT PERHAPS THOSE ON AN IMPLEMENTATION MECHANISM IS POSSIBLE AT THIS HRC SESSION, THE ARGENTINE REPRESENTATIVE (WITH CUBAN HELP) OFTEN HAS SINGLEHANDEDLY

DELAYED OR OBSTRUCTED THE PROGRESS OF THE WORKING GROUP. THIS COULD HOLD UP THE CONVENTION'S EARLY COMPLETION. THEIR USUAL TACTIC IS STUBBORN INSISTENCE ON ARGENTINE AMENDMENTS WHICH ARE OBVIOUSLY INCOMPATIBLE WITH CRIMINAL JUSTICE SYSTEMS OF MOST COUNTRIES REPRESENTED IN THE WORKING GROUP OR WHICH WEAKEN OR NARROW MODEL PROVISIONS IN THE HAGUE (AIRCRAFT HIJACKING), MONTREAL (AIRCRAFT SABOTAGE), NEW YORK (PROTECTION OF DIPLOMATS) AND HOSTAGES CONVENTIONS. SOVIET REPRESENTATIVE IN WORKING GROUP, INITIALLY COOPERATIVE NOW IS SHOWING SIGNS OF BEING ENCOURAGED BY ARGENTINE TACTICS TO BECOME OBSTRUCTIONIST, IN PARTICULAR BY PROPOSING EQUALLY UNACCEPTABLE "COMPROMISES" ON ARGENTINE AMENDMENTS.

5. IN SUMMARY, USDEL IS DISTURBED TO DATE BY ARGENTINE PERFORMANCE AT CHR ON HUMAN RIGHTS QUESTIONS AND BY ITS CLOSE ALLIANCE WITH THE USSR IN SUPPORT OF POSITIONS CLEARLY DETRIMENTAL TO US HUMAN RIGHTS EFFORTS AND OBJECTIVES. THESE POINTS CERTAINLY SHOULD BE RAISED IN ANY FUTURE DEMARCHES THE GOA SHOULD MAKE TO USG ABOUT OUR POSITIONS. FYI. IN CONVERSATIONS BETWEEN USREP SHESTACK AND COLOMBIA AND COSTA RICAN REPS, VIEW EXPRESSED THAT WEAKENING OF US POSITION ON ARGENTINA WOULD BE SEEN AS DEFECTION FROM US COMMITMENT TO HUMAN RIGHTS.

6. CONVERSATIONS OF HELMAN AND SHESTACK WITH ARGENTINE FERN REP AND HRC REP WILL BE REPORTED SEPTEL. HELMAN

Argentina
ARGENTINE BEHAVIOR
IN GENEVA

Department of State, A/GIS/IPS/SRP

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INCOMING TELEGRAM (4)

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E.O. 12065: GDS 2/20/86 (HELMAN, G.B.) OR-M
TAGS: UNHRC
SUBJECT: 36TH UN HUMAN RIGHTS COMMISSION: WEO DRAFT
- RESOLUTION ON DISAPPEARED (ITEM 10B)

REF: GENEVA 2569

1. (C - ENTIRE TEXT.)

2. AT WEO MEETING, THE FOLLOWING STRATEGY WAS AGREED UPON FOR RESOLUTION ON DISAPPEARED REPORTED REFTEL.

A) NEGOTIATIONS WILL CONTINUE BETWEEN WEO WORKING GROUP AND ARGENTINE DELEGATION TO SEEK CONSENSUS. THUS FAR GOA HAS BEEN OBSTRUCTIONIST WITH REGARD TO A GENERAL PROCEDURE.

B) THE WEO DRAFT RESOLUTION WILL BE TABLED ON FRIDAY MORNING (FEB. 22). ALL WEO GROUP PLANS TO CO-SPONSOR. USDEL RECOMMENDS STRONGLY THAT WE CO-SPONSOR THIS MODERATE RESOLUTION FOR AN EFFECTIVE GENERAL PROCEDURE FOR DISAPPEARED. PLEASE ADVISE.

C) CANADIAN DELEGATION SUGGESTED THAT IF ARGENTINES REMAIN OBSTRUCTIONIST, WEO SHOULD REINTRODUCE ITS RESOLUTION OF LAST YEAR WHICH AFFORDS ARGENTINA SIMILAR TREATMENT TO CHILE. USDEL OPPOSED THIS, BUT THERE IS SUPPORT AMONG SOME WEO MEMBERS FOR THIS STRATEGY.

3. USDEL AWAITS INSTRUCTIONS ON 2 (B). HELMAN

*Argentine
that restriction*

PF
Cleared cable okaying
US co-sponsorship
2/21/80-
APJ
2/22 - 9:30 a.m.
Learned that
cable was not
sent because of
ARA
OBJECTIONS.

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Argentina (2 of 4)